

CENTRAL INFORMATION COMMISSION

(Room No.313, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067)

Before Prof. M. Sridhar Acharyulu (Madabhushi Sridhar), CIC

CIC/EPFOG/A/2018/618062

Munal Santra v. PIO, EPFO

Order Sheet: RTI filed on 03.03.2018, CPIO replied on 05.03.2018, FAO on 28.03.2018, Second appeal filed on 19.04.2018, Hearing on 18.06.2018;

Proceedings on 18.06.2018: Appellant absent, Public Authority represented by CPIO Mr. Abhilash.K.R, APFC from NIC Bengaluru;

Date of Decision-18.06.2018: Disposed of with directions.

ORDER

FACTS:

1. The appellant sought information regarding Smt. Sonam Dutta (wife of the appellant with pan NO. AQIPD3528Q) (i) EPF A/c no. and EPF A/c statement from the date of opening of a/c to till date (ii) all the necessary EPF related information showing her employment history and employment status till date, because she had filed a divorce petition stating that she has left the job and seeking for litigation and maintenance. The appellant also cited the case Kirubananthan k. V. PIO for reference. The CPIO replied on 05.03.2018 stating that the appellant has not provided the relevant details and is requested to provide the PF code no, name of the establishment from where his wife is working and name of the concerned PF office. The appellant filed the first appeal. The FAA disposed of the appeal stating that the information sought for is the third party information and the disclosure of which has no relationship to any activity or interest according to sec8(1)(e) &(j). The appellant filed the second appeal before the Commission pleading to look into the matter as urgency.

Decision :

2. Mr. Abhilash.K.R, APFC/CAPIO in his written submission dated 14.06.2018 explained as under:

"1. This office has directly received the first appeal under RTI filed online by the appellant vide registration no. EPFOG/A/2018/60416 dated 12.03.2018. The appeal was with reference to online RTI application no. EPFOG/R/2018/52144

dated 03.03.2018 which was not received in this office but has been disposed off by the nodal officer, EPFO, Head Office, New Delhi on 05.03.2018.

2. The content of the online RTI application no. EPFOG/R/2018/52144 dated 03.03.2018 is request by the appellant to furnish information in respect of his wife Smt. Sonam Dutta, such as EPF Account number, EPF account statement from date of opening of account till date and all necessary EPF related information of Smt. Sonam Dutta showing her employment history and employment status till date. The appellant had furnished only her name and PAN number in the RTI application. The Nodal Officer for RTI, EPFO, Head Office, New Delhi has disposed off the RTI application on 05.03.2018 duly requesting to provide the PF code number, name of the establishment where the appellant's wife was working and name of the concerned PF office so as to take necessary action.

3. Subsequently, the online appeal filed by the appellant on 12.03.2018 has been routed to this office through online, by the Nodal Officer for RTI, EPFO, Head Office, New Delhi on 13.03.2018, wherein the appellant has stated that it is not possible to get the establishment details of his wife since she has been changing jobs and hence difficult to get the name of the concerned PF office.

4. The Regional P F Commissioner-I & Appellate Authority, Bengaluru-I, going through the appeal with reference to the attached online RTI application document, has disposed the appeal vide order No. KN/PF/BG-I/RTI(Appeal)/1105/1053/17-18 dated 28.03.2018 with his observations as mentioned at point 2 above stating that since this office has not received the RTI application in question, the appeal does not lie with the appellate authority in this office.

Further, it was also informed in the said order that the appellant has not furnished any details of his wife such as name and address of the establishment, PF code number etc. to ascertain the availability of information in this office and also that the information of PF account details sought in respect of wife amounts to personal information of third party which has no relationship to any public activity or interest and that information of PF members is maintained by EPFO in fiduciary capacity as a trustee and as such cannot be disclosed to third party in terms of Section 8(1)(e) & (j) of the RTI Act, 2005.

Submissions before the Hon'ble Information Commissioner

- A. *It is submitted that the information sought by the appellant in respect of his wife Smt. Sonam Dutta, is in the context of an employee of an establishment covered by EPFO with PF membership and not as a public servant working under this authority.*
- B. *It is submitted that the details of a PF member cannot be ascertained on the basis of only their names and PAN number. Basically, PF members can be identified on the basis of their PF account number or Universal Account Number or at the least on the basis of name and place of the establishment where they are working. The appellant has not provided any basic details that are required to ascertain if his wife was a PF member. As such, the availability of information in this office cannot be ascertained.*
- C. *It is submitted that it is nowhere stated in the RTI application or the appeal that the wife of the appellant is working anywhere in Bengaluru or in an establishment which falls under the jurisdiction of this office i.e. Regional*

Office, Bengaluru. The appellant has not provided the location of work place of his wife in his RTI application or the appeal. Only, the address for communication of the appellant is furnished as Bengaluru. The ground on which the online appeal has been transferred to this office by the Nodal Officer, EPFO, Head Office, New Delhi is not specified.

- D. It is further submitted that EPFO, by large, maintains the EPF accounts of lakhs of PF subscribers and it is difficult to ascertain the information sought from the available data of the basis of inputs provided by the appellant.*
- E. It is submitted that in the absence of basic information, this office is unable to trace the PF account of the wife of the appellant and as such cannot identify the concerned office of EPFO which maintains her PF account.*
- F. It is submitted that the details of a PF member employed in an establishment amounts to personal information of third party, disclosure of which has no relationship to any public activity or interest. The PF account details are maintained by EPFO in fiduciary capacity as a trustee and as such cannot be disclosed to third parties in terms of Section 8(1)(e) and (j) of the RTI Act, 2005."*

3. The Commission upon perusal of documents rejects the contention of the CPIO that the information sought falls under the category of third party, personal information and the same is held under fiduciary capacity. In the instant RTI, the appellant is a lawfully wedded husband of Smt. Sonam Dutta who are contesting in divorce and maintenance case in the jurisdictional Court of Law. The Commission cautions the respondent authority for denying the information sought under such illegal and illogical contentions.

4. The Commission advises the appellant to provide either the PF account number or the Universal Account Number of Smt. Sonam Dutta, within 7 days and accordingly the respondent authority is directed to provide information as sought in this RTI application, within 10 days from that date. Disposed of.

SD/-
(M.Sridhar Acharyulu)
Central Information Commissioner