

## FAQs under RTI

### **Q1. What does Information mean?**

Ans: Information means any material in any form,

-INCLUDING-

records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form.

-But does NOT include-

Reasons, opinions, questions like why, whether, how (except opinions and clarifications which are recorded).

### **Q2. What does record mean?**

Ans: A 'record' means:

any document, manuscript, file, microfilm, microfiche, facsimile, fax, any reproduction of image or images embodied in a microfilm and any other material produced by a computer or any other device (any tangible material).

### **Q3. What does "Right to Information" mean?**

Ans: "Right to information" means:

the right to information accessible under the RTI Act, 2005, which is held by or under the control of any public authority

and

includes the right to inspection of work, documents, records, taking notes, extracts or certified copies of documents or records; taking certified samples of material; obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.

### **Q4. Who can file an RTI application?**

Ans: The right to file an application under the Act is available to all Indian citizens ONLY and not a legal entity like director of a Company/Firm Or by office bearer of Federation of any Union Or an editor of any publication etc.

Citizen means the person born in India or domiciled in India.

For Eg: signed as Mr XYZ, General Secretary, Federation of\*\*\*\*Union is maintainable BUT signed as General Secretary, Federation of\*\*\*\*Union is NON-maintainable

### **Q5. In which language can the application be filed before a PIO?**

Ans: English, Hindi or the official language of the area where application is filed.

### **Q 6. In which language is the PIO expected to reply to the RTI application?**

Ans: Reply to English application in English, Hindi application in Hindi and application in Official language of the area in that language.

However, the PIO should provide the copies of the records in the language in which they are available and the PIO shall not get into the role of a translator.

**Q7. What are the modes of payment of the fee which should be accepted by LIC's PIO?**

Ans: RTI application fee of Rs. 10/- to be tendered by:

(1) Cash OR

(ii) Demand Draft OR

(iii) Banker's cheque OR

(iv) Indian Postal Order (IPO is valid for 2 years from date of issue by the Post Office and must be stamped and signed by the Post Master.)

**Q8. What information is to be exempted?**

Ans: Following answer is merely a guideline; PIO must accurately adhere to Sec 8(1) of the Act.

- Sec 8(1) (d); commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party.

Eg. Investment related manuals, Underwriting procedures, Actuarial valuations, basis for calculation of Surrender Value, Audit/Inspection questionnaires/ Mktg strategies/ Advertising strategies/ vendors related etc.

- Sec 8(1) (e): fiduciary relationship

Eg. LIC-Policyholders, LIC-field force, employer-employee, Advocate-client, LIC-Medical examiners, LIC-Vendors, LIC-borrowers etc.

- Sec 8(1) (g); disclosure endangering life or physical safety of any person.

Eg: Names of investigation Officers in case of Investigation/Enquiry reports etc., Claim Investigation Reports sought by third party.

- Sec 8(1) (h): Any ongoing process where the disclosure may affect the outcome.

Eg.: Recruitment, investigations, tendering process etc.

- Sec 8(1) (j): personal information of a third party which would cause unwarranted invasion of the privacy of the individual.

Third Party means any person other than the information seeker and includes Public Authority (LIC as well).

Eg. of personal information: CRs/Investigation reports/Salary deductions/Medical records/details of family members of third party etc.

PIO to note that even blood relations or spouse is treated as THIRD PARTY.

[However, the competent authority may decide to provide information; if satisfied that the larger public interest outweighs any possible harm or injury to the interests of such third party.

The onus of proving that the denial/disclosure of Information was justified lies with the PIO.]

**Q9. How should a PIO deal with applications seeking voluminous Information?**

Ans: PIO is not supposed to create/compile/collect or collate the information solely for the purpose of replying to the RTI application. Information as is available can be provided.



However, if the information sought is available but the same is voluminous, forcing the PIO to disproportionately divert its resources, the PIO can advise the applicant to inspect the files.

