

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/YA/A/2015/001201**

Date of Hearing : **26.05.2016**
Date of Decision : **26.05.2016**

Appellant/Complainant : **Shri Gurmeet Singh, Delhi**

Through:
Nemo

Respondent : **Safdarjang Hospital & VMMC**
New Delhi

Through:
Dr. Sanjiv Mahajan, CPIO
Dr. Sandeep Sharma, CPIO
Shri Mahesh, APIO

Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal:

RTI application filed on : 05.03.2015.
PIO replied on : 10.03.2015.
First Appeal filed on : 08.04.2015.
First Appellate Order on : 17.04.2015.
2nd Appeal/complaint received on : 05.05.2015.

Information sought and background of the case:

Vide RTI application dated the appellant sought copies of foetus analysis report of his wife, intended to be used as defence documents in various matrimonial/ criminal proceedings going on between spouses. On 10.03.2015, the PIO denied disclosure of the information invoking Section 8(1)(e) of the RTI Act, 2005. The FAA upheld the decision of CPIO. Feeling aggrieved, the appellant approached the Commission.

Relevant facts emerging during hearing:

The appellant is absent. The Commission is in receipt of written arguments of the appellant. The respondent is present and heard. The CPIO states that the

information sought forms part of medical record of a patient treated at respondent hospital and as such, is held under a fiduciary relationship. He submits that the information sought cannot be disclosed without obtaining consent from the individual concerned. Upon a query from the Commission as to why procedure envisaged under Section 11 of the RTI Act was not resorted to, the CPIO states that considering the fact of ongoing legal dispute between appellant and patient/ wife, he was not inclined to make disclosure.

Decision:

After hearing the respondent and perusal of record, the Commission finds the plea adopted by the respondent to be in order. The FAO is upheld.

The appeal is disposed of accordingly.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(R.P.Grover)
Designated Officer

Copy to:-

Central Public Information Officer-II
Dr. N. Sitalakshmi / Dr. Sandeep Sharma,
(CPIOs-I),
Safdarjung Hospital & VMMC,
RTI Cell, Ansari Nagar,
New Delhi-110029.

First Appellate Authority under RTI
Dr. K. T. Bhowmik,
Additional Medical Superintendent,
Safdarjung Hospital & VMMC,
RTI Cell, Ansari Nagar,
New Delhi-110029.

Central Public Information Officer-II
Administrative Officer,
Office of the Medical Superintendent,
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