

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය  
අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka  
EXTRAORDINARY

අංක 2004/66 - 2017 පෙබරවාරි මස 03 වැනි සිකුරාදා - 2017.02.03  
No. 2004/66 - FRIDAY, FEBRUARY 03, 2017

(Published by Authority)

**PART I : SECTION (I) — GENERAL**  
**Government Notifications**

**REGULATIONS PROMULGATED UNDER THE RIGHT TO INFORMATION ACT, No. 12 OF 2016**

THE following Regulations are promulgated by the Minister under Section 41 (2) of the Right to Information Act, No. 12 of 2016.

GAYANTHA KARUNATHILAKE,  
Minister of Parliamentary Reforms and Mass Media.

Ministry of Parliamentary Reforms and Mass Media,  
No 163, Kirulapone Mawatha,  
Polhengoda,  
Colombo 05,  
20<sup>th</sup> December 2016.

**Regulation No. 01**

This is the First Part of the Regulations promulgated in accordance with the Right to Information Act, No. 12 of 2016

**Regulation No. 02**

These Regulations shall come into force upon publication in the *Government Gazette* of Sri Lanka.



**Regulation No. 03**

**Procedure of initiating requests for information**

01. Every Public Authority should display publicly in its office the following notice in Sinhala and Tamil Languages.

**Notice**

**In accordance with the Right to Information Act, No. 12 of 2016**

Requests for Information should be made to the following Information Officer by completing and handing over a request preferably in the manner prescribed in the Form **RTI 01** although this is not mandatory.

Information Officer,

Mr./Ms. (Name) :.....  
Designation :.....  
Address :.....  
ContactNumber :.....  
Email : .....

01. Upon making the request for information either in verbal or written form obtain the written acknowledgment from the Information Officer.
02. The decision whether to grant the information or not shall be given as expeditiously as possible and in any case within 14 days.
03. If a decision is made to provide the information, the information officer will inform the citizen making the request that the information will be provided on the payment of a fee in accordance with the Fee Schedule prescribed by the Right to Information Commission. If the information is subject to payment of fee, the information shall be provided within 14 days of the payment. Information will be provided within 14 days of the decision if there is no requirement to pay a fee.
04. If, after payment of fees the information cannot be provided within 14 days, the person making the request will be informed that there will be a further extension period – up to a maximum of 21 days – to provide the information and given reasons for the extension.
05. When the request relates to the life and personal liberty of a citizen the information officer shall provide a response to the request within 48 hours.
06. An appeal may be made in situations where,
  - i. The Information Officer refuses a request made for information
  - ii. The Information Officer refuses access to the information on the ground that such information is exempted from being granted under Section 5
  - iii. Non -compliance with time frames specified in the Act
  - iv. The Information Officer granted incomplete, misleading or false information
  - v. The Information Officer charged excessive fees
  - vi. The Information Officer refused to provide information in the form requested
  - vii. The citizen making the request had reasonable grounds to believe that information has been deformed, destroyed or misplaced to prevent him/her from having access to the information

An appeal to the Designated Officer is to be made within 14 days.

Designated Officer,

Mr./Ms. (Name) : .....  
Designation : .....  
Address : .....  
Contact Number : .....  
Email : .....

07. When making an appeal as mentioned in s.6 of this notice, complete and hand over Form **RTI 10**, to the Designated Officer. The RTI 10 Form is not compulsory. A citizen making a request can make the appeal by a letter with the basic information indicated in RTI 10 justifying the appeal.

#### **Regulation No. 04**

01. At the onset, requests for information should be made to the Information Officers either through a letter or email giving details necessary to identify the requested information or through filling in and handing over Form RTI 01 to the Information Officer of any Public Authority. Information Officers should render all the necessary assistance, free of charge to the citizens making the requests to formulate their requests. Where a citizen seeks to submit a request for information in any manner, the Information Officer shall provide reasonable assistance to fill out the request in the format of Form RTI 01.
02. Form RTI 01 should be issued free of charge to the citizen, including by being available for electronic download.
03. If a request for information is made in verbal form by a citizen, then the Information Officer will write down the request by filling in Form RTI 01, read it to the citizen making the request and obtain the signature or thumbprint of the citizen. Once completed, a signed, dated copy of the transcribed request will be provided to the citizen making the request.
04. If the citizen makes the request for information through an email or fax, the Information Officer will fill in Form RTI 01 and attach a copy of the said email/ fax to such Form.
05. If there is any mistake or discrepancy in how the request has been made, the Information Officer should immediately communicate such to the citizen making the request and make the necessary corrections.
06. If the request relates to information which the Information Officer is aware is held by another Public Authority, the Information Officer shall duly in written format transfer the request to the concerned Public Authority and inform the citizen making the request accordingly within 7 days from the date of receipt of the request.
07. A Public Authority shall not be required to collect information to respond to a request but it shall not refuse a request on the ground that it does not hold the information where, with a reasonable effort the information may be produced from records held by the Public Authority, using the resources which is normally available to the Public Authority, or again with a reasonable effort, the information may be compiled from different records held by the Public Authority.
08. If the information requested is available in more than one language, the information officer shall provide the information in the language requested by the citizen making the request.
09. If the Information Officer is able to provide the requested information forthwith to the satisfaction of the citizen making the request, he shall provide the information accordingly and maintain a record of the information sought and the response provide in the format prescribed in RTI 03.

#### **Regulation No. 05**

Once a request for information is received from the citizen, the Information Officer shall in accordance with Section 24 (3) of the Act issue immediately a written acknowledgment to the citizen making the request in the manner prescribed by RTI 02, and provided to the citizen making the request in the same manner in which he or she filed the request or, if that is not practical, in any other reasonable, practical manner.

**Regulation No. 06**

Once an application for information is received it shall be registered in the format provided in RTI 03 and provided with a registration number.

**Regulation No. 07**

If a decision is made to provide the information requested the Information Officer shall immediately and in any case within 14 days send a letter using the format provided in the RTI 04 Form to the citizen making the request. Where a citizen making the request pays a fee to receive information, in accordance with RTI 04, the Information Officer shall provide the citizen making the request with a receipt against that fee.

**Regulation No. 08**

Where the Public Authority does hold the information but this information is already publicly available, the Information Officer shall, forthwith and in any case within 14 working days, inform the citizen making the request of this fact, indicating precisely where the information may be found (for example, the URL or physical location of the information), notifying the citizen making the request using Form RTI 05.

**Regulation No. 09**

If the information request is rejected by the Information Officer, then he/she should send a letter using the format provided in the RTI 05 Form to the citizen making the request in accordance with Section 25 (1) of the Act. The exact clause in Section 5 which is being relied upon to reject the request should be mentioned and detailed reasons for rejecting the request should be given.

**Regulation No. 10**

If a decision is made to provide the information and RTI 04 has been sent, but the information cannot be provided within the 14 days mentioned, the Information Officer shall according to Section 25 (2) send letter using the format provided in the RTI 06 Form within the 14 days to the citizen making the request stating that the time period to provide the information has been extended to a period lasting not more than 21 days.

**Regulation No. 11**

If the information requested relates to confidential information that was provided by a Third Party, the Information Officer will under Section 29 (1) write to the Third Party using the format provided in RTI 07 and obtain such Third Party's authority to provide or deny the information.

**Regulation No. 12**

Where information is to be severed, this shall be done in the appropriate manner depending on how the information is being provided (such as blacking out for information which is photocopied or scanned, or removing electronically for information which is provided in that way), but severing may be done, indicating to the citizen making the request what part of the information has been and the exemptions under the RTI Act that have been invoked for this purpose.

**Regulation No. 13**

Appeals under Section 31 (1) or Section 25 (7) of the Act are free and once an Appeal has been received every Designated Officer should under Section 31 (2) of the Act within 3 working days provide a receipt on the acceptance of such Appeal in the manner prescribed by RTI 08.

**Regulation No.14**

When an appeal is made under Section 25 (7) and Section 31 (1) of the Act, every Designated Officer should record the Appeal in the manner provided in RTI 09 and duly complete the steps taken in response.

**Regulation No.15**

If the Information Officer commits any of the grounds of appeal mentioned in Section 31 (1) and/or Section 25(7) of the Act, the citizen making the request may Appeal within 14 days of becoming aware of the ground of appeal to the Designated Officer by filling a Form using the format provided in RTI 10. The Designated Officer may accept an Appeal after the expiry of the fourteen days if he/she is satisfied that there was reasonable cause for the delay.

**Regulation No. 16**

Once a decision to reject an information request under Section 25 (1) is made and letter using the format provided in RTI 05 is sent to the citizen making the request, the Information Officer is required to keep a record of the details as provided by RTI 11 regarding the decision to reject.

**Regulation No. 17**

01. Fees for Providing the Information,

Keeping accounts,  
Public Authority,

In accordance with the Act, any citizen making the request who pays fees for accessing information shall be given a receipt. The fees collected to provide information shall be recorded in a ledger in the format below.

Registration Number and the Date of Request :.....  
Name & Address of Citizen making the Request :.....  
Fees paid: Rs :.....  
Receipt No. & Date :.....

02. In the case of government, and semi- government institutions fees collected shall be credited as miscellaneous income in the accounts ledger.

03. When fees are reimbursed according to Section 15 (g), they should be debited from the miscellaneous expenditure in the accounts ledger.

**Regulation No. 18**

The details of every Information Officer and Designated Officer appointed by a Public Authority under Section 23 of the Act should be reported to the Ministry of Mass Media and maintained in a separate register at the Ministry in the format prescribed by RTI 12. The information has to be provided to the Ministry of Mass Media. The details have to be filled in every time there is a change of above mentioned officers. This applies only to State Sector Public Authorities.

**Regulation No. 19**

**Use and Reuse of information**

01. Any information disclosed by a Public Authority under this Act is subject to a royalty-free, perpetual, non-exclusive licence to reuse the information.,

02. For purposes of clause 01, reuse includes copying, publishing, translating, adapting, distributing or otherwise using in any medium, mode or format for any lawful purpose.

## Regulation No.20

### Proactive Disclosure of information

01. In accordance with the power to direct a Public Authority to provide information in a particular form under Section 15(d) of the Act and in keeping with the overriding principle of Proactive Disclosure, all Public Authorities shall routinely disseminate, at a minimum, the following key Information including through a digital or electronic format;
- i. Institutional information: legal basis of the institution, internal regulations, functions and powers.
  - ii. Organizational information: Organizational structure including information on personnel, and the names and contact information of executive grade public official their remunerations, emoluments and allowances.
  - iii. Operational information: strategy and plans, policies, activities, procedures, reports and evaluations including the facts and other documents and data being used as a basis for formulating them.
  - iv. Decisions and acts: Decisions and formal acts, particularly those that directly affect the public including the data and documents used as the basis for these decisions and acts.
  - v. Public services information: Descriptions of services offered to the public, guidance, booklets and leaflets, copies of forms, information on fees and deadlines.
  - vi. Budget information: Projected budget, actual income and expenditure (including salary scales pertaining to the emoluments and related allowances of officers and employees of executive rank and above,) and other financial information and audit reports.
  - vii. Open meetings information: Information on meetings, including which are open to the public and how to attend these meetings.
  - viii. Decision making & public participation: Information on decision making procedures including mechanisms for consultations and public participation in decision making.
  - ix. Information on subsidies: Information on the beneficiaries of subsidies, the objective, amounts, and implementation.
  - x. Public procurement information: Detailed information on public procurement processes, criteria and outcomes of decision making on tender applications; copies of contracts, and reports on completion of contracts.
  - xi. Lists, registers, databases: Information on the lists, registers, and databases held by the public body. Information about whether these lists, registers, and databases are available online and/ or for onsite access by members of the public.
  - xii. Information about information held: An index or register of documents/ information held including details of information held in databases.
  - xiii. Information on publications: Information on publications issued, including whether publications are fee of charge or the price if they must be purchased.
  - xiv. Information about the right to information: Information on the right of access to information and how to request information, including contact information for the responsible person in each public body.
  - xv. Disclosed information: Information which has been disclosed pursuant to a request and which is likely to be of interest to others.
  - xvi. The above information shall include all relevant facts taken into consideration while formulating important policies or announcing decisions which affect the public.
02. In addition to the categories listed in clause 01, Public Authorities shall endeavour to include in their Section 8 reports such information as may be of interest to the public, among other things so as to limit the need for members of the public to resort to the use of this Act to obtain that information.

