

SELF DISCLOSURES & EXEMPTIONS, PARTIAL DISCLOSURE UNDER THE RTI ACT, 2005

SELF DISCLOSURE:

In order to minimize the number of requests for information, the Act indicates the general types of information which are proactively to be published by the public authority. Section 4(1)(b) of the Act came into force with the enactment of the Act on June 15, 2005.

Section - 4(1)(b): publish within one hundred and twenty days from the enactment of this Act,

(i) the particulars of its organization, functions and duties. An ideal Performa may be:

- Name & designation of the Head of Office
- Postal Address/ Telephone Number/Fax/E_mail ID
- Name & Designation of the next reporting Authority
- Postal Address/ Telephone Number/Fax/E_mail ID
- Parent Govt. Deptt.
- Weekly holidays & Specific Service Timings

(ii) the powers and duties of its officers and employees;

Suppose the officers and employees in a public office are categorized as A, B, C etc. entrusted with various powers and duties then the fact may be exhibited as under:

"A"

Sl. No.	Designation	Powers & duties- Financial	Under which Legislation/ Rule/ order	Remarks
---------	-------------	-------------------------------	---	---------

'B'

Sl. No.	Designation	Powers & duties- Administrative	Under which Legislation/ rule/order	Remarks
---------	-------------	------------------------------------	--	---------

'C'

Sl. No.	Designation	Powers and duties- Magisterial	Under which Legislation// rule/order	Remarks
---------	-------------	-----------------------------------	---	---------

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

Note:

For every function, service, duty, Power, to be exercised, there is a set of procedure defined by Act, Rules, Government Resolutions, Circulars, Orders. Publish the procedure for each function, service, duty, and power to be exercised. In every procedure many levels of employees are involved. Specify role and responsibility of each employee are involved in the procedure.

- **The disclosure may be as under:**

Sl. No.	Activity	Level of Action	Time Frame
---------	----------	-----------------	------------

- (IV) the norms set by it for the discharge of its functions;-
Disclosure may be :-**

Sl. No	Activity	Time Frame	Norm/Remarks
--------	----------	------------	--------------

- (V) the rules, regulations, instructions, manuals and records, held by it or used by its employees for discharging its functions;**

Disclosure may be:

Sl.No	Name of the act, rules, regulations etc	Brief gist of the contents	Reference No. if any	Price in case of priced publications
-------	---	----------------------------	----------------------	--------------------------------------

Note: Each office has a standing order file containing the relevant govt. orders, circulars, notifications. These are maintained according to the subject. All such files have to be updated.

- (vi) a statement of the categories of documents that are held by it or under its control;**

Disclosure may be exhibited as under:

Sl. No.	Nature of record	Details of information available	Unit/section where available	Retention period, where available
---------	------------------	----------------------------------	------------------------------	-----------------------------------

(vii) the particulars of any arrangement that exists - formulation of its policy or implementation;

The exhibition may be as under:-

Sl.No	Name and address of the consultative committees/ bodies	Constitution of the committee/body	Role and responsibility	Frequency of meetings
-------	---	------------------------------------	-------------------------	-----------------------

Note:

Under this item the Public Authorities are expected to publish the arrangements existing under acts / rules and circulars or by convention for public consultation. The consultation may be at policy formulation level or implementation level.

(viii) a statement of the boards, councils committees and other bodies consisting of two or more persons and meetings are open to the public, or the minutes of such meetings are accessible for public:

The exhibition may be like:

Sl. No.	Name and address of the body	Main functions of the body	Constitution of the body	Date of constitution	Date upto which valid	Whether meetings open to public	Whether minutes accessible to public	Frequency of meetings	Remarks
---------	------------------------------	----------------------------	--------------------------	----------------------	-----------------------	---------------------------------	--------------------------------------	-----------------------	---------

(ix) a directory of its officers and employees;

The Format may be like:

Name	Designation	Off.	Res.	Fax
------	-------------	------	------	-----

Note:

- This has to be updated every year.
- Changes which are significant should be updated immediately (Transfer of Head of Office etc.).

