

PROCEDURE FOR REQUESTING INFORMATION:

THE RIGHT TO INFORMATION ACT

DESIGNATION OF PUBLIC INFORMATION OFFICERS

EVERY PUBLIC AUTHORITY SHALL, WITHIN ONE HUNDRED DAYS OF THE ENACTMENT OF THIS ACT, DESIGNATE AS MANY OFFICERS AS THE CENTRAL/STATE PUBLIC INFORMATION OFFICERS (PIO) IN ALL ADMINISTRATIVE UNITS OR OFFICES UNDER IT AS MAY BE NECESSARY TO PROVIDE INFORMATION TO PERSONS REQUESTING FOR THE INFORMATION UNDER THIS ACT. S.5(1).

DESIGNATION OF ASSISTANT PUBLIC INFORMATION OFFICERS

EVERY PUBLIC AUTHORITY SHALL DESIGNATE AN OFFICER, WITHIN ONE HUNDRED DAYS OF THE ENACTMENT OF THIS ACT, AT EACH SUB-DIVISIONAL LEVEL OR OTHER SUB-DISTRICT LEVEL AS A CENTRAL/STATE ASSISTANT PUBLIC INFORMATION OFFICER TO RECEIVE THE APPLICATIONS FOR INFORMATION OR APPEALS UNDER THIS ACT FOR FORWARDING THE SAME FORTHWITH TO THE CENTRAL/STATE PUBLIC INFORMATION OFFICER OR SENIOR OFFICER SPECIFIED UNDER S.19(1) OR THE CENTRAL/STATE INFORMATION COMMISSION :S.5(2)

OBLIGATION OF PUBLIC INFORMATION OFFICERS

EVERY PIO SHALL DEAL WITH REQUESTS FROM PERSONS SEEKING INFORMATION AND RENDER REASONABLE ASSISTANCE TO THE PERSONS SEEKING SUCH INFORMATION. S.5(3)

THE PIO MAY SEEK THE ASSISTANCE OF ANY OTHER OFFICER AS HE OR SHE CONSIDERS IT NECESSARY FOR THE PROPER DISCHARGE OF HIS OR HER DUTIES. S.5(4)

OBLIGATION OF PUBLIC INFORMATION OFFICERS

Contd...

ANY OFFICER, WHOSE ASSISTANCE HAS BEEN SOUGHT UNDER SUB-SECTION (4), SHALL RENDER ALL ASSISTANCE TO THE PIO SEEKING HIS OR HER ASSISTANCE AND FOR

THE PURPOSES OF ANY CONTRAVENTION OF THE PROVISIONS OF THIS ACT, SUCH OTHER OFFICER SHALL BE TREATED AS A PIO. S.5(5)

REQUEST FOR OBTAINING INFORMATION

A PERSON, WHO DESIRES TO OBTAIN ANY INFORMATION UNDER THIS ACT, SHALL MAKE A REQUEST IN WRITING OR THROUGH ELECTRONIC MEANS IN ENGLISH OR HINDI OR IN THE OFFICIAL LANGUAGE OF THE AREA IN WHICH THE APPLICATION IS BEING MADE, ACCOMPANYING SUCH FEE AS MAY BE PRESCRIBED, TO THE PIO OR THE APIO. S.6(1)

REQUEST FOR OBTAINING INFORMATION

Contd...

WHERE SUCH REQUEST CANNOT BE MADE IN WRITING, THE PIO SHALL RENDER ALL REASONABLE ASSISTANCE TO THE PERSON MAKING THE REQUEST ORALLY TO REDUCE THE SAME IN WRITING.

REQUEST FOR OBTAINING INFORMATION

Contd...

AN APPLICANT SHALL NOT BE REQUIRED TO GIVE ANY REASON FOR REQUESTING THE INFORMATION OR ANY OTHER PERSONAL DETAILS EXCEPT THOSE THAT MAY BE NECESSARY FOR CONTACTING HIM.
S.6(2)

REQUEST FOR OBTAINING INFORMATION

Contd...