03. All Public Authorities shall periodically update the information referred to above.
04. Any citizen may, if he/she finds, upon inspection of the information provided by Public Authorities in terms of Sections 7, 8, 9 and 10 of the Act and pursuant to the duty of Proactive Disclosure contained in this Regulation, that the information is improper and/or false and/or has not been updated, complain to the Head or the CEO of the relevant Public Authority. If the Head or the CEO of the Public Authority fails to rectify the same, the citizen may make an application to the Commission within three months of the said disclosure for rectification of the said improper/false/outdated information for reasons stated.
05. If upon inquiry into the reasons stated, the Commission finds merit in the complaint, the Commission shall call upon the said Public Authority to rectify the same and report to the Commission within one month of the said order of the Commission.
06. Details of the inquiry and follow-up action (if any) shall be included in the report of the activities of the Commission required to be prepared and thereafter to be tabled before Parliament and sent to the President in terms of Section 37 of the Act.

### **Regulation No. 21**

#### **Information Officers**

01. Information officers for Public Authorities shall be individuals who are responsible officers in the opinion of the Head or Chief Executive Officer of the Public Authority.
02. The appointment of information officers shall be done through a formal, written notice which shall, in addition to indicating the position, include a set of Terms of Reference for the position, based on the duties to be assigned to such officers under the Act, including but not limited to the following:
  - a) processing requests in accordance with the Act and any subordinate regulations, including by developing a set of internal procedures for this;
  - b) ensuring that the Public Authority meets its proactive publication obligations, as set out in Sections 8-10 of the Act;
  - c) ensuring full and prompt collaboration with the Commission in the processing of any complaints relating to the Public Authority;
  - d) ensuring that the Public Authority maintains its records well, in accordance with the requirements of Section 7 of the Act;
  - e) ensuring that the Public Authority publishes its annual reports, in accordance with the requirements of Section 10 of the Act; and
  - f) developing an Action Plan in regard to the steps that the Public Authority will take to meet its obligations under the Act, including in regard to ensuring proactive disclosure of information as mandated under these Regulations.
03. In the absence from duty of an Information Officer, the Head or Chief Executive Officer of the Public Authority shall make suitable arrangements to carry out the duties of the Information Officer.
04. Individuals serving as Information Officers shall give priority to their Right to Information related duties over their other duties.
05. Public Authorities shall ensure that Information Officers are allocated appropriate time and other forms of support as they need to undertake the duties in their Terms of Reference properly.
06. Public Authorities shall, within one year of the Act coming into effect, ensure that their Information Officer(s) have received appropriate training on how to apply the Act.

**Regulation No. 22**

The Forms specified in these Regulations, with such variations as the circumstances of any case may require, shall be used for the respective purposes therein mentioned.

**Definitions:**

- 01. 'Act' in these Regulations refers to the Right to Information Act, No. 12 of 2016
- 02. 'Commission' in these Regulations refers to the Right to Information Commission established under Section 11 of the Right to Information Act, No. 12 of 2016
- 03. 'Information Officer' refers to the Information Officer appointed under Section 23 of the Act
- 04. 'Designated Officer' refers to the Designated Officer referred to in Section 23 of the Act
- 05. 'Minister' refers to the Minister in charge of the subject of Mass Media
- 06. 'Public Authority' refers to the Public Authorities defined in Section 43 of the Act.

**RTI 01**

Note that completion of this Form is not a compulsory requirement to make a request for information and that any written letter, e-mail or a verbal request with the essential information to identify the requested information is sufficient.

**Application to receive Information**

Information Officer,

- 01. Name of Requestor :.....
- 02. Address :.....
- 03. Contact No. (if any) :.....
- 04. Email Address (if any) :.....
- 05. Details about Information requested -
  - I. Specific Public Authority :.....
  - II. Information requested :.....  
.....  
.....  
.....
- III. Specific period information is requested (if applicable) :.....
- 06. Manner in which information is requested—
  - i. inspect relevant work, documents, records
  - ii. take notes, extracts or certified copies of documents or records
  - iii. take certified samples of material



iv. obtain information in the form of CD/DVD/storage media/tapes/video cassettes/ any other electronic mode/ printouts where such information is stored in a computer or in any other device.

07. Language in which requestor prefers access :.....

08. Does the information request concern the life and personal liberty of a citizen? (Yes/No)

09. If Yes, give reason for belief :.....  
.....

09. Any other details :.....

10. Relevant documents attached (If any)

I. ....

II. ....

III. ....

11. Is the requestor a citizen of Sri Lanka? (Yes/No)

Date :.....

Signature :.....

**RTI02**

**Acknowledgment**

Mr./Ms. ....

Registration Number: .....

Date Request Received : .....

This is to inform you under Section 24 (3) of the Right to Information Act, No 12 of 2016 that we have received your information request dated .....requesting the following information .....

We will inform you of our decision on your request within 14 days.

For further details, please contact the following officer during working hours. Please mention the Registration Number provided regarding your request when contacting.

Information Officer's

Name : .....

Designation: .....

Date : .....

Office : .....

Contact Number : .....

Email : .....

**RTI 03**

**Register of Information Requests**

Reg. No.	Application Date	Name and Address of Requestor	Contact No.	Type of Information (in brief)	Manner in which information is requested under s. 27 (3) of the Act	Date of Receipt letter	Date of Decision Letter	Fee	Date Information Provided	RTI Form 05 date if information is denied
----------	------------------	-------------------------------	-------------	--------------------------------	---	------------------------	-------------------------	-----	---------------------------	---

**RTI 04**

**Decision to Provide Information**

Registration Number of the Request :.....  
 Date Request Received : .....  
 Name of the public authority :....

01. This is to inform you that in accordance with Section 25 (1) of the Act we have decided to provide you with the information/part of the information requested by you through application dated ..... with the registration number of .....(In case if the decision is to provide only part of the information, the information should clarify the reasons in detail and under which clause/s of the Section 5 the exception was made.)
02. We have decided to withhold the following parts of the requested information because they are considered as exempted information under the Section 5 (.....)of the RTI Act due to the detailed reasons given below:.....
03. In order to provide the information please pay the necessary fee of Rs..... by cash, bank draft or pay order or postal order or postage stamps to our office.
04. We will provide you with the information within 14 days of payment of the required fee. We will also inform you within the same period(with reasons) if there is any extension needed to the time period in which to provide the information.
05. If you have not satisfied with the time frame mention in the Section 04 you may submit and appeal to the designated officer within two weeks by RTI 10 form. Name and address of the designated officer is given bellow.

Designated Officer-

Name : .....  
 Designation : .....  
 Address : .....  
 Contact details :.....

Yours,  
 Faithfully,

.....  
 Information Officer (signed)  
 Name & Designation

Date :.....

**RTI 05**

**Rejection of Information Request**

Registration Number:.....

Date Request Received: .....

Public Authority: .....

This is to inform you that we have decided to reject your request for information dated .....with Registration Number.....as it is exempted information covered by Section 5.....of the Act/ the information is already published/ or is not in our possession, custody, or control.

In case the information is already published, you can find it here: .....

Reasons for justifying the decision to rely upon on the above mention clause/s:

- I. ....
- II. ....

(add more space or additional pages as needed)

You may under Section 31 (1) or Section 25 (7) of the Act, prefer an Appeal against this decision, or on the grounds that there has been non-compliance with time frames specified in the Act, to the following officer within 14 days. You may, for this purpose, use Form RTI 10, although this is not mandatory as long as you provide the information contained in that Form.

Designated Officer-

Name: .....

Designation: .....

Address: .....

Email: .....

Yours,  
Faithfully,

.....  
Information Officer (signed)  
Name & Designation

Date:-

**RTI 06**

Mr. /Ms. ....

Registration Number : .....  
Date Request Received : .....  
Public Authority : .....

**Extension of time period to provide information**

This is with regard to RTI 04 dated ..... which we have sent to you.

Even though we decided to provide the information requested by you through application dated ..... with Registration Number ..... we regret that we cannot provide the information within the 14 days stipulated in our initial decision letter due to the reasons given below. We are therefore extending the time period to provide the information till the .....(date expected).

Reason/s for the extension:- .....  
.....  
.....

If you are dissatisfied with the extension you may appeal to the following Officer within 14 days.

Designated Officer-

Name: .....  
Designation:.....  
Address: .....

Yours,  
Faithfully,

.....  
Information Officer (signed)  
Name & Designation  
Contact details (telephone and email)

**RTI 07**

Mr/Ms.....

Registration Number:.....  
Date Request Received : .....  
Public Authority:.....

**In accordance with the Right to Information Act, No. 12 of 2016**

We have received a request dated..... for information/part of the information that concerns confidential information that was provided to us by you on the ..... (date information provided).

**Requested Information**

.....  
.....  
.....  
.....

Please let us know within 7 days in writing whether or not you agree to providing the information/part of the information requested. Please clearly indicate which part of the information you wish us to withhold if you agree to disclose only a part of the information requested along with a detailed explanation as to why such information should not be disclosed.

If we are not informed of your decision within 7 days then under Section 29 (2) of the Act we will provide the information requested.

Please note that irrespective of your objections to disclosure of all or a part of the information sought the RTI Commission may direct us eventually to release the requested information if it decides that the release of the information demonstrably outweighs the private interest in non-disclosure, on the basis of an appeal made by the information requester.

.....(Signed.)

Information Officer  
Name & Designation

Contact Number : .....

E-mail : .....

**RTI 08**

Mr./Ms. ....

Appeal No : .....  
Date Request Received : .....  
Public Authority : .....

**In accordance with the Right to Information Act, No. 12 of 2016**

We write to inform you of the acceptance of your Appeal.

We have received your appeal under Section 31 (1) of the Act against the decision of the Information Officer regarding your request for information with Reg. No.....

Your Appeal has been registered as Appeal No. ....dated.....and instructions have been given for necessary action to be taken. In this respect, we draw your attention to Section 31 (3) of the Act which states that a decision on an appeal is to be taken within 3 weeks of its receipt.

I will inform you the time and date to meet me in case if your presence is deemed necessary for the inquiry.

Hereinafter, when contacting us regarding this Appeal or to provide more details please mention the Appeal No. provided above.

Yours,  
Faithfully,

(signed.)  
Designation Officer (Name & Designation)  
Contact Number : .....  
Email : .....

