**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.**

**Preamble.**

**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.

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

**Short title and date of operation.**

1. This Act may be cited as the Right to Information Act, No. of 2015 and shall come into force on the day immediately following the date of the expiration of a period of six months of the date of certification in terms of Article 79 of the Constitution.

**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.** 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.

**Provisions of this Act to**

**4.** The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the

**prevail over other written law.**

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;

*(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;

(k) the disclosure of such information would infringe the privileges of Parliament; or

(l) disclosure of the information would harm the integrity of an examination being conducted by the Department of Examination or a Higher Educational Institution.

(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), (c ), (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 shall 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), 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 in such manner and in such form as is consistent with its operational requirements, duly catalogued and indexed.

(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) 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.

**Ministers duty to publish a report**.

**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 person to exercise the right of access to information granted under section 3 of this Act.

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

(a)the particulars relating to the organization, 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;

(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 subsection 2 (a) and (b).

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

(a) published in the official languages and wherever possible 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.

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

**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.

(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 member of the public, 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 million

United States dollars; and

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

**Duty of public authorities to submit reports etc.**

**10.** It shall be the duty of every public authority to submit to the Commission annually, a report containing the following information –

(a) the number of requests for information received;

(b) the number of requests for information which were granted or refused in full or in part;

(c) the reasons for refusal, in part or in full, of requests received;

(d) the number of appeals submitted against refusals to grant in part or in full, requests for information received; and

(e) the total amount received as fees for granting requests for information.

## PART 1V

## 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.

**Constitution of the Commission**.

**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:

(a) Bar Association of Sri Lanka;

(b) organizations of publishers, editors and media persons; and

(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;

(iii) are not connected with any political party; or

(iv)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.

**Appointment of officers and employees of the Commission**.

**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.

(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.

**Duties and functions of the**

**14.** The duties and functions of the Commission shall be, to –

**Commission**.

(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;

(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.

**Fund of the Commission.**

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

(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.

**Financial year**

**17**. (1) The financial year of the Commission shall be the calendar 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.

**Part II of Finance Act, 38 of 1971 to apply.**

**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.

**Members etc, of the Commission deemed to be public officers.**

**19.** The members and officers and all other employees of the Commission shall be deemed to be public officers 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.

**Application of the Bribery Act.**

**20.** The Commission shall be deemed to be a scheduled institution within the meaning of the Bribery Act (Chapter26) and the provisions of that Act shall be construed accordingly.

**Expenses incurred in any suit or prosecution**.

**21**. Any expenses incurred in 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.

**Procedure for obtaining information**.

**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:

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 making such request, 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 (1) 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.

**Public authority to**

26. (1) Every public authority shall display in a conspicuous place

**display details of information officers and fees to be charged.**

within the officials premises a notice specifying -

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

(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 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.

**Refusal of a request to be communicated**.

**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–

(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**.**

**Where information requested for was supplied by a third party**.

**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.

(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(1);

(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;

(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.

(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.

**Appeals to the Commission**.

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

(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 fourteen days 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

**Duty to disclose reasons for a decision.**

**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.

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

**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.

**Commission to prepare a report of its activities.**

**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.

(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.

**Public authority to submit report.**

**38**. Every public authority shall submit annual reports to the Commission which shall be made available to the public in its office, 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; and
(e) any suggestions for improving the effectiveness of the regime of transparency.

**Commission to inform the appropriate disciplinary authority.**

**39. (1)** Where-

(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.

**Offences.**

**40.** (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.**

**41**. 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 on a request submitted under this Act.

**Regulations.**

**42.** (1) The Minister may in consultation with 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 provisions of the 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.**

**43.** (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 38.

(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*.

**Interpretation.**

**44.** In this Act, unless the context otherwise requires –

"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, 16 of 1978 or acknowledged by the University Grant 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 organization" 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;

(f) a local authority;

(g) a private entity or organization 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;

(k) private educational institutions including institutions offering vocational or technical education;

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

"Public funds" means any funds provided by any organ of the government or a foreign government or an international organization or agency, directly or indirectly to any person or entity with or without any conditions regarding their manner of use.

**Sinhala text to prevail in case of inconsistency.**

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

Schedule [ Section 12(8)]

**Provision 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

(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.