

**M. Ratnasabapathy v. Central Bank of Sri Lanka**

RTIC Appeal(In-Person)/96/2018 - *Order under Section 32 (1) of the Right to Information Act, No 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)* – heard as part of a formal meeting of the Commission on 09.05.2018

**Chairperson:** Mr. Mahinda Gammampila  
**Commission Members:** Ms. Kishali Pinto-Jayawardena  
Dr. Selvy Thiruchandran  
Justice Rohini Walgama  
**Present:** Director-General Mr. Piyathissa Ranasinghe

**Appellant:** Mr. M. Ratnasabapathy  
**Notice Issued to:** Dr. Indrajith Coomaraswamy, Governor, Central Bank of Sri Lanka  
Dr. P.N. Weerasinghe, Deputy Governor, Communications  
Department, Central Bank of Sri Lanka

**Appearance/ Represented by:**

Appellant - Mr. M. Ratnasabapathy  
Public Authority - C.J.P. Siriwardena, Deputy Governor  
Director, Financial Intelligence Unit

<b>RTI Request filed on</b>	04.10.2017
<b>IO responded on</b>	12.10.2017
<b>First Appeal to DO filed on</b>	13.10.2017
<b>DO responded on</b>	20.12.2017
<b>Appeal to RTIC filed on</b>	27.12.2017

**Brief Factual Background:**

On 04.10.2017 the Appellant had filed an RTI request regarding the following information for the period 2011 to September 2017.

1. Copy of MOU's and/or agreements entered into between or on behalf of the Central Bank and by or on behalf of the Department of Registration of Persons (by the Department, the relevant line ministry or otherwise) with respect to the sharing of information and/or data
2. Any and all circulars and/or directives and/or instructions issued by the Central Bank in respect of implementing, carrying out of effectuating the MOU and/or agreement requested in 1 above

The Appellant had further stated that he was conducting research on tax compliance and improved service delivery through E- Government and that he was requesting the information for his research work.

On 12.10.2017, the PA had informed him that it needed more time to respond as it had sought the advice of the Attorney General's Department. The Appellant being dissatisfied with this response had appealed to the Designated Officer (DO) on 13.10.2017. On 20.12.2017, the PA had responded to the Appellant stating that the Financial Intelligence Unit (FIU) had informed the PA that it had not entered into a Memorandum of Understanding (MOU) with the Registrar of Persons regarding the e-NIC/ National Registry of Persons projects. The Appellant then proceeded to appeal to the RTI Commission on 27.12.2017.

### **Matters Arising During the Hearing:**

The PA had sent written submissions dated 20.04.2018 wherein it stated that the PA had not entered into any Agreement or MOU with the Registrar of Persons on any matter whatsoever and that during the said period requested (2011- September 2017) the FIU (an entity independent of the PA) had not entered into any Agreement or MOUs with the Registrar of Persons regarding e-NIC/ National Registry of Persons. The PA further submitted that the Press Release issued by the FIU dated 11.01.2017 regarding a MOU with the Department of Persons on the same date was regarding facilitation of investigations and prosecutions on money laundering and terrorist financing by obtaining intelligence information from the Registrar of Persons. This it submitted was different to the Appellant's request which related to e-persons/ National Registry of Persons.

The PA at the hearing before the Commission reiterated the contents of its written submissions and further submitted that the Appellant should have taken note of Section 24 of the RTI Act No. 12 of 2016 which states that the information request should clearly specify the information requested.

Section 24 (5) (a) of the RTI Act states,

*'(5) A citizen making a request for information shall:-*

*(a) provide such details concerning the information requested as is reasonably necessary to enable the information officer to identify the information;'*

The PA submitted that the information that was available was only the MOU with regard to intelligence information and not the information sought by the Appellant.

The Appellant contended that it the PA cannot say that such information does not exist when it had responded to him stating that it had requested advice from the Attorney – General's Department since that would indicate that the said information was in existence. He further submitted that the Registrar of Persons was building a database of persons which had details which should ordinarily for tax purposes be with the Inland Revenue Department and therefore need not be replicated.

**Order:**

Mere fact of referral to the Attorney General's Department cannot be evidence that such an Agreement/ MOU is in existence. Neither is there an inference that simply because the Registrar of Persons may be building a database of persons that it will contain details similar to what may be in the possession of the Inland Revenue Department. We note of record that the Public Authority has denied the existence of an Agreement/ MOU in regard to the subject matter requested by the Appellant.

The Appeal is dismissed.

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