

The Right to Information Commission

T A Arulnayagam,
Karuvclady Street,
Maniyakkaran Lane,
Kokkuvil

-Appellant-

RTIC App/No : - 769/2021

Vs.

Teaching Hospital,
Jaffna

-Public Authority-

Before : -

1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Justice Rohini Walgama (Rtd.) - Commissioner
3. Ms.Kishali Pinto Jayawardena (Attorney-at-Law)-Commissioner
4. Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance Appellant is absent.

Public authority is represented via Zoom Technology - Dr. C.S Jamunanantha, Deputy Director, (Information Officer) Teaching Hospital Jaffna.

Written Submission

The Appellant on : - Not submitted

The Public Authority on : - Not submitted

Dates of Hearing : - 09.03.2022

Decided on :- 09.03.2022

Decision

Brief Factual Background

The Appellant made the information request on 16.10.2020, as below:

- “1. Documented copy of the bid notice for wastage disposal from the Jaffna Teaching Hospital
2. Documented copy of the methodology related with wastage disposal system of the above hospital.
3. Documented copy of the documents containing the basis for location selection to dispose the wastage of above-mentioned hospital.
4. Documented copy of the Permit, stating that the place so selected has been chosen with the permission of the said Local Authority, issued by the relevant local authority
5. Documented copy of the precautionary measures taken to prohibit the environmental pollution.”

The Director of the Public Authority responded on 19.10.2020 stating as follow;

“We found ambiguity in your information request, and we are unable to contact you because you have not provided us with your mobile number or e-mail address. As a result, we ask that you submit a complete application or contact us directly.”

Dissatisfied with the response of the Director of the Public Authority, the Appellant lodged an Appeal with the Designated Officer on 09.11.2020. As the Designated Officer failed to respond within the time period stipulated in the Act, the Appellant preferred an appeal to the Commission on 15.12.2020.

In response to the notice issued by the Commission, the Public Authority has sent a letter dated 23.02.2022 by providing the information requested by the Appellant as follow;

1. No bid notice was called for waste disposal
2. Infectious waste is collected and burned by the Incinerator & Metramizer before being disposed of by the Valikamam North Pradeshiya Sabha. Non-infectious wastes (hard boar, glass bottle, saline bottle, and water bottle) are sold, and the profits are reported to the government as revenue. Other types of waste are disposed by the Jaffna Municipal Council for a fee. (Copy of methodology is attached)
3. It has been conducted by Jaffna Municipal Council.
4. It has been conducted by Jaffna Municipal Council.
5. Copy attached

Consideration

Although the Appellant has made the above Information request, the Information Officer has failed to respond within the prescribed period. Thereafter the Appellant has lodged an Appeal

but the Designated Officer also had failed to respond. The Commission has carefully considered the said information request of the Appellant. We are of the view that the said information requested by the Appellant does not fall within the ambit of Section 5 of the Act. Therefore we make an order to release the said information to the Appellant, with a copy to the Commission, on or before 08.04.2022.

The Commission further decides that in the event, the Public Authority make defaults in complying with the said decision of the Commission, the Information Officer and the Public Authority shall be prosecuted before the relevant Magistrate's Court under Section 39 of the Right to Information Act No.2016.

The Director General is directed to convey the Order to the Appellant, the Information Officer and the Public Authority.

Appeal allowed.