

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
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**Decision No. CIC/SG/A/2012/001151/19186**  
**Appeal No. CIC/SG/A/2012/001151**

**Relevant Facts emerging from the Appeal**

**Appellant** : Mr. S. Kandasamy  
Manager, Pallavan Grama Bank  
Irudhukottai- 635107  
Denkanikottai T.K.  
Krishnagiri DT.  
Tamilnadu

**Respondent** Mr. A. Raghunathan ,  
PIO & General Manager  
**Pallavan Grama Bank**  
*Sponsored by Indian Bank*  
PIO/GM  
HO, No- 06, Yercaud road  
Hasthampatti, Salem

**RTI application filed on** : 03/11/2011  
**PIO replied** : 02/12/2011  
**First appeal filed on** : 07/12/2011  
**First Appellate Authority order** : 07/01/2012  
**Second Appeal received on** : 09/04/2012

*The Appellant had sought information regarding the Deposits, Advances, Issues & Targets and Achievements of Some Branches of Pallavan Gram Bank.*

<b>Sl.</b>	<b>Information Sought</b>	<b>Reply of the Public Information Officer (PIO)</b>
1.	Kindly give the following information. Deposits, Advances, issues & Targets and achievements of Adhaiyur, Kavanur, M Kunnathur & Sathipattu branches for the past 20 years.	The information sought is related to personal information, the disclosure of which has no relation to any public interest, and hence exempted under Sec8(1)(j) of RTT Act, 2005
2.	Please give me the manpower position of the above referred 4 branches for the past 20 years.	As per Banking Companies Maintenance of Records Rules, Bank is expected to maintain records only upto 5 to 10 years. Hence we are unable to provide information sought by you. However, we provide the manpower position from June 2007 in Annexure I
3.	Targets fixed by the Sponsored banks& Pallavar Gram bank for deposit & Advances for the past 20 years – sum and targets given to the bankers in deposit and advances for the past 20 years	As mentioned in point number 1.

**Grounds for the First Appeal:**

PIO refused to reply stating as sought information is exempted under sec 8 (1) (J) of RTI Act.

## **Order of the First Appellate Authority (FAA):**

FAA Complied with the reply given by the PIO.

## **Grounds for the Second Appeal**

Unsatisfactory reply from PIO and FAA as well.

## **Relevant Facts emerging during Hearing:**

The following were present

**Appellant:** Mr. S. Kandasamy on video conference from NIC-Krishnagiri Studio;

**Respondent:** Mrs. Meera Rajan, Sr. Manager (Dev.) on behalf Mr. A. Raghunathan , PIO & General Manager on video conference from NIC-Salem Studio;

The PIO has wrongly applied the exemption under Section 8(1)(j) of the RTI Act to query 1 & 3.

Under Section **8 (1) (j)** information which has been exempted is defined as:

*"information which 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 Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:"*

To qualify for this exemption the information must satisfy the following criteria:

1. It must be personal information.

Words in a law should normally be given the meanings given in common language. In common language we would ascribe the adjective 'personal' to an attribute which applies to an individual and not to an Institution or a Corporate. From this it flows that 'personal' cannot be related to Institutions, organisations or corporates. Hence *Section 8 (1) (j) cannot be applied when the information concerns institutions, organisations or corporates.*

The phrase 'disclosure of which has no relationship to any public activity or interest' means that the information must have been given in the course of a Public activity.

Various Public authorities in performing their functions routinely ask for 'personal' information from Citizens, and this is clearly a public activity. When a person applies for a job, or gives information about himself to a Public authority as an employee, or asks for a permission, licence or authorisation, all these are public activities. Also when a Citizen provides information in discharge of a statutory obligation this too is a public activity.

We can also look at this from another aspect. **The State has no right to invade the privacy of an individual.** There are some extraordinary situations where the State may be allowed to invade the privacy of a Citizen. In those circumstances special provisions of the law apply;- usually with certain safeguards. Therefore where the State routinely obtains information from Citizens, this information is in relationship to a public activity and will not be an intrusion on privacy.

Certain human rights such as liberty, freedom of expression or right to life are universal and therefore would apply uniformly to all human beings worldwide. However, the concept of 'privacy' is a cultural notion, related to social norms, and different societies would look at these differently. Therefore referring to the UK Data protection act or the laws of other countries to define 'privacy' cannot be considered a valid exercise to constrain the Citizen's fundamental Right to Information in India. Parliament has not codified the right to privacy so far, hence in balancing the Right to Information of Citizens and the individual's Right to Privacy the Citizen's Right to Information would be given greater weightage.

Parliament intended that PIOs should use this exemption very rarely and narrowly. However, it realized that there may be a temptation by PIOs to use it very widely, and hence it added a proviso as a test for PIOs to this exemption stating, *'Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.'* Public servants have been used to giving information to

Parliament and State Legislatures, and it would be very rarely that there would be reluctance in parting with any information when a Parliamentary question is asked. By this proviso, Parliament recognized the primacy to the individual citizen, who lends it legitimacy. Besides it wanted all PIOs to be aware that Parliament itself derives its legitimacy from the citizen who is therefore entitled to the same information.

In the instant case the PIO's claim for exemption under Section 8(1)(j) is not upheld by the Commission. The PIO states that this bank has been formed after amalgamation in 2006 hence information would be available only from 2006 onwards.

**Decision:**

The Appeal is allowed.

The PIO is directed to provide the information on query 1 & 3 to the Appellant from 2006 onwards before 20 June 2012.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

**Shailesh Gandhi**  
**Information Commissioner**  
**01 June 2012**

**(In any correspondence on this decision, mention the complete decision number.)(SS)**