**RTI 09**

**In accordance with the Right to Information Act No. 12 of 2016**

**Register of Appeals**

Appeal No.	Date of Appeal	Name and Address of Person making Appeal	Telephone No.	Date of Acceptance of Appeal	Reg. No. of First Appeal	Reasons	Date of Letter Providing Reasons

**RTI 10**

**Appeal to the Designated Officer**

Designated Officer,

.....  
 .....

Public Authority:.....

**Appeal Form**

01. Name of Person Appealing : .....
02. Address : .....
03. Contact Number (if any) : .....
04. Email Address (if any) : .....
05. Date request made to Information Officer  
and Registration Number : .....
06. Did you receive a reply from the Information Officer ? Yes/No : .....  
(if Yes and you have a copy, please attach; otherwise provide details of reply)
07. Grounds for Appeal:
  - i. The Information Officer refuses a request made for information
  - ii. The Information Officer refuses access to the information on the ground that such information is exempted from being granted under Section 5
  - iii. Non -compliance with time frames specified in the Act
  - iv. The Information Officer granted incomplete, misleading or false information
  - v. The Information Officer charged excessive fees

- (vi) The Information Officer refused to provide information in the form requested
- (vii) The requestor has reasonable grounds to believe that information has been deformed, destroyed or misplaced to prevent the requestor from having access to the information

Details:

.....  
 .....  
 .....

- 08. Brief description of information requested : .....
- 09. If Appeal has not been submitted within the specified time period, cause of delay [s. 31(5)] :
- 10. Any other details : .....

Date : .....

Signature:

**RTI 11**

**Register of Rejection of Requests**

Reg. No.	Name & Address of Applicant	Date of RTI 05	Decision by Designated Officer	Rejection date and action taken	Decision by RTI Commission upon 2 <sup>nd</sup> Appeal	Action and date

**RTI 12**

**Details of the Information Officers**

Name of Department & Office	Name of Information Officer/ Designated Officer	Designation	Official Address	Telephone No.

.....  
 Head of Institution (Name of Officer)

Seal : .....



## Right to Information Commission Rules of 2017

### Rules (2017)

The Right to Information Commission in exercise of the power conferred upon it by Section 42 of the Act prescribes the following rules:

#### 1. Short Title and Commencement:

- (1) These Rules may be called "Right to Information Rules of 2017 (Fees and Appeal Procedure)".
- (2) These Rules shall come into force on February 3, 2017.

#### 2. Definitions: Unless the subject or context otherwise requires, in these Rules-

- (a) "Act" means Right to Information Act No.12 of 2016.
- (b) "Commission", "Information Officer", "Designated Officer", and "Public Authority" will have the same meaning as defined in the Act.
- (c) "Appellant" means and includes any citizen who Appeals to the Right to Information Commission under Section 32 of the Act.
- (d) "Material" means information provided in response to a Right to Information request or an Appeal.
- (e) all other words or expressions used herein and not defined in these Rules shall have the same meanings assigned to them in the Act.

#### Fees

#### 3. Application Fees: (1) No Public Authority shall charge any fee to provide a Right to Information Application Form to a citizen making an information request.

- (2) No Public Authority shall charge any fee to process a Right to Information request.

#### 4. Fees for Information: Unless otherwise prescribed, the following Fees may be charged by a Public Authority for provision of information in response to a RTI request:

##### (i) Photocopying:

- (a) Rs. 2/- (one side) and 4/- (both sides) of one paper, for the information provided on A4 (21 cm x 29.7 cm) and smaller size paper
- (b) Rs. 4/- (one side) and 8/- (both sides) of one paper for the information provided on paper that is Legal size (21.59 cm x 35.56 cm) and upto A3 (29.7 cm x 42 cm)
- (c) Information provided on paper bigger than those mentioned above will be at actual cost.

##### (ii) Printout

- (a) Rs. 4/- (one side) and 8/- (both sides) of one paper, for the information provided on A4 (21 cm x 29.7 cm) and smaller size paper
- (b) Rs. 5/- (one side) and 10/- (both sides) of one paper for the information provided on paper that is Legal size (21.59 cm x 35.56 cm) and upto A3 (29.7 cm x 42 cm)
- (c) Information printed on paper bigger than those mentioned above will be at actual cost.

##### (iii) Rs. 20/- for copying information onto a Diskette, Compact Disc, USB mass drive, or similar electronic device, provided by the citizen making the request.

##### (iv) Actual cost for copying information onto a Diskette, Compact Disc, USB mass drive, or similar electronic device provided by the Public Authority.

- (v) Rs. 50/- per hour for the study or inspection of any document or material, or inspection of a construction site, if this takes longer than one hour, with the first hour of study/inspection being provided free of charge. This shall be without prejudice to the practice of public authorities which previously provided such inspection free of charge and which practice shall continue notwithstanding this sub-rule.
- (vi) Samples or models will be charged the actual cost.
- (vii) Information provided via e-mail will be free of charge.

5. Where there exists a previous Fee Schedule prescribed or issued by Public Authorities by way of circulars or regulations, that Fee Schedule shall continue to operate notwithstanding the Fees prescribed in Rule 4.

Provided that any dispute in regard to claims relating to existing Fee Schedules may be the subject of an Appeal to be determined by the Commission in accordance with these Rules on Fees and Appeals.

6. **Information provided free of charge:**

- (1) Notwithstanding anything contained in Rule 4 above, the Public Authority shall provide information prepared or contained on four pages (A4 size) of photocopies or printing, free of cost.
- (2) Information that is ordinarily available free of charge shall continue to be provided free of charge.

7. **Mode of Payment of Fee:** (1) Notwithstanding anything contained elsewhere in these Rules, the Public Authority may collect the Fees for information in the following manner:

- (i) in cash paid to the Information Officer;
- (ii) Bank Draft addressed to the Accounts Officer of the Public Authority;
- (iii) post office payment slip or a postal order made payable to the Accounts Officer of the Public Authority.

(2) The Information Officer shall issue a receipt against payment of a fee regardless of the manner in which it is paid.

8. **Access to Information:** (1) For larger volume requests, the information officer shall inform the citizen making the request prior to providing access to the information about the various formats through which access may be obtained and their associated costs, as well of the possibility of taking notes, copying extracts, including at the discretion of the Public Authority, the possibility of photographing the material with a phone or hand held camera.

(2) Excepting the situations mentioned in Rules 5, and 6, the prescribed fee should be paid in full before access to the material is given to the citizen making the request.

9. **Proactive Disclosure:** (1) The Reports submitted by the Ministers pursuant to Section 8 of the Act and Public Authorities pursuant to Section 10 of the Act shall be publicly available for inspection free of charge and for free downloading from a website, and copies, including electronic copies, provided to a citizen making the information request in accordance with the Fees prescribed in the above Rules.

(2) A Minister who is implementing a project should pursuant to Section 9 of the Act make publicly available all material relating to the project. Such material, shall be publicly available for inspection free of charge and for free downloading from a website, and copies provided to the citizen making the request in accordance with the Fees prescribed in the above Rules.

10. **Appeals regarding Fees:** (1) If the citizen making the request is of the opinion that the Fee charged by the Information Officer is in excess to the amount properly required he/she may appeal to the Designated Officer within fourteen days of being informed by the Information Officer of the fee payable as per Section 31 of the Act using the format prescribed in the RTI regulations.

- (2) If the citizen making the request is not satisfied with the decision of the Designated Officer, he/she may within two months of the decision appeal to the Commission following the Appeal procedure prescribed in Section 32 of the Act and relevant Rules thereto.
- (3) The making of an appeal to the Designated Officer and/ or Commission does not require the payment of a fee. Appeal forms are to be issued free of charge.

**11. Exemption of Fee Charge upon Successful Appeal:**

If a citizen making an information request is successful in an Appeal either to the Designated Officer or the Commission, the information requested by the citizen making the request should be provided free of charge.

**12. Reimbursement of Fees:**

The Commission may, in accordance with Section 15 (g) of the Act, direct a Public Authority to reimburse any Fees charged to a citizen making a request where any information is not provided within the time period specified in the Act.

**Form and Manner of Appeals to the Commission**

**13. Appeal to the Commission:**

- (1) Any Appellant who is aggrieved with the decision of the Designated Officer, or by a failure to obtain a decision from that officer within the prescribed time limit set out in the Act, may appeal to the Commission by furnishing the information required in the sample Form annexed to these Rules (Annexure 1).
- (2) The Appeal shall be lodged in the office of the Commission, and can be delivered in person or through registered post.
- (3) An Appeal in accordance with sub-rule (1) shall normally be required to be made within two months of the grounds for the Appeal, as specified in that sub-rule, having arisen.
- (4) Such Appeal shall be accompanied by the following documents duly verified as true copies by the Appellant;
  - (i) A copy of the request for information submitted under Section 24 of the Act
  - (ii) A copy of the reply, if any, received from the Information Officer
  - (iii) A copy of the appeal made to the Designated Officer under Section 31 of the Act
  - (iv) A copy of the order, if any, received by the Designated Officer
  - (v) Copies of other documents relied upon by the Appellant and referred to in his or her appeal along with an index of the documents referred to in the Appeal
- (5) An Appeal must be filed by the Appellant in duplicate.
- (6) The Commission may not ordinarily admit an Appeal unless the conditions set out in sub-rules (1 – 5) have been met.
- (7) The Commission may, admit the appeal after the two-month period specified in sub-rule (3) where the Appellant was prevented by a reason beyond his or her control from filing the appeal in time.

**14. Making of the Appeal:**

Where the aggrieved party is unable due to any reason to make an appeal under Section 32 of the Act, as the case may be, such Appeal may be made by a person duly authorized in writing by the aggrieved party to prefer the same.

**15. No Dismissal on Technical Grounds:**

- (1) Notwithstanding anything to the contrary above, any writing complying with the requirements of Rule 13 addressed to the Commission and signed by an Appellant containing the information set out in the sample Form annexed to these Rules (Annexure 1) shall constitute a valid Appeal.

(2) No receipt of an Appeal shall be dismissed purely on technical grounds.

**16. Receipt of an Appeal:**

- (1) Upon the receipt of an Appeal, the Commission shall forthwith issue an acknowledgement in writing thereof to the Appellant, indicating the Appeal Number assigned to such Appeal.
- (2) There shall be a Register of Appeals maintained by the Right to Information Commission in the Form annexed to these Rules (Annexure 2) where such Appeals shall be entered in the chronological order in which they are received.

**17. Return of Appeal:** (1) An appeal to the Commission may be returned to the Appellant if the Appeal fails to provide the requisite information or is otherwise substantially deficient. The Commission shall specify the deficiency(ies) and the date by which the Appellant can submit the amended appeal.

- (2) The return of an Appeal for specified deficiencies in terms of sub-rule (1) shall be effected as expeditiously as possible, through hand delivery, registered post with acknowledgement due or service by electronic mail where the electronic address is available with acknowledgement due.
- (3) All such Appeals categorised as deficient shall be given a number and listed by Appeal Number as Deficient Appeals maintained by the Commission in the Register of Deficient Appeals according to the Format annexed to these Rules (Annexure 3), where such Deficient Appeals shall be entered in the chronological order in which they are received.

Provided that the above said entry of a Deficient Appeal may be cancelled upon the said deficiencies being cured by the Appellant in accordance with this Rule at which point, the Appeal will be transferred to the above stated Register of Appeals.

