

No.10/2/2008-III  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated the 12<sup>th</sup> June, 2008

**Subject:** RTI application received by a public authority regarding information concerning other public authority/authorities.

It has been brought to the notice of this Department that requests are made to the public authorities under the Right to Information Act for pieces of information which do not concern those public authorities. Some times, such an information is sought, a part or no part of which is available with the public authority to which the application is made and remaining or whole of the information concerns another public authority or many other public authorities. A question has arisen as to how to deal with such cases.

2. Section 6(1) of the RTI Act, 2005 provides that a person who desires to obtain any information shall make a request to the public information officer (PIO) of the concerned public authority. Section 6 (3) provides that where an application is made to a public authority requesting for any information which is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, the public authority to which such application is made shall transfer the application to that other public authority. A careful reading of the provisions of sub-section (1) and sub-section (3) of Section 6, suggests that the Act requires an information seeker to address the application to the PIO of the concerned public authority. However, there may be cases in which a person of ordinary prudence may believe that the piece of

information sought by him/her would be available with the public authority to which he/she has addressed the application, but is actually held by some another public authority. In such cases, the applicant makes a bonafide mistake of addressing the application to the PIO of a wrong public authority. On the other hand where an applicant addresses the application to the PIO of a public authority which to a person of ordinary prudence, would not appear to be the concern of that public authority the applicant does not fulfill his responsibility of addressing the application to the concerned public authority.

3. Given herein under are some situations which may arise in the matter and action required to be taken by the public authorities in such cases;

(i) A person makes an application to a public authority for same information which concerns some another public authority. In such a case, the PIO receiving the application should transfer the application to the concerned public authority under intimation to the applicant. However, if the PIO of the public authority is not able to find out as to which public authority is concerned with the information even after making reasonable efforts to find out the concerned public authority, he should inform the applicant that the information is not available with that public authority and that he is not aware of the particulars of the concerned public authority to which the application could be transferred. It would however, be the responsibility of the PIO, if an appeal is made against his decision to establish that he made reasonable efforts to find out the particulars of the concerned public authority.

(ii) A person makes an application to the public authority for information, only a part of which is available with that public authority and a part of the information concerns some another public authority. In such a case, the PIO should supply the information available with him and a copy of the application should be sent to that another public authority under intimation to the applicant.

(iii) A person makes an application to a public authority for information, a part of which is available with that public authority and the rest of the information is scattered with more than one other public authorities. In such a case, the PIO of the public authority receiving the application should give information relating to it and advise the applicant to make separate applications to the concerned public authorities for obtaining information from them. If no part of the information sought, is available with it but is scattered with more than the other public authorities, the PIO should inform the applicant that information is not available with the public authority and that the applicant should make separate applications to the concerned public authorities for obtaining information from them. It may be noted that the Act requires the supply of such information only which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act for a public authority to create information. Collection of information, parts of which are available with different public authorities, would amount to creation of information which a public authority under the Act is not required to do. At the same time, since the information is not related to any one particular public authority, it is not the case where application should be transferred under sub-section (3) of section 6 of the

Act. It is pertinent to note that sub section (3) refers to another public authority and not other public authorities. Use of singular form in the Act in this regard is important to note.

(iv) If a person makes an application to a public authority for some information which is the concern of a public authority under any State Government or the Union Territory administration, the Central Public Information Officer (CPIO) of the public authority receiving the application should inform the applicant that the information may be had from the concerned State Government/UT Administration. Application, in such a case need not be transferred to the State Government/UT Administration.

4. Contents of this OM may be brought to the notice of all concerned.

Sd/-  
(K.G.Verma)  
Director.

Government of Orissa  
Information & Public Relations Department.

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Memo No.RTI-71/08 23819/IPR Bhubaneswar dated 21.7.08.

Copy forwarded to Public Information Officers of All Departments for information and necessary action.

Sd/-  
Deputy Secretary to Government.

GOVERNMENT OF ORISSA  
HOME DEPARTMENT

Memo No.RTI-3/05(Pt.)37111/ Dated 12.8.08

Copy along with a copy of the Memorandum forwarded to all Heads of the Department under the administrative control of Home Department for information and necessary action.

Sd/-  
Deputy Secretary to Government-cum-PIO.