

R. Ananthaseelan v Sri Lanka Savings Bank

RTIC Appeal (In-Person Hearing)/ [863/2019] - Order adopted as part of the formal meeting of the Commission on 28.05.2019.

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).

Chairperson: Mr. Mahinda Gammampila

Commission Member: Mr. S.G. Punchihewa

Commission Member: Dr. Selvy Thiruchandran

Commission Member: Justice Rohini Walgama

Appellant: R. Ananthaseelan

Notice issued to: Designated Officer, Sri Lanka Savings Bank

Appearance/ Represented by:

Appellant – R Ananthaseelan

PA - K.M.W.C. Perera SM-HRD, N.M.N Vithanage SM- IT/Information Officer

RTI Request filed on	16/10/2018
IO responded on	16/10/2018
First Appeal to DO filed on	04/11/2018
DO responded on	No response
Appeal to RTIC filed on	30/11/2018

Brief Factual Background:

The Appellant had by information request dated 16/10/2018 requested the following information,

1. *Certified copies of all documents from my personal file*

2. *Certified copies of incident report on 29/01/2018 at Mannar branch*
3. *Certified copies of Mannar branch staffs' eye witness's reports incident on 29/01/2018*
4. *Certified copies of your internal inquiry reports on 29/01/2018 at Mannar branch*
5. *Certified copies of additional information about me*
6. *Certified copies of circular for the post of Business Development Officer Permanent Cadre*

The Information Officer (IO) responded on 16/10/2018 refusing to provide the information under Section 5(1)(a) of the Right to Information Act No. 12 of 2016. Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 04/11/2018. As the DO too failed to respond within the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 30/11/2018.

Matters Arising During the Course of the Hearing:

The PA refused to provide Items No. 2-4 stating that there was an ongoing Labour Tribunal Case in Jaffna and an ongoing Magistrates Court Case in Mannar, and the release of this information would prejudice the above cases. Item Number 5 was clarified during the course of the hearing. The Appellant stated that he was referring to a phrase mentioned in the Service Letter given to him, by the Sri Lanka Savings Bank. Since the interpretation of “additional information about me” was at the discretion of the PA, it provided certain documents together with a copy to the Commission.

Regarding Item Number 6, PA stated that there was no such circular for the post of Business Development Officer Permanent Cadre and that they only had Board Papers, relating to this post. The Commission stated that a circular could be referred to in different ways, and therefore a document relating to the appointment of the above post, irrespective of how it is termed can be provided if it contains the information requested. The PA agreed to provide the relevant Board Paper to the Appellant.

Order:

With regard to Item Number 1, the Commission upheld the exemption of the PA that matters pertaining to the personal file cannot be released. Concerning Item Numbers 2-4 the Commission

further sustained the exemption of the PA that the information can be withheld under Section 5(1)(j). The PA is directed to provide the information requested in Item Number 6, within 2 weeks of the date of hearing, to the Appellant with a copy of the covering letter to the Commission.

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

The Appeal is concluded.