**18. Initial Assessment:** (1) On receipt of an Appeal, if the Commission is **not** satisfied that it is a fit case to proceed with, the Commission may thereupon call upon the Appellant and/ or the Public Authority and/or other relevant parties to show cause within seven days of the receipt of the Appeal as to why the Appeal should not be dismissed through the Notice annexed to these Rules (Annexures 4 & 5). After the expiration of the said period of seven days, the Commission shall make an appropriate order recording its reasons

Provided that no Appeal shall be dismissed only on the ground that it has not been made in the specified format.

- (2) The Commission may not ordinarily consider an Appeal unless it is satisfied that the Appellant has filed an appeal before the Designated Officer and:
  - (i) the Designated Officer or any other had made a final order on the Appeal; or
  - (ii) no final order has been made by the Designated Officer on the Appeal, and a period of 3 weeks from the date on which such Appeal was preferred has elapsed.
- (3) Where the Commission is satisfied, upon proceeding to act under sub-rule (1) above, that it is a fit case to proceed with, the Commission may decide to hear the Appeal by either a Documentary Proceeding or an In- person hearing in accordance with Rule 19 or Rule 20 of these Rules.

**19. Documentary Proceedings:** Where an Appeal is not dismissed on an initial assessment, the Commission may,

- (1) Decide to process the Appeal without an in-person hearing on the basis only of documentation, where the issues raised on the Appeal do not require the examination of parties in person.
- (2) Where an Appeal is to be dealt with according to the action in sub-rule (1), the Appellant shall be forthwith informed of this through the Notice annexed to these Rules (Annexure 4) and:
  - (i) the Public Authority whose decision is being appealed against shall be forthwith informed of the Appeal and shall be forwarded a copy of the Appeal and any supporting documents lodged by the Appellant;

- (ii) where the matter involves a third party(ies), that third party(ies) shall, forthwith and as far as this is practical, be informed about the Appeal and be provided with a copy of the Appeal and any supporting documents lodged by the Appellant.
  - (3) The Commission shall require the Public Authority and /or other relevant third party (ies) to file its statement of objections against the Appeal with a copy thereof to be served simultaneously on the Appellant in such a manner as to reach the Commission and the Appellant within seven days of being notified as per sub-rule (2) above.
  - (4) All parties are required to submit their written submissions (if any) on the matter at least seven days before the date of consideration of the Appeal on documentation.
  - (5) The Commission may by notice require the parties to supply such additional information or documents relating to the appeal as it deems necessary, including any information claimed by the Public Authority to be exempt in accordance with Section 5 of the Act, and, where necessary, the Commission shall take the required steps to ensure the confidentiality of any such information. (Annexures 4 & 5)
  - (6) In the absence of any written submission and/ or such additional information, the Commission will make its decision on the material available.
  - (7) The Commission shall provide the parties with written notice of its decision with reasons, issued under the seal of the Commission, duly authenticated by the Commission.
  - (8) Where any party(ies) wishes to raise an objection to the hearing of the matter through documentation, the Commission may allow such party(ies) to make representations in that regard and record such objection but may, in its discretion and for reasons stated, decide to proceed with the hearing in terms of this Rule.
20. **In-person hearings:** (1) An Appeal that is being dealt with through an in-person hearing, shall be heard by the Commission.
- (2) For an Appeal under sub-rule (1) above, the Commission shall inform the Appellant through the Notice annexed to these Rules (Annexure 4) and give the Public Authority and where applicable, any third party(ies) seven days notice to file documents and written submissions (if any) in opposition to the Appeal (Annexure 5).
  - (3) In the event of the Public Authority and/ or third party (ies) electing to file documents and written submissions (if any) as per sub-rule (2), the Appellant shall simultaneously be provided with a copy of such documents.
  - (4) The Appellant shall file his or her Written Submission at least seven days before the date of hearing.
  - (5) The Commission may require the parties to supply such additional information or documents relating to the Appeal as it deems necessary, including any information claimed by the Public Authority to be exempt in accordance with Section 5 of the Act, and, where necessary, the Commission shall take the required steps to ensure the confidentiality of any such information.
  - (6) (i) The Commission shall-
    - (a) fix a date, time and place for the hearing of an Appeal; and
    - (b) cause to be served a notice of hearing (in the format annexed to these Rules) (Annexures 4 & 5), informing the parties of the date, time and place so fixed.(ii) A notice of hearing shall be served so as to reach the parties not less than two weeks before the date of the hearing (hereinafter called the hearing date).
  - (7) Any party may inspect any document provided by any other party at the premises of the Commission subject to restrictions placed on confidential information supplied by a Public Authority.

- (8) The Commission may, on the date scheduled for a hearing, proceed to hear and determine the Appeal notwithstanding that any of the parties fail to appear in person.
- (9) Subject to sub-rule (10), the Commission may, before the conclusion of its hearing:
- (i) adjourn the proceedings; and
  - (ii) set another date for continuation.
- (10) On the date of the hearing of the Appeal, no postponement or adjournment shall be granted upon the application of a party, unless, for reasons recorded the Commission is of the opinion that an adjournment is necessary to meet the ends of justice.
- (11) The Commission may decide the matter within thirty days of having received the Appeal, and shall provide the parties with written notice of its decision with reasons, issued under the seal of the Commission duly authenticated by the Commission.

21. The Commission may, at its discretion, in deciding an Appeal,

- (i) receive oral or written evidence on oath or on affidavit from any party, including the Appellant, the Information Officer, the Designated Officer and/or any third party(ies);
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officers further details or facts;
- (iv) require any person to appear before the Commission; and
- (v) hold an inquiry at its discretion in accordance with these Rules and the Rules on Inquiry prescribed by the Commission.

22. **Presence of the Appellant before the Commission:** The Appellant may be present in person or through his or her duly authorised representative or through video conferencing, if the facility of video conferencing is available at the time of the hearing.

23. **Representation of the Public Authority and/ or Third Party(ies) (if any):** (1) The Public Authority shall authorize the Information Officer, and/or the Designated Officer to represent the Public Authority.

Provided that the Commission may, for reasons recorded, exceptionally permit the Public Authority to be represented through a duly authorised representative or through video conferencing if the facility of video conferencing is available at the time of the hearing.

(2) The third party (ies) (if any) shall be represented by himself/ herself/ themselves before the Commission.

Provided that the Commission may, for reasons recorded, exceptionally permit the third party (ies) to be represented through a duly authorised representative or through video conferencing if the facility of video conferencing is available at the time of the hearing.

24. **Burden of Proof:** In a hearing before the Commission the burden of proof is on the Public Authority to show that it has acted in compliance with the Act.

25. **Service of notice by Commission:** The Commission shall issue notices by name, which shall be served in any of the following modes:

- (i) service by the party itself;
- (ii) service by hand delivery;
- (iii) service by registered post with acknowledgement due;
- (iv) service by electronic mail where the electronic address is available with acknowledgement due.

26. **Matters Arising During Appeal for Inquiry:**

- (1) Where the Commission deems it appropriate, it may, in deciding an Appeal, hold an inquiry as to whether an officer or officers of a Public Authority has committed *inter alia* any of the following actions;
  - (a) Disciplinary or penal actions specified in Sections 38 (1), 39 (1) (a) – (f) and 39 (2) of the Act;
  - (b) Failed to comply with the mandatory duty specified in Section 35 of the Act which requires every officer in any Public Authority giving a decision which affects any person in any way, to disclose to that person in writing, the reasons for arriving at such decision on a request made in that behalf by the person concerned;
  - (c) Imposed any punishment, disciplinary or otherwise on an officer or employee of a Public Authority for releasing or disclosing any information which is permitted to be released or disclosed under the Act in contravention of Section 40 of the Act.
- (2) The above stated inquiry shall be held in accordance with these Rules and the Rules on Inquiry prescribed by the Commission.

27. **Decision of the Commission:** (1) In deciding an Appeal, the Commission may in affirming, varying or reversing the decision appealed against and forwarding the request back to the Information Officer concerned for necessary action in terms of Section 32(1) of the Act, make *inter alia*, the following orders:

- (a) Order the Public Authority to provide access to the requested information, where relevant in a particular form;
  - (b) Order the Public Authority to reimburse any Fees received from a citizen making a request, on the basis that the request was not processed within the time limits established by the Act;
  - (c) Direct better records management on the part of the Public Authority;
  - (d) Direct greater proactive disclosure obligations to be adhered to by the Public Authority;
  - (e) Direct enhanced training programmes to be conducted by a Public Authority for its officers and/or employees;
  - (f) Bring the matter to the notice of the appropriate disciplinary authority in terms of recommended disciplinary action consequent to which the said disciplinary authority shall inform the Commission of the steps taken in that regard within one month of the said notification in terms of Section 38(2) of the Act;
  - (g) Decide to institute a prosecution under the Act upon ascertaining that an offence has been committed in terms of Section 39 of the Act; or-
  - (h) Reject the Appeal.
- (2) The Commission shall, provide its decision to all parties to the Appeal free of charge and subsequent copies may be obtained on payment of reproduction charges.
  - (3) All parties to the Appeal will be notified of the Commission's decision as soon as possible and be sent the written decision through registered post.
  - (4) Once the Commission pronounces a decision on an Appeal, such decision shall be published on the Commission's website, provided that in exceptional cases certain information may be redacted from the decision to protect information which is exempt by virtue of Section 5 of the Act.

28. **Record of the Proceedings:** The Commission in the course of hearing an Appeal shall cause to be maintained through the Director-General and/or other officers a written record of its proceedings.

29. **Preservation of Documentation:** (1) All documentation submitted in the course of an Appeal to the Commission shall be filed of record and kept under the direction of the Commission.

- (2) The Commission may order that the books, papers or other exhibits produced or used at a hearing shall be retained by the Commission until the time for appealing the decision has expired and, if notice of Appeal is given, until the Appeal is heard or otherwise disposed of.

30. **Withdrawal:** (1) The Appellant, while an Appeal is pending, may at any time withdraw the Appeal by forwarding to the Commission a memorandum in writing with reasons stated signed by himself / herself a copy of which is served on the other party(ies), and the Commission shall forthwith inform every other party of the withdrawal.
- (2) The Commission may, at its discretion, on being satisfied that the application for withdrawal was made by the Appellant permit the Appellant to explain to the Commission the circumstances which led to the withdrawal of the Appeal (if necessary, *in camera*).
- (3) If the Commission is satisfied with the reasons stated for withdrawal in sub-rules (1) and (2) above, it shall allow the withdrawal of the Appeal.
- (4) If the Commission is not satisfied with the reasons stated in sub-rule (1), it shall make an appropriate order as it deems fit.
31. **Fees:** An appeal to the Commission is exempt from the payment of a fee.
32. **Further Appeal:** Any party dissatisfied with the decision of the Commission may appeal to the Court of Appeal within one month of becoming aware of the said decision in accordance with Section 34 of the Act.
33. The Commission shall conduct an Appeal hearing under the Act in open or closed (*in camera*) proceedings at its discretion, having regard to the need to protect information which is exempt by virtue of Section 5 of the Act and any other relevant confidentiality interests.

*Annexure I*

**Format of Appeal**

**Appeal to the RTI Commission**

RTI Commission,

.....  
 .....

