

Central Information Commission  
Baba Gang Nath Marg,  
Munirka, New Delhi-110067.

CIC/AA/A/2018/130  
CICOM/A/2018/00121  
CICOM/R/2018/00362

Name of the appellant : Ms. Amrita Johri,  
B-76, SFS Flats,  
Triveni Apartments,  
Sheikh Sarai Phase-1,  
New Delhi – 110 017.

1.	Date of RTI application	16.04.2018
2.	Date of reply of the RTI application	12.04.2018
3.	CPIO(s) who furnished reply	DR to CR-1
4.	1 <sup>st</sup> Appeal Date	16.05.2018
5.	Diary No. of 1 <sup>st</sup> Appeal of the Dak Section	131404
6.	Diary date of the Dak Section	17.05.2018
7.	Diary date of 1 <sup>st</sup> Appeal in the office of FAA	18.05.2018
8.	Date of Decision	18.05.2018

**Brief facts of the case:-**

In the RTI application, the appellant has stated as under:-

*"I would like to inspect the facilitation memos for all the appeals and complaints returned since January 1, 2018 to the sender. Kindly let me know the date, time & venue of the inspection. After inspection, I will indicate the records of which I require copies."*

2. Shri Krishan Avtar Talwar, DS & CPIO vide letter dated 12.04.2018 responded as under:-

*"Requisite inspection cannot be acceded to as the Facilitation Memo contain name address and other details of different individuals, on whose appeals/complaints said Facilitation Memo have been issued, disclosure of which will reveal their identity. Disclosure of the information may also intrude into their privacy."*

3. Aggrieved with the reply of the CPIO, appellant has filed first appeal with the following grounds:-

1. Information can be denied under the RTI Act only if it is exempt under section 8 or 9 of the RTI Act. The PIO has not cited any exemption under Section 8 or 9 of the RTI Act to deny information.
2. There is no provision under the RTI Act to deny information merely because its disclosure will reveal the identity of applicants/complaints.

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3. Information about the name and address of a person cannot be held to be information which would "intrude into their privacy" as such information is in any case freely and publicly available. In fact, the CIC itself publishes the name and in many cases also the address of the complainant/appellant in the order. Also, the hearings at the Commission are held in an open court i.e. there is no restriction of a third person to attend such hearings. Therefore, clearly the CIC does not treat the identity of the appellant/complainant as something that must be protected/kept secret or the disclosure of which would cause intrusion of privacy. Further, such information is routinely available through the electoral lists and telephone directories to name just a few sources."

**Decision with reasons:-**

4. To know the facts of denial to provide information, Shri Krishan Avtar Talwar, CPIO cum DS & CPIO, CR-1 has been called for who intimated that he has acted as per the instructions contained in DoPT OM No.1/1/2013-IR dated 17<sup>th</sup> October, 2016. In the said DoPT OM, following is stated:-

"..... for implementation of suo-motu disclosure under Section 4 of the RTI Act, 2005, which states as follows:-

"All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest."

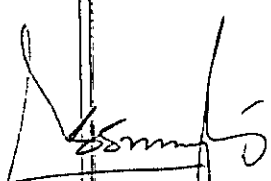
2. ....
3. Now, keeping in view the directions dated 20.11.2013 of Hon'ble High Court of Kolkata in Writ Petition No.33290/2013 in the case of Mr. Avishek Goenka Vs Union of India regarding personal details of RTI applicants, it is clarified that while proactively disclosing RTI applications and appeals received and responses thereto, on their website, the personal details of RTI applicant/appellant should not be disclosed as they do not serve any public interest. It is further clarified that the personal details would include name, designation, address, e-mail id and telephone no. including mobile no. of the applicant."
5. In view of the submissions made by the appellant and CPIO, it is observed that the CPIO has followed the directions of the DoPT, in the matter. However, direction is given to Shri Krishan Avtar Talwar, CPIO cum DS to DR-1 to offer

inspection to the appellant as sought in the RTI application with mutual convenient date and time within 2 weeks from the date of receipt of the order. It may further be ensured that while giving the copies of any document during the inspection, personal details may not be disclosed.

6. The appeal is, therefore, disposed off.

7. In case the appellant is aggrieved by the decision, she is free to file second appeal, if she so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 18<sup>th</sup> May, 2018.

  
( Rakesh Kumar Singh )  
Additional Secretary & First Appellate Authority  
Tel: 26162290

Copy to:-

- Act*  
*18/05/18*
1. Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.
  2. Shri Krishan Avtar Talwar, CPIO & DS to CR-1, CIC, New Delhi.  
*Talwar*  
*18/5*