



## **Right to Information ensures good governance**

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In Sri Lanka Right to Information (RTI) Act was brought to make active participation of citizen in governance, and increased accountability of public servants and office to the people of the country. This Act comprises of the relevant Constitutional Provision (Article14A) via the 19th Amendment, and the Right to Information Act, No. 12 of 2016.

The Act is a big step towards making the citizens participate in the governance of the country through vigilance in broad terms. So, the fundamental objective of the RTI Act is to empower the citizens of their right in governance, by promoting transparency and accountability of the Government.

The ‘Right to Information’ means each and every citizen, has the right to ask for the following information from Public Authorities as stipulated in the Act,

*“any material recorded in any form including records, documents, memos, emails, opinions, advice, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, correspondence, memorandum, draft legislation, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, computer records and other documentary material, regardless of its physical form or character and any copy of them.”*

When we are making a request for information, the information officer is the first point of our contact in a Public Authority who is the person authorized/dedicated to provide the information. An information officer is assigned in each office for this purpose. The information officer must provide all possible assistance to the person making the request. This includes providing written acknowledgement of the request, responding to the request in time, informing the person making the request if an extension is needed, taking down the request in written form if it is made orally, maintain records of the information requests, and obtaining the assistance of any other officer in order to respond properly to the information requests. According to Section 23 of the Act if an Information Officer is not appointed, the Head or CEO of the Public Authority is automatically deemed to be the Information Officer.

Public Authorities means those funded by the state party or fully (constitutional and statutory entities) includes, government departments and bodies, corporate bodies in which the government has a controlling interest. It also includes local and provincial authorities as well as courts, tribunals and institutions established to administer justice. This also comprises private entities working under contract, agreement or a partnership with the government (where their statutory or public service or function is concerned) as higher educational, private vocational or technical education institutions established, recognized or licenced under any written law or funded wholly or partly by the State and non-governmental organizations rendering a service to the public.

When we are not satisfied with the response/ non-response by the Information officer we can appeal to the designated Officer. The Designated Officer is the first appellate authority in a public institution/Authority. The Designated Officer has to accept our appeal if it is within time.

Where a Designated Officer is not appointed, the Head of that department serves as the Designated Officer. Further appeals could be made to the RTI Commission.

A citizen of Sri Lanka can make the request by using the RTI Form 01 gazetted in 17<sup>th</sup> February 2017, or simply a written request that contains the facts in the form will suffice. The request can be submitted by email also under the RTI Act.

We do not need to give reasons when making a RTI Request except for special cases. This is not a requirement under the Act and no one can force us to disclose reasons for making a request.

Once the request is made, the Information Officer should acknowledge your request as soon as possible. If the information can be provided immediately, it should be provided. The information will be provided within 14 days (after we make the necessary payment). Extensions of the time period can be acceptable when the information relates to a large number of records, or when the information is stored in a town, city, or location situated at a distance from the said Public Authority. The person making the request can appeal to the Designated Officer if unsatisfied with the extension.

There is no fee payable when making a request. The Fee Schedule becomes applicable only after our request has been positively responded to. The Fee Schedule is provided for in the Rules on Fees and Appeal Procedure of the Commission (Gazetted in February 2017). For example, the first four pages (A4) of photocopies or printing are provided free. Information that is provided as a result of a successful Appeal is free. Information provided via email is free.

### **Exemptions from the RTI**

This is mentioned in Section 5 of the Act.

- any personal information that is not related to public interest,
- any information which may undermine national security and national relations with any states,
- information that may cause prejudice to the economy of Sri Lanka,
- information of commercial confidence,
- any personal medical records,
- confidential information in a fiduciary relationship,
- information that may cause prejudice to criminal cases or national security,
- information that concerns third parties,
- information that may constitute contempt of court or cause prejudice to judicial independence,
- information that impinges on parliamentary privileges or privileges of a Provincial Council,

- information causing harm to the integrity of examinations,
- confidential information relating to an election and cabinet memoranda where decisions have not been taken.

### **Offences under the RTI Act**

Under the Act, the RTI Commission can institute legal action by way of prosecution in the Magistrate's Court when any person commits the following offences:

- Giving incorrect, incomplete or inaccurate information
- Destroys, invalidates, alters or conceals information
- Fails to appear before the Right to Information Commission
- Appears before the Right to Information Commission, but refuses to be examined or provide information, or provides false information upon oath
- Does not give effect to a decision of the Right to Information Commission
- Obstructs the work of the Commission

The Commission has the power to recommend disciplinary action against an officer of a Public Authority to the appropriate disciplinary authority:

When an Information Officer, willfully;

- refuses to accept your request
- does not give reasons for refusing your request
- charges extra fees
- fails to process your request

When a Designated Officer, willfully;

- Refuses an Appeal on a ground other than that specified by Section 5 of the Act
- Without reasonable cause, failed to decide on an appeal within 3 weeks of receiving it

The Commission can institute action before the Magistrate's Court. Upon conviction the guilty party will be liable to a fine not exceeding Rs.50000.00, or to imprisonment for up to 2 years, or to both fine and imprisonment. Disciplinary action too may be taken against the guilty party by the relevant disciplinary authority.

The implementation of the RTI will help citizens to access information in a timely manner and would also help the government officials to do their job better.