**Appeal Form**

01. Name of Person Appealing: .....
02. Address: .....
03. Contact Number (if any): .....
04. E-mail Address (if any): .....
05. Name, Address and Contact details of authorized representative (if any): .....
06. Name of Public Authority concerned:.....
07. Name, Address and Contact Details of Information Officer concerned: .....
08. Date request made to Information Officer  
and Registration Number : .....
- (Attach copy of request)
09. Did you receive a reply from the Information Officer ? Yes/No: .....
- (If Yes, attach copy of reply)
10. Date of receipt of decision from the Information Officer: .....
11. Name, Address and Contact Details of Designated Officer whose decision is appealed against: .....
12. Date Appeal made to Designated Officer and Appeal Number:.....
13. Did you receive a decision from the Designated Officer? Yes/No: .....
- (If Yes, attach copy of decision)
14. Date of receipt of decision from the Designated Authority: .....
15. Grounds of Appeal :.....



.....  
 .....  
 .....  
 .....

16. Information Requested on Appeal (Details, Duration, and Subject):.....
17. Decision requested: .....
18. If the Appeal has not been submitted within the specified time period, cause of delay [Section 32(2)]:.....
19. Whether any previous Appeal in respect of this same matter has been preferred to the Commission?
20. Any other details (including if the request for information concerns the life and liberty of a citizen) :  
 .....
21. List of the Documents attached : .....

Date : .....  
 Signature:

**Annexure 2**

**Register of Appeals**

Appeal No.	Date Appeal Registered	Name & Address of Appellant	Name & Designation of the Information Officer to whom a request was made under s. 24 of the Act	Name & Designation of Designated Officer to whom appeal was made under s. 31 of the Act	Date of decision & Decision of Information Officer	Date of Decision & Decision of Designated Officer	Name of Commissioner/s examining the Appeal	Remarks

**Annexure 3**

**Register of Deficient Appeals to the RTI Commission**

Appeal No.	Date of Receipt of Defective Appeal	Name & Address of Appellant	Brief description of defect in the appeal as pointed out to Appellant	Date of return of Appeal	Mode of return of Appeal	Remarks

**Annexure 4**

**Right to Information Commission**

**Notice to the Appellant**

Appeal Registration Number: .....

.....  
Vs.  
.....

From: Right to Information Commission,  
Colombo.

To : .....  
.....  
.....

Whereas an appeal has been presented by..... resident of ..... (address) and has been registered in this Commission as above;

And whereas the aforesaid appeal is being considered/heard by the Commission at ..... (location of hearing)

And whereas consideration/hearing on the aforesaid appeal shall be conducted on the ..... of .....20.....

Now therefore it is hereby ordered as under; (Note: Delete from the below that portion which is not applicable):

- You are summoned to appear before the aforesaid Information Commissioner/s in person (or through an authorized representative) or through video-conferencing (if the facility is available), on the aforesaid date of hearing at .....am/pm (time) to participate in the hearing on the above appeal under Rule 20 of the Commission's Rules on Appeals. You are directed to file your Written Submissions (if any) before the Commission at least seven days before the aforesaid date of hearing. The relevant Public Authority and/or any relevant third party(ies) have been directed to serve their statement of objections and/or other documentation relied on to you within seven days of being notified of the same by the Commission.
- The appeal will be heard by way of documentary proceedings under Rule 19 of the Commission's Rules on Appeals. You are directed to submit the Written Submissions to be relied upon (if any) to reach the aforesaid Information Commissioner/s at least seven days before the aforesaid date of consideration of the documentation. The relevant Public Authority and/or any relevant third party(ies) have been directed to serve their statement of objections and/or other documentation relied on to you within seven days of being notified of the same by the Commission.
- The Appeal will be heard by way of Initial Assessment under Rule 18 of the Commission's Rules on Appeals. You are directed to show cause within seven days of this Notice as to why the Appeal should not be dismissed.
- You are directed to produce the following documents/ things before the aforesaid Information Commissioner/s on the aforesaid date of hearing/consideration:

.....  
.....

Take notice that in default of your appearance on the above mentioned date, the appeal may be heard and determined in your absence.

Date:

.....  
For and on Behalf of the  
Right to Information Commission

**Annexure 5**

**Right to Information Commission**

**Notice to the Public Authority and/or Third Parties**

Appeal Registration Number: .....

.....  
Vs.  
.....

From: Right to Information Commission,  
Colombo.

To: .....  
.....  
.....

Whereas an appeal has been presented by..... resident of ..... (address) and has been registered in this Commission as above;

And whereas the aforesaid appeal is being considered/heard by the Commission at ..... (location of hearing)

And whereas consideration/hearing on the aforesaid appeal shall be conducted on the .....of.....,20.....

Now therefore it is hereby ordered as under; (Note: Delete from the below that portion which is not applicable):

- You are summoned to appear before the aforesaid Information Commissioner/s in person, on the aforesaid date of hearing at .....am/pm (time) to participate in the hearing on the above appeal under Rule 20 of the Commission's Rules on Appeals. A copy of the aforesaid Appeal with supporting documents (if any) is annexed and you are directed to submit the statement of objections and/or other documentation/a list of documents (no. of copies) and the Written Submissions (if any) relied upon by you to simultaneously reach the aforesaid Information Commissioner/s and the Appellant at least seven days of the receipt of this Notice. You may be exceptionally permitted, at the Commission's discretion to be represented through a duly authorised representative or avail yourselves of video conferencing (if the facility of video conferencing is available at the time of the hearing).
- The appeal will be heard by way of documentary proceedings under Rule 19 of the Commission's Rules on Appeals. A copy of the aforesaid Appeal with supporting documents if any is annexed and you are directed to submit the statement of objections and/or other documentation documents/ a list of documents (no. of copies) relied upon by you in such a manner as **to simultaneously reach the Commission and the Appellant within seven days of the**

**receipt of this Notice and submit Written Submissions (if any) seven days** before the aforesaid date of consideration of the documentation.

- The appeal will be heard by way of Initial Assessment under Rule 18 of the Commission’s Rules on Appeals. You are directed to file any documents if required in response to the Appeal within seven days of the receipt of this Notice.
- You are directed to produce the following documents/ things before the aforesaid Information Commissioner/s on the aforesaid date of hearing/consideration:

.....  
.....

Take notice that in default of your appearance on the above mentioned date, the appeal may be heard and determined in your absence.

Date:

.....  
For and on Behalf of the  
Right to Information Commission

### **Right To Information Act, No. 12 of 2016**

#### **Rules**

IN terms of powers vested me under sub section 02 of the section 42 of the Right to information Act, No. 12 of 2016, it is hereby, declared approval of the rules given below, made by the the Right to Information Commission under the powers of the Section 42 of the above Act.

GAYANTHA KARUNATHILAKE,  
Minister of Parliamentary Reforms and Mass Media.

At the Ministry of Parliamentary Reforms and Mass Media,  
No. 163, Kirulapone Mawatha,  
Polhengoda,  
Colombo 05,  
01st February, 2017.

02 - 728/2

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය  
අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka  
EXTRAORDINARY

අංක 2002/42 - 2017 ජනවාරි මස 20 වැනි සිකුරාදා - 2017.01.20  
No. 2002/42 - FRIDAY, JANUARY 20, 2017

(Published by Authority)

**PART I : SECTION (I) — GENERAL**

**Government Notifications**

**DATE OF ENFORCEMENT OF THE RIGHT TO INFORMATION ACT, No. 12 OF 2016**

IN terms of powers vested in me under Sub-section 03 of the section 01 to be read with Section 02 of the Right to Information Act, No 12 of 2016, it is hereby ordered that provisions of all Sections which was not mentioned in Section 1 (2) of the aforesaid Act should be enforced in relation to following Public Authorities with effect from 03<sup>rd</sup> February, 2017.

GAYANTHA KARUNATHILAKE,  
Minister of Parliamentary Reforms and Mass Media.

At the Ministry of Parliamentary Reforms and Mass Media,  
163, Kirulapone Avenue, Polhengoda,  
Colombo 05,  
05<sup>th</sup> January, 2017.

**Public Authorities;**

- (a) a Ministry of the Government;
- (b) any body or office created or established by or under the Constitution, any written law, other than the Companies Act, No. 7 of 2007, except to the extent specified in paragraph (e), or a statute of a Provincial Council;
- (c) a Government Department;



- (d) a public corporation;
- (e) a company incorporated under the Companies Act, No. 7 of 2007, in which the State, or a public corporation or the State and a public corporation together hold twenty five *per centum* or more of the shares or otherwise has a controlling interest;
- (f) a local authority;
- (g) a private entity or organisation which is carrying out a statutory or public function or service, under a contract, a partnership, an agreement or a license from the government or its agencies or from a local body, but only to the extent of activities covered by that statutory or public function or service;
- (h) any department or other authority or institution established or created by a Provincial Council;
- (i) non-governmental organisations that are substantially funded by the government or any department or other authority established or created by a Provincial Council or by a foreign government or international organisation, rendering a service to the public in so far as the information sought relates to the service that is rendered to the public;
- (j) higher educational institutions including private universities and professional institutions which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;
- (k) private educational institutions including institutions offering vocational or technical education which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;
- (l) all courts, tribunals and institutions created and established for the administration of justice;



**PARLIAMENT OF THE DEMOCRATIC  
SOCIALIST REPUBLIC OF  
SRI LANKA**

---

**RIGHT TO INFORMATION  
ACT, No. 12 OF 2016**

---

[Certified on 04th August, 2016]

*Printed on the Order of Government*

---

Published as a Supplement to Part II of the **Gazette of the Democratic  
Socialist Republic of Sri Lanka** of August 05, 2016.

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

**Price : Rs. 21.00**

**Postage : Rs. 20.00**

*Right to Information Act, No. 12 of 2016*

[Certified on 04th August, 2016]

L.D.—O. 4/2015

AN ACT TO PROVIDE FOR THE RIGHT OF ACCESS TO INFORMATION; TO SPECIFY GROUNDS ON WHICH ACCESS MAY BE DENIED; TO ESTABLISH THE RIGHT TO INFORMATION COMMISSION; TO APPOINT INFORMATION OFFICERS; TO SET OUT THE PROCEDURE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS the Constitution guarantees the right of access to information in Article 14A thereof and there exists a need to foster a culture of transparency and accountability in public authorities by giving effect to the right of access to information and thereby promote a society in which the people of Sri Lanka would be able to more fully participate in public life through combating corruption and promoting accountability and good governance.

Preamble.

BE it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

**1.** (1) This Act may be cited as the Right to Information Act, No. 12 of 2016.

Short title and date of operation.

(2) The provisions of this section, Part IV, sections 23, 36, 40, 41, 42, 43 and 44 shall come into operation on the date on which the certificate is endorsed in respect of this Act in terms of Article 79 of the Constitution.

(3) The provisions of all other sections of this Act, shall come into operation in respect of such public authorities or categories of public authorities and on such dates as may be prescribed by the Minister by Order published in the *Gazette*:

Provided however, that the dates so prescribed shall be at least six months after the certification referred to in subsection (2) above, and that all provisions of this Act shall be applicable to all public authorities no later than one year of such certification.



2 *Right to Information Act, No. 12 of 2016*

Responsibility to ensure effective implementation.

2. It shall be the responsibility of the Ministry of the Minister assigned the subject of mass media to ensure the effective implementation of the provisions of this Act.

PART I

APPLICATION OF THE PROVISIONS OF THE ACT

Right of access to information.

