RIGHT TO INFORMATION

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What is Right to Information RTI?

- **Right to access and obtain information from public officials & public authorities**

- **Already recognized as a Fundamental Right in Sri Lanka's Constitution (19th Amendment : April 2015)**

- **RTI Act is meant to put this right into practice**



Why is RTI important?



- Promotes greater transparency in how public institutions are managed.
- Enhances financial accountability in public bodies and public- funded other institutions.
- Improves public participation in policy making.
- Minimises corruption and wastage of public resources by officials.
- Nurtures public trust in governance

Default Historical Setting:

- **Public information restricted as a matter of routine.**
- **Information was shared with privileged few on a strict "need to know" basis**





Right to Information Act, No. 12 of 2016

Denial of Access to Information

- When Right to access may be denied-:
- 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.
- Undermine the defence of the state or its territorial integrity or national security.
- In relation to international agreements or obligations under international law, where such information was given by or obtained in confidence.
- Exchange rates or the control of overseas exchange transactions.
- The regulation of banking and credit.
- Taxation and the stability, control and adjustment of prices of goods and services , rents and other costs and rates of wages, salaries and other income.
- Information including commercial confidence, trade secrets or intellectual property
- Any medical records relating to any person, unless such person has consented in writing to such disclosure.
- Cause grave prejudice to the prevention or detection of any crime or the apprehension or prosecution of offenders.
- Expose the identity of a confidential source of information in relation to law enforcement or national security to be ascertained.
- Contempt of Court or prejudicial to the to the maintenance of the authority and impartiality of the judiciary
- Infringe the privileges of Parliament or of a provincial council.
- The integrity of an examination being conducted by the Dep: of Examination or a Higher Educational Institution.
- Cabinet Memorandum in relation to which a decision has not been taken.
- The information relates to an election conducted by the Election Commission which is required by the relevant election laws to be kept confidential.

Information

- Any material which is recorded in any form including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, paper 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.

- It is the responsibility of each organization to maintain this information in a proper directory and index.

- All records must be protected in electronic format.
  - 10 years on the records available at the time
  - 12 years on the new records

- The public will have the opportunity to inspect the information and if required copies of the reports being inspected, may obtain such reports upon payment of a fee.

- **A project,**
  - **Foreign aid exceeds US$ 1 Million**
  - **Foreign aid exceeds Rs. 500,000/-**

03 months before the commencement of the project, the minister in charge of the project will provide all the relevant information regarding the project;

- **to the people**
- **people who may be affected by the project should be made aware.**

Procedure for obtaining information

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Right to Information Commission

- The president appoints 05 members on the recommendation of the Parliamentary Council.
- Among those members,
  - one should be appointed by the Bar Association of Sri Lanka, Publishers', Editors', and Journalists' organizations, and other civil society organizations.
- One is the Chairman and the term of the office is 05 years.
- The Chief Executive Officer of the Commission is the Director General

Offences

- Deliberately obstructs the provision of information
- Intentionally provides incorrect, incomplete

  or inaccurate information

Summary Trial by a Magistrate

A fine not exceeding Rs. 50,000/- and/imprisonment for a term not exceeding 02 years

- Any officer whose assistance was sought for by an information officer and who fails without reasonable cause to provide such assistance

Summary Trial by a Magistrate

A fine not exceeding Rs. 10,000/-


THANK
YOU