

Appeal to the RTI Commission

RTI Commission,
Room No 203-204, Block 2,
BMICH, Bauddhaloka Mawatha,
Colombo 07.

Appeal Form

1. Name of Person Appealing: Transparency International Sri Lanka
2. Address: No.5/1, Elibank Rd, Colombo 05.
3. Contact Number (If any): 011-4369781/3
4. E-Mail Address (If any): ed@tisrilanka.org
5. Name, Address and Contact details of authorized representative: N/A.
6. Name of Public Authority Concerned: Sri Lanka Insurance Corporation
7. Name, Address and Contact Details of Information Officer Concerned:
Name: Ms. Ruwani Dharmawardana (DGM – Compliance)
Address: No.21, Voxhall Street, Colombo 02.
Contact No: 011-2357000
8. Date of request made to Information Officer and Registration Number: 2018/12/20 – 01/2019
9. Did you receive a reply from the Information Officer? Yes
10. Date of receipt of decision from the Information Officer: 2019.01.02
11. Name, Address, and Contact details of Designated Officer whose decision is appealed against:
Name: Dr. K.A.S. Keeragala
Address: No.21, Voxhall Street, Colombo 02.
Contact No: 011-2357000

12. Date of Appeal made to Designated Officer and Appeal No: TISL didn't appeal against the decision of the Information officer since the designated officer also has signed and confirmed the decision of the information officer.

13. Did you receive a Decision from the Designated Officer? N/A

14. Date of receipt of decision from the Designated Officer: N/A

15. Grounds of Appeal:

1. On 20th of December 2018, Transparency International Sri Lanka made a RTI application to the information officer of the Sri Lanka Insurance Corporation (Annexure 1). By letter dated 1st of January 2019, the information officer of the Sri Lanka Insurance Corporation had denied to disclose information on the basis of section 5(1)(d) of the Act (Annexure 2). The letter was also signed by dr. K.A.S. Keeragala, Chairman, in his capacity as the designated officer. With due respect, it is submitted that the information officer has failed to elaborate how the disclosure of information could harm the competitive position of a third party and affect commercial confidence.
2. It is also submitted that the very purpose of an appeal to the designated officer has been defeated since the designated officer has signed and acknowledged the letter sent by the information officer. The Right to Information Act in Sri Lanka gives a requester an opportunity to appeal against the decision of information officer and designated officer to respectively, the designated officer and right to information commission. By establishing such a system, it is expected that each appealing body will take an independent decision without relying on the other. Therefore, in the present case appealing to the designated officer is fruitless as the designated officer has already acknowledged the decision with respect of the information.

Therefore, based on the above-mentioned grounds and Section 31(1)(b), TISL would like to request the commission to consider the appeal lodged hereby.

16. Information requested on Appeal (Details, Duration, and Subject):

All the information requested by the RTI 01 application

17. Decision requested: To order disclosure of information requested by the RTI 01.

18. If the Appeal has not been submitted within the specified time period, cause of delay [Section 32(2)]: N/A

19. Whether any Previous Appeal in respect of this same matter has been preferred to the Commission? No.

20. Any Other Details (Including if the request for information concerns the life and liberty of a citizen): No.


21. List of Documents attached:

1. Annexure 1: A copy of the RTI Request made to the information officer of the Sri Lanka Insurance Corporation.
2. Annexure 2: A copy of the response sent by the information officer.

Date:

12/2/19

Signature:


Asoka Obeyesekere

Executive Director

Transparency International Sri Lanka