3. (1) Subject to the provisions of section 5 of this Act, every citizen shall have a right of access to information which is in the possession, custody or control of a public authority.

(2) The provisions of this Act, shall not be in derogation of the powers, privileges and practices of Parliament.

Provisions of this Act to prevail over other written law.

4. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail.

PART II

DENIAL OF ACCESS TO INFORMATION

When right of access may be denied.

5. (1) Subject to the provisions of subsection (2) a request under this Act for access to information shall be refused, where—

- (a) the information relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the larger public interest justifies the disclosure of such information or the person concerned has consented in writing to such disclosure;

- (b) disclosure of such information–
  - (i) would undermine the defence of the State or its territorial integrity or national security;
  - (ii) would be or is likely to be seriously prejudicial to Sri Lanka's relations with any State, or in relation to international agreements or obligations under international law, where such information was given by or obtained in confidence;
- (c) the disclosure of such information would cause serious prejudice to the economy of Sri Lanka by disclosing prematurely decisions to change or continue government economic or financial policies relating to-
  - (i) exchange rates or the control of overseas exchange transactions;
  - (ii) the regulation of banking or credit;
  - (iii) taxation;
  - (iv) the stability, control and adjustment of prices of goods and services, rents and other costs and rates of wages, salaries and other income; or
  - (v) the entering into of overseas trade agreements;
- (d) information, including commercial confidence, trade secrets or intellectual property, protected under the Intellectual Property Act, No. 36 of 2003, the disclosure of which would harm the competitive position of a third party, unless the public authority is satisfied that larger public interest warrants the disclosure of such information;

4 *Right to Information Act, No. 12 of 2016*

- (e) the information could lead to the disclosure of any medical records relating to any person, unless such person has consented in writing to such disclosure;
- (f) the information consist of any communication, between a professional and a public authority to whom such professional provides services, which is not permitted to be disclosed under any written law, including any communication between the Attorney General or any officer assisting the Attorney General in the performance of his duties and a public authority;
- (g) the information is required to be kept confidential by reason of the existence of a fiduciary relationship;
- (h) the disclosure of such information would-
  - (i) cause grave prejudice to the prevention or detection of any crime or the apprehension or prosecution of offenders; or
  - (ii) expose the identity of a confidential source of information in relation to law enforcement or national security, to be ascertained;
- (i) subject to the provisions of section 29(2)(c), the information has been supplied in confidence to the public authority concerned by a third party and the third party does not consent to its disclosure;
- (j) the disclosure of such information would be in contempt of court or prejudicial to the maintenance of the authority and impartiality of the judiciary;
- (k) the disclosure of such information would infringe the privileges of Parliament or of a Provincial Council as provided by Law;

- (l) disclosure of the information would harm the integrity of an examination being conducted by the Department of Examination or a Higher Educational Institution;
- (m) the information is of a cabinet memorandum in relation to which a decision has not been taken; or
- (n) the information relates to an election conducted by the Commissioner of Elections which is required by the relevant election laws to be kept confidential.

(2) Notwithstanding the provisions of subsection (1), a request for information shall not be refused on any of the grounds referred to therein, other than the grounds referred to in paragraphs (a), (b), (d), (e), (f), (g), (h) and (j) of that subsection, if the information requested for is over ten years old.

(3) Any information relating to any overseas trade agreement referred to in subsection (1) (c) (v) of this section, where the negotiations have not concluded even after a lapse of ten years shall not be disclosed.

(4) Notwithstanding the provisions of subsection (1), a request for information shall not be refused where the public interest in disclosing the information outweighs the harm that would result from its disclosure.

(5) An information officer may seek the advice of the Commission, with regard to an issue connected with the grant of access to any information which is exempted from being disclosed under subsection (1), and the commission may as expeditiously as possible and in any event give its advice within fourteen days.

Severability  
under certain  
circumstances.

**6.** Where a request for information is refused on any of the grounds referred to in section 5, access shall nevertheless be given to that part of any record or document which contains any information that is not exempted from being disclosed under that section, and which can reasonably be severed from any part that contains information exempted from being disclosed.

### PART III

#### DUTIES OF MINISTERS AND PUBLIC AUTHORITIES

Public  
authorities to  
maintain and  
preserve its  
records.

**7.** (1) It shall be the duty of every public authority to maintain all its records duly catalogued and indexed in such form as is consistent with its operational requirements which would facilitate the right of access to information as provided for in this Act.

(2) In discharging its obligations under subsection (1), every public authority shall comply with any direction given by the Commission under section 14(h).

(3) All records being maintained by every public authority, shall be preserved—

(a) in the case of those records already in existence on the date of coming into operation of this Act, for a period of not less than ten years from the date of coming into operation of this Act; and

(b) in the case of new records which are created after the date of coming into operation of this Act, for a period of not less than twelve years from the date on which such record is created.

(4) No record or information which is the subject matter of a request made under this Act, shall be destroyed during the pendency of such request or any appeal or judicial proceeding relating to such request.

(5) Notwithstanding the provisions of subsection (2), every public authority shall endeavor to preserve all its records in electronic format within a reasonable time, subject to the availability of resources.

**8.** (1) It shall be the duty of every Minister to whom any subject has been assigned to publish biannually before the thirtieth of June and thirty first of December respectively of each year, a report in such form as shall be determined by the Commission as would enable a citizen to exercise the right of access to information granted under section 3 of this Act.

Ministers duty to publish a report.

(2) The report referred to in subsection (1) shall contain-

- (a) the particulars relating to the organisation, functions, activities and duties of the Ministry of such Minister and of all the public authorities falling within the functions so assigned;
- (b) the following particulars pertaining to the Ministry and the public authorities referred to in paragraph (a):-
  - (i) the powers, duties and functions of officers and employees and the respective procedures followed by them in their decision making process;
  - (ii) the norms set for the discharge of their functions, performance of their duties and exercise of their powers;
  - (iii) rules, regulations, instructions, manuals and any other categories of records, which are used by its officers and employees in the discharge of their functions, performance of their duties and exercise of their powers;

8 *Right to Information Act, No. 12 of 2016*

- (iv) the details of facilities available to citizens for obtaining information;
- (v) the budget allocated, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (vi) the name, designation and other particulars of the information officer or officers appointed.

(3) Notwithstanding the provisions of subsection (1), it shall be the duty of every Minister, within six months of the date of coming into operation of this Act, to publish in such form as may be determined by such Minister, a report containing the information referred to in paragraphs (a) and (b) of subsection (2).

(4) The reports referred to in subsections (1), (2) and (3) shall be-

- (a) published in the official languages and be made available in electronic form; and
- (b) made available for public inspection and copies of the same may be issued to a citizen, on the payment of such fee as shall be determined by the Commission.

For the avoidance of doubt it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under Chapter XVIIIA of the Constitution.

9. (1) (a) It shall be the duty of the Minister, to whom the subject pertaining to any project has been assigned, to communicate, three months prior to the commencement of such project, to the public generally, and to any particular persons who are likely to be affected by such project all information relating to the project that is available with the Minister, as on the date of such communication:

Duty of the Minister to inform public about the initiation of projects.

Provided however, in the event of an urgent project, information shall be provided one week prior to the commencement of such project and reasons for such urgency shall be communicated to the Commission.

(b) The Commission shall issue guidelines specifying the manner in which the communication referred to in paragraph (a) shall be made.

(2) (a) The Minister shall, on a written request made in that behalf by a citizen, make available updated information about a project referred to in subsection (1), throughout the period of its development and implementation.

(b) The information shall be made available on the payment of such fee, as shall be prescribed by the Commission for that purpose.

(3) For the purposes of this section, “project” means any project the value of which exceeds-

(a) in the case of foreign funded projects, one hundred thousand United States dollars; and

(b) in the case of locally funded projects, five hundred thousand rupees.

For the avoidance of doubt it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under Chapter XVIII A of the Constitution.



Duty of public authorities to submit reports etc.

**10.** Every public authority shall submit annual reports to the Commission before the thirty first day of December immediately succeeding the year to which the report relates which shall be made available to the public in its office and on its official website, furnishing information such as-

- (a) the total number of requests received during the year and information provided and rejected;
- (b) the amount of fees collected during the year;
- (c) the number of requests rejected under section 5;
- (d) the number of times information was provided at the direction of the Commission;
- (e) any suggestions for improving the effectiveness of the regime of transparency;
- (f) the number of appeals from refusal to communicate information;
- (g) practices relating to the maintenance, management and destruction of records; and
- (h) its activities under section 8.

#### PART IV

##### ESTABLISHMENT OF THE RIGHT TO INFORMATION COMMISSION

Establishment of the right to Information Commission.

**11.** (1) There shall be established for the purposes of this Act, a body called the Right to Information Commission (in this Act referred to as the “Commission”).

(2) The Commission shall by the name assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

**12.** (1) The Commission shall consist of five persons appointed by the President upon the recommendation of the Constitutional Council. In making such recommendations, the Constitutional Council shall recommend one person nominated by each of the following organisations or categories of organisations:-

Constitution of  
the Commission.

- (a) Bar Association of Sri Lanka which shall nominate an Attorney-at-Law of eminence or a Legal Academic in consultation with Attorneys -at-Law and Legal Academia;
- (b) organizations of publishers, editors and media persons;
- (c) other civil society organizations.

(2) (a) In making recommendations under subsection (1), the Constitutional Council shall ensure that the persons who are being recommended are persons who-

- (i) have distinguished themselves in public life with proven knowledge, experience and eminence in the fields of law, governance, public administration, social services, journalism, science and technology or management;
- (ii) are not Members of Parliament, any Provincial Council or a local authority;
- (iii) do not hold any public or judicial office or any other office of profit;
- (iv) are not connected with any political party; or
- (v) are not carrying on any business or pursuing any profession.

(b) In nominating persons for the consideration of the Constitutional Council the organizations referred to in subsection (1) shall ensure that the persons nominated meet

the criteria specified herein. In the event the Constitutional Council is of the opinion that the nominees do not meet the criteria set out herein fresh nominations shall be called for.

(3) The Constitutional Council shall make its recommendations under subsection (1), within one month of the date of coming into operation of this Act or the date of a vacancy arising in the Commission. In the event, any or all of the organisations concerned fail to make nominations within such period, the Constitutional Council shall make its own recommendations after the expiry of the said period. In the event any nominations are rejected the Constitutional Council shall make its own nominations if no acceptable nominations are resubmitted within two weeks from the rejection.

(4) Where a member of the Commission while holding such office becomes a Member of Parliament, any Provincial Council or a local authority or appointed to any public or judicial office or an office bearer of any political party such member shall cease to be a member of the Commission on such appointment.

(5) The President shall nominate one of the members appointed to the Commission to be its Chairperson.

(6) The members of the Commission shall hold office for a period of five years.

(7) A member of the Commission shall not disclose any information that cannot be disclosed under the provisions of this Act.

(8) The provisions of the Schedule to this Act shall apply to and in respect of the members of the Commission and the conduct of its meetings.

- 13.** (1) The Commission shall appoint-
- (a) a Director-General who shall be the Chief Executive Officer of the Commission;
  - (b) such officers and other employees as it considers necessary.
- Appointment of officers and employees of the Commission.

(2) The Director-General shall be responsible for the general supervision, direction and management of the affairs of the Commission and exercise disciplinary control over the officers and employees of the Commission.