WHERE AN APPLICATION IS MADE TO A PUBLIC AUTHORITY REQUESTING FOR AN INFORMATION, WHICH IS HELD BY ANOTHER PUBLIC AUTHORITY OR THE SUBJECT MATTER OF WHICH IS MORE CLOSELY CONNECTED WITH THE FUNCTIONS OF ANOTHER PUBLIC AUTHORITY THE PUBLIC AUTHORITY, TO WHICH SUCH APPLICATION IS MADE, SHALL TRANSFER THE APPLICATION OR SUCH PART OF IT AS MAY BE APPROPRIATE TO THAT OTHER PUBLIC AUTHORITY AND INFORM THE APPLICANT IMMEDIATELY ABOUT SUCH TRANSFER: THE TRANSFER SHALL BE MADE AS SOON AS PRACTICABLE BUT IN NO CASE LATER THAN FIVE DAYS FROM THE DATE OF RECEIPT OF THE APPLICATION. S.6(2)

DISPOSAL OF REQUEST

THE PIO ON RECEIPT OF A REQUEST SHALL, AS EXPEDITIOUSLY AS POSSIBLE, AND IN ANY CASE WITHIN 30 DAYS OF THE RECEIPT OF THE REQUEST, EITHER PROVIDE THE INFORMATION OR REJECT THE REQUEST FOR ANY OF THE REASONS SPECIFIED IN SECTIONS 8 AND 9. S.7(1)

DISPOSAL OF REQUEST

Contd...

WHERE AN APPLICATION FOR INFORMATION OR APPEAL IS GIVEN TO APIO, A PERIOD OF FIVE DAYS SHALL BE ADDED IN COMPUTING THE PERIOD FOR RESPONSE.

WHERE THE INFORMATION SOUGHT FOR CONCERNS THE LIFE OR LIBERTY OF A PERSON, THE SAME SHALL BE PROVIDED WITHIN FORTY-EIGHT HOURS OF THE RECEIPT OF THE REQUEST.

DEEMED REFUSAL

IF THE PIO FAILS TO GIVE DECISION ON THE REQUEST FOR INFORMATION WITHIN THE PERIOD SPECIFIED THE PIO SHALL BE DEEMED TO HAVE REFUSED THE REQUEST.

S.7(2)



FURTHER FEE: INTIMATION BY PIO

WHERE A DECISION IS TAKEN TO PROVIDE THE INFORMATION ON PAYMENT OF ANY FURTHER FEE REPRESENTING THE COST OF PROVIDING THE INFORMATION, THE PIO SHALL SEND AN INTIMATION TO THE REQUESTER, GIVING THE DETAILS OF FURTHER FEES , THE CALCULATIONS, REQUESTING HIM TO DEPOSIT THAT FEES...

S.7(3)

FURTHER FEE: INTIMATION BY PIO

Contd...

...AND INFORMATION CONCERNING HIS OR HER RIGHT WITH RESPECT TO REVIEW THE DECISION AS TO THE AMOUNT OF FEES CHARGED OR THE FORM OF ACCESS PROVIDED, INCLUDING THE PARTICULARS OF THE APPELLATE AUTHORITY, TIME LIMIT, PROCESS AND ANY OTHER FORMS. THE PERIOD INTERVENING BETWEEN THE DESPATCH OF THE SAID INTIMATION AND PAYMENT OF FEES SHALL BE EXCLUDED FOR THE PURPOSE OF CALCULATING THE PERIOD OF THIRTY DAYS. S.7(3)

ASSISTANCE FOR ACCESS TO INFORMATION: INTIMATION BY PIO

Contd...