**Q 10. What if the record which contains the information also includes certain exempted information?**

Ans:

- (i) If only a particular part of a record is exempt from disclosure then such a part can be severed and the rest of the information may be provided.
- (ii) Information sought is part of a bigger record, that extra record which does not pertain to information sought can be severed and the rest of the information may be provided.

**Q 11. What happens if reply is returned to the Office "UNDELIVERED"?**

Ans: Envelop returned "UNDELIVERED" shall NOT BE OPENED but be kept as it is and will be sent on the changed address after communicating with the applicant.

**Q 12. If an application is received which pertains to LIC (HFL)?**

Ans: Inform the Applicant that applicability of the RTI Act to LIC (HFL) is subjudice under WP No. WP/2327/2009.

PIO may however confirm the status of the above writ petition as on date, before replying to the applicant.

**Q 13. What should a PIO do if an applicant seeks copies of the records which have been destroyed?**

Ans: PIO to provide a copy of the approved Note prepared for such destruction.

**Q 14. Is the interest of PIO protected under RTI Act?**

Ans: Under section 21 of the Act, no legal proceeding shall lie against any PIO for anything that is done or intended to be done in good faith, provided that PIO can prove that he has acted in good faith.

The rule of the thumb which all the PIOs must follow is to provide all the information sought by an applicant, unless it is:

- (i) specifically exempt from disclosure under the Act.
- (ii) voluminous in nature, resulting in disproportionate diversion of the PA's resources.
- (iii) its disclosure may harm or adversely affect the safety/preservation of the relevant record.

**Q 15. Can a Public Authority be considered as a Third Party?**

Ans: Yes, a public authority is itself a third-party in relation to any information which it holds and which it desires to be confidential.

Third Party means a person other than the information seeker and includes a Public Authority.

**Q 16. How should a PIO deal with applicants who repeatedly file applications?**

Ans: (Certain applicants file applications repeatedly for whom the term Chronic Information Seeker, or a Serial Applicant has been coined.)

In case of above, PIO must:

- never feel irritated by such applications which may sometimes comprise of frivolous queries. Each application should be examined taking a neutral view.

- not be biased or guided by the hearsay impression of the applicant.

**Chronic Information Seeker or a Serial Applicant V/s Mischievous Information Seeker**

Chronic Information Seeker or a Serial Applicant	Mischievous Information Seeker
<p>An applicant who seeks same/similar information repeatedly and/or at various Offices as well as in different languages.</p> <p>CIC decision in brief: The Commission cannot allow repetitive use of RTI Act, assuming the proportion of harassment to the Public Authority, by disgruntled employees. Thus, the Commission advises the appellant not to seek same/repeated information time and again.</p> <p>For details, refer to case No: CIC/SS/A/2013/002560</p>	<p>An Applicant who, with an intention of harassing the Public Authority, files applications like... Using foul/abusive language, sends empty envelop or blank paper as application etc..</p> <p>CIC decision in brief: A case where a white paper is mischievously posted as RTI application and the time of PIO, FAA and CIC is consumed in a most unethical manner by a clever lawyer. The Commission observes that the complainant is misusing the RTI Act. It is a blatant and unethical misuse of the right to information given under the RTI Act by complainant who is also a lawyer.</p> <p>For details, refer to case No: CIC/SA/C/2014/000335</p>

**Q 17. In case reply is provided after 30 days, shall fees for documents be called for?**

Ans: This situation is not acceptable; but should it arise on a rarest of rare occasions; desired documents shall be provided free of cost.

**Q 18. Can a First Appellate Authority (FAA) review Appellate Order?**

Ans: A FAA does not have the powers to review Appellate Order under the Act.

**PENALTIES**

Every PIO will be liable for penalty of Rs. 250/- per day, up to a maximum of Rs. 25000/- for:

- not accepting an application;
- delaying information release without any reasonable cause;
- malafidely denying the information;
- knowingly giving incorrect, incomplete or misleading information;
- destroying information which was requested;
- obstructing the furnishing of information in any manner.