(3) The Director-General and other officers and employees appointed under subsection (1), shall be subject to such terms and conditions of service as shall be determined by the Commission and be paid such remuneration as determined by the Commission in consultation with the Minister assigned the subject of Finance.

- 14.** The duties and functions of the Commission shall be, to –
- (a) monitor the performance and ensure the due compliance by public authorities, of the duties cast on them under this Act;
  - (b) make recommendations for reform both of a general nature and those in regard to any specific public authority;
  - (c) issue guidelines based on reasonableness, for determining fees to be levied by public authorities for the release of any information under this Act;
  - (d) prescribe the circumstances in which information may be provided by an information officer, without the payment of a fee;
  - (e) prescribe the fee Schedule based on the principle of proactive disclosure, in regard to providing information;
- Duties and functions of the Commission.

14 *Right to Information Act, No. 12 of 2016*

- (f) co-operate with or undertake training activities for public officials on the effective implementation of the provisions of this Act;
- (g) publicise the requirements of this Act and the rights of individuals under the Act;
- (h) issue guidelines for the proper record management for public authorities.

Powers of the Commission.

**15.** For the purpose of performing its duties and discharging of its functions under this Act, the Commission shall have the power-

- (a) to hold inquiries and require any person to appear before it;
- (b) to examine such person under oath or affirmation and require such person where necessary to produce any information which is in that person's possession, provided that the information which is exempted from disclosure under section 5 shall be examined in confidence;
- (c) to inspect any information held by a public authority, including any information denied by a public authority under the provisions of this Act;
- (d) to direct a public authority to provide information, in a particular form;
- (e) to direct a public authority to publish any information withheld by a public authority from the public, subject to the provisions of section 5;
- (f) to hear and determine any appeals made to it by any aggrieved person under section 32; and
- (g) to direct a public authority or any relevant information officer of the authority to reimburse fees charged from a citizen due to any information requested for not been provided in time.

**16.** (1) The Commission shall have its own Fund into which shall be credited- Fund of the Commission.

(a) all such sums of money as may be voted upon from time to time by Parliament for the use of the Commission; and

(b) donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka.

(2) Where any money is received by way of donations, gifts or grants under subsection (1)(b), the sources and purpose for which such donation, grant or gift was made available shall be made public.

(3) There shall be paid out of the Fund all such sums of money required to defray the expenditure incurred by the Commission in the exercise, discharge and performance of its powers, duties and functions.

**17.** (1) The financial year of the Commission shall be the calendar year. Financial year and audit of accounts.

(2) The Commission shall cause proper books of accounts to be maintained of the income and expenditure and all other transactions of the Commission.

(3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Commission.

**18.** The provisions of Part II of the Finance Act, No. 38 of 1971 shall, *mutatis mutandis* apply to the financial control and accounts of the Commission. Part II of the Finance Act, No. 38 of 1971 to apply.

**19.** The members and officers and all other employees of the Commission shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19) and every inquiry held by the Commission under this Act shall be deemed to be a judicial proceeding within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979. Members etc, of the Commission deemed to be public servants.

Application of the Bribery Act.

**20.** The Commission shall be deemed to be a scheduled institution within the meaning of the Bribery Act (Chapter 26) and the provisions of that Act shall be construed accordingly.

Expenses incurred in any suit or prosecution.

**21.** Any expenses incurred by any member, officer or employee of the Commission in any suit or prosecution brought by or against such person before any court in respect of any act or omission which is done or purported to be done by such person in good faith for the purpose of carrying out the provisions of this Act shall, if the court holds that such act or omission was done in good faith, be paid out of the fund of the Commission unless such expenses are recovered by him in such suit or prosecution.

Procedural requirements to be published.

**22.** The Commission shall within six months of its establishment, formulate and give adequate publicity to the procedural requirements for the submission of appeals to the Commission under section 32.

## PART V

### APPOINTMENT OF INFORMATION OFFICERS AND PROCEDURE FOR GAINING ACCESS TO INFORMATION

Appointment of Information officers and designated officers.

**23.** (1) (a) Every public authority shall for the purpose of giving effect to the provisions of this Act, appoint, within three months of the date of coming into operation of this Act, one or more officers as information officers of such public authority and a designated officer to hear appeals.

(b) Until such time that an information officer is appointed under paragraph (a) the Head or Chief Executive Officer of the public authority shall be deemed to be the information officer of such public authority, for the purposes of this Act.

(2) Every information officer shall deal with requests for information made to the public authority of which he or she has been appointed its information officer, and render all necessary assistance to any citizen making such request to obtain the information.

(3) The Information Officer may seek the assistance of any other officer as he or she may consider necessary, for the

proper discharge of the duty imposed on him under this Act, and where assistance is sought from any such officer, it shall be the duty of such officer to provide the required assistance.

24. (1) Any citizen who is desirous of obtaining any information under this Act shall make a request in writing to the appropriate information officer, specifying the particulars of the information requested for:

Procedure for obtaining information.

Provided that where any citizen making a request under this subsection is unable due to any reason to make such request in writing, such citizen shall be entitled to make the request orally and it shall be the duty of the appropriate information officer to reduce such request to writing on behalf of the citizen.

(2) Where a citizen –

- (a) wishes to make a request to a public authority; or
- (b) has made a request to a public authority which does not comply with the requirements of this Act,

the information officer concerned shall take all necessary steps to assist the citizen, free of charge, to make the request in a manner that complies with this Act.

(3) On receipt of a request, an information officer shall immediately provide a written acknowledgement of the request to the citizen.

(4) Where an information officer is able to provide an immediate response to a citizen making a request and such response is to the satisfaction of the requester, the information officer shall make and retain a record of the request and the response thereto.

(5) A citizen making a request for information shall:–

- (a) provide such details concerning the information requested as is reasonably necessary to enable



the information officer to identify the information;

- (b) identify the nature of the form and language in which the citizen prefers access;
- (c) where the citizen making the request believes that the information is necessary to safeguard the life or liberty of a person, include a statement to that effect, including the basis for that belief; and
- (d) 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 or her.

(6) For the purpose of this section –

“writing” includes writing done through electronic means; and

“appropriate information officer” means the Information Officer appointed to the public authority from which the information is being requested for.

Decision on requests submitted under section 24.

**25.** (1) An information officer shall, as expeditiously as possible and in any case within fourteen working days of the receipt of a request under section 24, make a decision either to provide the information requested for on the payment of a fee determined in accordance with the fee schedule referred to in section 14(e) or to reject the request on any one or more of the grounds referred to in section 5 of this Act, and shall forthwith communicate such decision to the citizen who made the request.

(2) Where a decision is made to provide the information requested for, access to such information shall be granted within fourteen days of arriving at such decision.

(3) Where the request for information concerns the life and personal liberty of the citizen, the response to it shall be made within forty-eight hours of the receipt of the request.

(4) Notwithstanding the requirement made for the payment of a fee under subsection (1), the Commission may specify the circumstances in which information may be provided by an information officer, without the payment of a fee.

(5) The period of fourteen days referred to in subsection (2) for providing access to information may be extended for a further period of not more than twenty one days where-

- (a) the request is for a large number of records and providing the information within fourteen days would unreasonably interfere with the activities of the public authority concerned; or
- (b) the request requires a search for records in, or collection of records from, an office of the public authority not situated in the same city, town or location as the office of the information officer that cannot reasonably be completed within the fourteen days.

(6) Where a period for providing information is to be extended for any of the circumstances referred to in subsection (5), the information officer shall, as soon as reasonably possible, but in any case within fourteen days, notify the citizen concerned of such fact giving the following reasons:-

- (a) the period of the extension; and
- (b) reasons for the extension.

(7) A citizen who is dissatisfied with the reasons given under subsection (6) may lodge an appeal with the designated officer.

**26.** (1) Every public authority shall display in a conspicuous place within the official premises and on a website of such public Authority if any, a notice specifying-

- (a) contact details of the Commission and the members of the Commission;

Public authority to display details of information officers and fees to be charged.

- (b) contact details of the information officer;
- (c) contact details of the designated officer;
- (d) fees to be charged for obtaining any information from such public Authority.

(2) The fee referred to in subsection (1)(d), shall be determined in accordance with the fee scheduled formulated by the Commission under section 14(e).

Manner in which information is to be provided.

**27.** (1) Where decision has been made to grant a request for information, such information shall be provided in the form in which it is requested for, unless the information officer is of the view that providing the information in the form requested for would not be detrimental to the safety or preservation of the relevant document or record in respect of which the request was made.

(2) Where an information officer is unable to provide the information in the manner requested for, it shall be the duty of such officer to consult the citizen and render all possible assistance to the citizen to determine an appropriate alternative means of providing access to the information and to facilitate compliance with such request.

(3) Subject to the provisions of subsection (1), a citizen, whose request for information has been granted, is entitled to:—

- (a) inspect relevant work, documents, records;
- (b) take notes, extracts or certified copies of documents or records;
- (c) take certified samples of material;
- (d) obtain information in the form of diskettes, floppies, tapes, video cassettes or any other electronic mode or through printouts where such information is stored in a computer or in any other device.

**28.** Where a request for information is refused by an information officer, such officer shall specify the following information in the communication to be sent under section 25(1), to the citizen who made the request—

Refusal of a request to be communicated.

- (a) the grounds on which such request is refused; and
- (b) the period within which and the person to whom an appeal against such refusal may be preferred under section 32 of this Act.

**29.** (1) Where a request made to an information officer by any citizen to disclose information which relates to, or has been supplied by a third party and such information has been treated as confidential at the time the information was supplied, the information officer shall, within one week of the receipt of such request, invite such third party by notice issued in writing, to make representation for or against such disclosure, within seven days of the receipt of the notice.

Where information requested for was supplied by a third party.

(2) An information officer shall be required in making his decision on any request made for the disclosure of information which relates to or has been supplied by a third party, to take into consideration the representations made by such third party under subsection (1), and shall, where the third party—

- (a) does not respond to the notice, disclose information requested for;
- (b) responds to the notice and agrees to the disclosure of the information requested for, disclose such information;
- (c) responds to the notice and refuses to the disclosure of the information requested for, deny access to the information requested for:

Provided however, the Commission may on the application made in that behalf by the citizen making the request, direct the disclosure of the information in question notwithstanding any objections raised by such third party against its disclosure, where the release of the information concerned demonstrably outweighs the private interest in non disclosure.

Exemption from suit or prosecution.

**30.** No liability, whether civil or criminal, shall attach to any public authority or any information officer or any other officer of such public authority, for anything which in good faith is done by such officer in the performance or exercise of any function or power imposed or assigned to such officer under this Act.

## PART VI

### APPEALS AGAINST REJECTIONS

Appeals against a rejection of a request.

- 31.** (1) Any citizen who is aggrieved as a result of—
- (a) refusing a request made for information;
  - (b) refusing access to the information on the ground that such information is exempted from being granted under section 5;
  - (c) non-compliance with time frames specified by this Act;
  - (d) granting of incomplete, misleading or false information;
  - (e) charging an excessive fees;
  - (f) the refusal of the information officer to provide information in the form requested; or
  - (g) the citizen requesting having reasonable grounds to believe that information has been

deformed, destroyed or misplaced to prevent such citizen from having access to the information,

may, prefer an appeal to the designated officer within fourteen days of the refusal, act or date of becoming aware of the grounds on which the appeal is sought to be made, as the case may be:

Provided however, that the designated officer may admit the appeal after the expiry of the period of fourteen days if he or she is satisfied that the appellant was prevented by a reason beyond his or her control from filing the appeal in time.