WHERE THE PERSON TO WHOM ACCESS IS TO BE PROVIDED IS SENSORILY DISABLED, THE PIO SHALL PROVIDE ASSISTANCE TO ENABLE ACCESS TO THE INFORMATION, INCLUDING PROVIDING SUCH ASSISTANCE AS MAY BE APPROPRIATE FOR THE INSPECTION. S.7(4)

DETAILS OF FEE: INTIMATION BY PIO

THE APPLICANT SHALL PAY SUCH FEE AS MAY BE PRESCRIBED. THE FEE SHALL BE REASONABLE AND NO SUCH FEE SHALL BE CHARGED FROM THE PERSONS WHO ARE OF BELOW POVERTY LINE. S.7(5)

THE REQUESTER SHALL BE PROVIDED THE INFORMATION FREE OF CHARGE WHERE A PUBLIC AUTHORITY FAILS TO COMPLY WITH THE TIME LIMITS SPECIFIED. S.7(6)

FURTHER FEE: INTIMATION BY PIO

BEFORE TAKING ANY DECISION, THE PIO SHALL TAKE INTO CONSIDERATION THE REPRESENTATION MADE BY A THIRD PARTY UNDER SECTION 11. S.7(7)

GROUNDS FOR REJECTING REQUESTS

WHERE A REQUEST HAS BEEN REJECTED , THE PIO SHALL COMMUNICATE TO THE REQUESTER-

- (I) THE REASONS FOR SUCH REJECTION;
- (II) THE PERIOD WITHIN WHICH AN APPEAL AGAINST SUCH REJECTION MAY BE PREFERRED AND
- (III) THE PARTICULARS OF THE APPELLATE AUTHORITY.

S.7(8)



GROUNDS FOR REJECTING REQUESTS

Contd...

AN INFORMATION SHALL ORDINARILY BE PROVIDED IN THE FORM IN WHICH IT IS SOUGHT UNLESS IT WOULD DISPROPORTIONATELY DIVERT THE RESOURCES OF THE PUBLIC AUTHORITY OR WOULD BE DETRIMENTAL TO THE SAFETY OR PRESERVATION OF THE RECORD IN QUESTION. S.7(9)

SEVERABILITY

ACCESS MAY BE PROVIDED TO A PART OF THE RECORD WHICH DOES NOT CONTAIN ANY INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER THIS ACT AND WHICH CAN REASONABLY BE SEVERED FROM ANY PART THAT CONTAINS EXEMPT INFORMATION. S.10(1)

THE PIO SHALL GIVE A NOTICE TO THE APPLICANT INFORMING REASONS, FEES, APPELLATE AUTHORITY DETAILS. S.10(2)

THIRD PARTY INFORMATION

WHERE THE PIO INTENDS TO DISCLOSE ANY INFORMATION, WHICH RELATES TO OR HAS BEEN SUPPLIED BY A THIRD PARTY AND HAS BEEN TREATED AS CONFIDENTIAL BY THAT THIRD PARTY, THE PIO SHALL, WITHIN FIVE DAYS FROM THE RECEIPT OF THE REQUEST, GIVE A WRITTEN NOTICE TO SUCH THIRD PARTY AND INVITE THE THIRD PARTY TO MAKE A SUBMISSION IN WRITING OR ORALLY, AND SUCH SUBMISSION SHALL BE KEPT IN VIEW WHILE TAKING A DECISION. S.11

THIRD PARTY INFORMATION

Contd...

EXCEPT IN THE CASE OF TRADE OR COMMERCIAL SECRETS PROTECTED BY LAW, DISCLOSURE MAY BE ALLOWED IF THE PUBLIC INTEREST IN DISCLOSURE OUTWEIGHS IN IMPORTANCE ANY POSSIBLE HARM OR INJURY TO THE INTERESTS OF SUCH THIRD PARTY.

THIRD PARTY INFORMATION

Contd...

THE THIRD PARTY SHALL, WITHIN TEN DAYS FROM THE DATE OF RECEIPT OF SUCH NOTICE, BE GIVEN THE OPPORTUNITY TO MAKE REPRESENTATION AGAINST THE PROPOSED DISCLOSURE. THE PIO SHALL, WITHIN 40 DAYS AFTER RECEIPT OF THE REQUEST, MAKE A DECISION AND GIVE IN WRITING THE NOTICE OF HIS DECISION TO THE THIRD PARTY. THE THIRD PARTY TO WHOM THE NOTICE IS GIVEN IS ENTITLED TO PREFER AN APPEAL.

THANK YOU