(x) the monthly remuneration received by each of Its officers" and employees;

The format may be like:

Sl. No.	Name and Designation	Pay Scale/ Monthly remuneration
---------	----------------------	---------------------------------

- (xi) the budget allocated to each of Its agency, Indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

Format for the Financial Year _____

Major head	Activities to be performed	Sanctioned budget	Budget estimate	Revised estimate	Expenditure for the last year
------------	----------------------------	-------------------	-----------------	------------------	-------------------------------

- (xii) the manner of execution of subsidy programmes, amounts allocated and the details of beneficiaries of such programmes;

List of institutions given subsidy

Sl. No	Name and address of the institution	Purpose for which subsidy provided	No. of beneficiaries	Amount of subsidy	Previous years utilization progress	Previous years achievements
--------	-------------------------------------	------------------------------------	----------------------	-------------------	-------------------------------------	-----------------------------

List of individuals given subsidy

Sl. No	Name and address of the beneficiary	Purpose for which subsidy provided	Amount of subsidy	Scheme and criterion for selection	No. of time subsidy given in past with purpose
--------	-------------------------------------	------------------------------------	-------------------	------------------------------------	--

- (xiii) particulars of recipients of concessions, permits or authorizations granted by it;

Sl. No	Name and address of the beneficiary	Nature of concession/permit/ authorization provided
--------	-------------------------------------	---

- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

The format may be like:

Sl. No.	Activities for which electronic data available	Nature of information available	Can it be shared with public	Is it available on website or is being used as back and data base
---------	--	---------------------------------	------------------------------	---

(xv) the particulars of facilities available to citizens for obtaining information including the working hours of a library or reading room, if maintained for public use;

The various facilities may be like:

- Information about visiting hrs.
- Information about interactive website.
- Facilitation center.
- Information about facilities for inspection of record.
- Information about facilities for inspection of works.
- Information about facilities for providing samples.
- Information about Notice boards.
- Information about library
- Information about inquiry window or Reception etc.

Under this item the information may be exhibited in the following format:

Sl. No	Facility available	Nature of Information available	Working hours
--------	--------------------	---------------------------------	---------------

(xvi) the names, designations and other particulars of the Public Information Officers;

Sl No	Public Authority	Name of Appellate Authority	Name of PIO	Name of APIO	Remarks
-------	------------------	-----------------------------	-------------	--------------	---------

Note:- The name, designation and location of the PIO, APIO and AAs with their contact details (Phone, Fax, E-mail etc.) should be prominently displayed at the entrance / reception of each office of the Public Authority.

(xvii) such other information as may be prescribed and thereafter update these publications every year

Provide Information Suo moto

(1)(c) publish all relevant facts while formulating important policies or nouncing the decisions which affect public

4(1)(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

Provide information Suo moto

4 (2) It shall be a constant endeavour of every public authority to take steps to provide as much information suo motu to the public at regular intervals through various means of communications, including internet.

Exemption from disclosure of Information:

- **Section 8(1):** Information exempted from disclosure
- **Section 9 :** Infringement of copyright. **Section 10:** Access to part of Record.
- **Section 11:** Third party information treated as confidential
- **Section 24:** Exempted Intelligence and Security organization.
- **Section 8(1):** Exemption from disclosure of Information - There shall be no obligation on the part of a PIO to give any citizen the following:
 - (a) Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
 - (b) Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
 - (c) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
 - (d) Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
 - (e) Information, available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
 - (f) Information received in confidence from foreign Government;
 - (g) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
 - (h) Information which would impede the process of Investigation or apprehension or prosecution of offenders;
 - (i) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemption specified in this section shall not be disclosed.

- (j) 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:

Sec. 8(2): Notwithstanding anything in the Official Secrecy Act, 1923 nor any of the exemption under Sec. 8(1), a Public Authority may allow access to information if public interest in disclosure outweighs the harm to the protected interests.

Sec. 8(3): Section 8(3) of the Act stipulates that subject to exemptions relating to information linked to sovereignty, integrity and national security matters, breach of privilege of Parliament or the State Legislature and cabinet papers [S.8(1)(a)(c) and (i)], any information relating to any occurrence, event or matter which has taken place, occurred or happened 20 years before the date on which any request is made, shall be provided to any person making a request under the Act. However, where any question arises as to the date from which the period of 20 years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in the Act. Provided that the information which cannot be denied to the Parliament or a State legislature shall not be denied to any person.

Sec. 9: Without prejudice to the provisions of Sec. 8, the PIO may reject a request for Information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State. This is the only absolute exemption. Hence the PIO need not consider the public interest in disclosure.

Sec.10:Access to Part of Record:

Sec. 10(1) provides that where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, access may be provided to that part of the record "which does not contain any information which is exempt from disclosure under the Act" and "which

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

- (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
- (c) the name and designation of the person giving the decision;
- (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
- (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the Appellate Officer or the Information Commission, time limit, process and any other form of access. can reasonably be severed from any part that contains exempt information". Where access is granted to a part of the record the Public Information Officer shall give a notice to the applicant under Section 10(2), informing

Sec. 24 (1): Nothing contained in this Act shall apply to the intelligence and security organizations specified in the Second Schedule, being organizations established by the Central Government or any information furnished by such organizations to that Government. Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section.

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central/State. Information Commission, and notwithstanding' anything contained in section-7, such information shall be provided within forty-five days from the date of the receipt of request.