(2) The designated officer shall issue a receipt on the acceptance of the appeal, to the citizen making the appeal, and in any case within three working days.

(3) The decision on any appeal preferred under subsection (1), shall be made by the designated officer within three weeks of the receipt of the appeal and shall include the reasons for the said decision including specific grounds for the same.

(4) The right of a citizen to prefer an appeal under subsection (1) shall be without prejudice to his or her right to make an application to the Commission.

(5) The designated officer may where reasonable cause is given for failure to submit an appeal within a period specified by subsection (1) by the citizen making such an appeal may at his discretion hear the appeal notwithstanding such delay.

**32.** (1) Any citizen aggrieved by:—

Appeals to the Commission.

(a) the decision made in respect of an appeal under section 31(1), may within two months of the communication of such decision; or

- (b) the failure to obtain a decision on any appeal made within the time specified for giving the same under section 31(3), may within two months of the expiry of the period so specified,

may appeal against that decision or the failure, to the Commission and the Commission may within thirty days of the receipt of such appeal affirm, vary or reverse the decision appealed against and forward the request back to the information officer concerned for necessary action.

(2) The Commission may admit the appeal after the expiry of the period of two months if the commission is satisfied that the appellant was prevented by a reason beyond his or her control from filing the appeal in time.

(3) The Commission shall give reasons for its decisions in writing, to the appellant, the information officer and the public authority concerned.

(4) On appeal, the burden of proof shall be on the public authority to show that it acted in compliance with this Act in processing a request.

Appeal may be made on behalf of an aggrieved party.

**33.** Where the aggrieved party is unable due to any reason to make an appeal under section 31 or section 32, as the case may be, such appeal may be made by a person duly authorized in writing by the aggrieved party to prefer the same.

Appeals to the Court of Appeal.

**34.** (1) A citizen or public authority who is aggrieved by the decision of the Commission made under section 32, may appeal against such decision to the Court of Appeal within one month of the date on which such decision was communicated to such citizen or public authority.

(2) Until rules are made under Article 136 of the Constitution pertaining to appeals under this section, the rules made under that Article pertaining to an application by way of revision to the Court of Appeal, shall apply in respect of every appeal made under subsection (1) of this section.

PART VII

GENERAL

**35.** Every officer in any public authority giving a decision which affects any person in any way, shall be required on request made in that behalf by the person concerned, to disclose to that person in writing the reasons for arriving at such decision.

Duty to disclose reasons for a decision.

**36.** Nothing in this Act is intended to prevent or discourage information holders from publishing or giving access to information or prevent any person from seeking and obtaining information, which may be provided in due compliance with the law.

Nothing in this Act to prevent or discourage information from being published.

**37.** (1) The Commission shall cause to be prepared a report of its activities as often as it may consider necessary, so however, that it shall prepare at least one report in each calendar year. The Commission shall transmit a copy of every such report to be tabled before Parliament and a copy of same shall also be sent to the President.

Commission to prepare a report of its activities.

(2) A copy of the report prepared under subsection (1) shall, within two weeks of it being tabled before Parliament, be made available for public inspection at the office of the Commission and wherever possible, a copy of the same may be made available on its website.

**38.** (1) Where—

Commission to inform the appropriate disciplinary authority.

- (a) any information officer willfully -
- (i) refuses to receive an application for information from any citizen;
  - (ii) refuses a request made for information, without giving reasons for such refusal;
  - (iii) stipulates excessive fees in breach of the fee Schedule referred to in section 14 (e);



- (iv) otherwise fails to process a request in accordance with the provisions of this Act;  
or

(b) any designated officer willfully –

- (i) under section 31 refuses an appeal, made on any ground other than a ground specified in section 5 of this Act;
- (ii) failed without any reasonable cause to make a decision on an appeal, within the time specified under section 31(3) for making such decision,

the Commission shall, bring the matter to the notice of the appropriate disciplinary authority.

(2) The relevant disciplinary authority shall inform the Commission of the steps taken in respect of any matter brought to the notice of such disciplinary authority within a period of one month.

Offences. **39.** (1) Every person who–

- (a) deliberately obstructs the provision of information or intentionally provides incorrect, incomplete or inaccurate information;
- (b) destroys, invalidates, alters or totally or partially conceal information under his or her custody, or to which he or she has access to or knowledge of due to the exercise of his or her employment in such public authority;
- (c) fails or refuses to appear before the Commission when requested to do so by the Commission;

- (d) appears before the Commission, and fails or refuses to be examined by the Commission or to produce any information which is in that persons possession or power or deliberately provides false information under oath or affirmation;
- (e) fails or refuses to comply with or give effect to a decision of the Commission;
- (f) resists or obstructs the Commission or any officer or other employee of the Commission, in the exercise of any power conferred on the Commission or such officer or employee, by this Act;
- (g) discloses any information in contravention of the provisions of section 12(7) of this Act,

commits an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Any officer whose assistance was sought for by an information officer under section 23(3) and who fails without reasonable cause to provide such assistance, shall commit an offence under this Act, and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding ten thousand rupees.

(3) A fine imposed for the commission of an offence referred to in subsection (1) or (2) of this section, shall be in addition to and not in derogation of any disciplinary action that may be taken against such officer by the relevant authority empowered to do so.

(4) A prosecution under this Act shall be instituted by the Commission.

Release or disclosure of information by an employee of a public authority.

**40.** Notwithstanding any legal or other obligation to which a person may be subject to by virtue of being an officer or employee of any public authority, no officer or employee of a public authority shall be subjected to any punishment, disciplinary or otherwise, for releasing or disclosing any information which is permitted to be released or disclosed under this Act.

Regulations.

**41.** (1) The Minister may in consultation with the Commission make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are necessary to be made in order to give effect to the principles and provisions of this Act.

(2) Every regulation made under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made under subsection (1) shall, forthwith after its publication in the *Gazette* be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(4) The date on which any regulation is deemed to be so rescinded shall be published in the *Gazette*.

Rules.

**42.** (1) The Commission may make rules concerning any of the following matters:-

- (a) the form and manner in which appeals may be made to the Commission;
- (b) the procedure for holding inquiries;
- (c) fee schedule in respect of providing information;

- (d) the format of the reports to be prepared under section 10.

(2) No rule made under this section shall have effect until it is approved by the Minister and notification of such approval is published in the *Gazette*.

**43.** In this Act, unless the context otherwise requires— Interpretation.

“citizen” includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are citizens;

“designated officer” means a designated officer appointed under section 23 of this Act;

“Higher Educational Institution” means a University, Campus or University College established or deemed to be established or made by the Universities Act, No. 16 of 1978 or acknowledged by the University Grants Commission or established under the provisions of any other Act;

“information” includes any material which is recorded in, in any form including records, documents, memos, emails, opinions, advices, 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 thereof;

“information officer” means an information officer appointed under section 23 of this Act;

“local authority” means a Municipal Council, Urban Council or a Pradeshiya Sabha and includes any authority created or established by or under any law to exercise, perform and discharge powers, duties and functions corresponding or similar to the powers, duties and functions exercised, performed or discharged by any such Council or Sabha;

“non governmental organisation” means any organization formed by a group of persons on a voluntary basis and receiving funds directly or indirectly from the Government or international organisations and is of a non governmental nature;

“public authority” means –

- (a) a Ministry of the Government;
- (b) any body or office created or established by or under the Constitution, any written law, other than the Companies Act No. 7 of 2007, except to the extent specified in paragraph (e), or a statute of a Provincial Council;
- (c) a Government Department;
- (d) a public corporation;
- (e) a company incorporated under the Companies Act, No. 7 of 2007, in which the State, or a public corporation or the State and a public corporation together hold twenty five *per centum* or more of the shares or otherwise has a controlling interest;

- (f) a local authority;
- (g) a private entity or organisation which is carrying out a statutory or public function or service, under a contract, a partnership, an agreement or a license from the government or its agencies or from a local body, but only to the extent of activities covered by that statutory or public function or service;
- (h) any department or other authority or institution established or created by a Provincial Council;
- (i) non-governmental organisations that are substantially funded by the government or any department or other authority established or created by a Provincial Council or by a foreign government or international organisation, rendering a service to the public in so far as the information sought relates to the service that is rendered to the public;
- (j) higher educational institutions including private universities and professional institutions which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;
- (k) private educational institutions including institutions offering vocational or technical education which are established, recognised or

licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;

- (l) all courts, tribunals and institutions created and established for the administration of justice;

Sinhala text to prevail in case of inconsistency.

**44.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

SCHEDULE [Section 12(8)]

PROVISIONS RELATING TO MEMBERS OF THE COMMISSION

(1) A member of the Commission shall cease to be a member, where such member:-

- (a) resigns his or her office earlier by writing addressed to the President;
- (b) is removed from office by the President;
- (c) is convicted by a court of law;
- (d) is deemed to have vacated office by absenting himself or herself from three consecutive meetings of the Commission, without obtaining prior leave of the Commission; or
- (e) engages in any employment outside the duties of his office, during the term of office.

(2) The President may on the recommendation of the Constitutional Council remove from office a member of the Commission, where:-

- (a) such member has become permanently incapable of performing his or her duties owing to any physical disability or unsoundness of mind ;

- (b) such member is unfit to perform his or her duties on the basis of moral turpitude; or
- (c) such member is convicted of an offence by a competent court of law.

(3) The Chairperson or any other member of the Commission may resign from such office by letter in that behalf addressed to the President and the resignation shall become effective from the date of its acceptance by the President in writing.

(4) In the event of the vacation of the office of any member of the Commission, the President shall follow the same procedure as set out in section 12(1) and appoint another person to hold such office for the unexpired term of office of the member whom he succeeds.

(5) (a) Where a member of the Commission, is temporarily unable to discharge his or her duty due to ill health, absence from Sri Lanka or for any other cause, the President may on the recommendation of the Constitutional Council, appoint another person to act in place of such member during his or her absence.

(b) Where the Chairperson of the Commission, is temporarily unable to discharge his or her duty due to ill health, absence from Sri Lanka or for any other cause, the President shall appoint another member of the Commission, to act in place of such Chairperson during his or her absence.

(6) The members of the Commission, shall be paid such remuneration as shall be determined by the Minister in charge of the subject of Finance.

(7) (a) The Commission shall meet at least once in every month or as often as may be necessary.

(b) The quorum for any meeting of the Commission shall be three members.

(c) The Chairperson of the Commission shall preside at all meetings of the Commission, and in the absence of the Chairperson at any such meeting, the members present shall elect from amongst them, a member to preside at such meeting.

(d) The Chairperson or the person presiding at any meeting of the Commission, shall in addition to his vote, have a casting vote.

(e) The Commission shall regulate the procedure in regard to its meetings and the transaction of business at such meetings.



34 *Right to Information Act, No. 12 of 2016*

(8) The seal of the Commission:—

- (a) shall be as determined from time to time by the Commission;
- (b) shall be in the custody of such person as the Commission shall determine;
- (c) may be altered in such manner as may be determined by the Commission; and
- (d) shall not be affixed to any document or instrument, except with the sanction of the Commission, and in the presence of the Chairperson and one other member of such Commission both of whom shall sign such document or the instrument in token of their presence.

---

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.