

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

—————————

RIGHT TO INFORMATION

ACT, No. 12 OF 2016

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[Certified on 04th August, 2016]

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Right to Information Act, No. 12 of 2016 1

[Certified on 04th August, 2016]

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; TOAPPOINT INFORMATION

OFFICERS; TOSET OUT THE PROCEDURE AND FORMATTERS CONNECTED

THEREWITH OR INCIDENTAL THERETO.

WHEREAS the Constitution guarantees the right of access Preamble.

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:-

1. (1) This Act may be cited as the Right to Information Short title and

Act, No. 12 of 2016. date of

operation.

(2) The provisions of this section, Part IV, sections 23,

36, 40, 41, 42, 43 and 44 shall come into operation on the

date on which the certificate is endorsed in respect of this

Act in terms of Article 79 of the Constitution.

(3) The provisions of all other sections of this Act, shall

come into operation in respect of such public authorities or

categories of public authorities and on such dates as may be

prescribed by the Minister by Order published in the Gazette:

Provided however, that the dates so prescribed shall be at

least six months after the certification referred to in

subsection (2) above, and that all provisions of this Act

shall be applicable to all public authorities no later than

one year of such certification.

2—PL 009845—3,161 (03/2016)

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Responsibility to 2. It shall be the responsibility of the Ministry of the

ensure effective

Minister assigned the subject of mass media to ensure the

implementation.

effective implementation of the provisions of this Act.

PART I

APPLICATION OF THE PROVISIONS OF THE ACT

Right of access 3. (1) Subject to the provisions of section 5 of this Act,

to information. every citizen shall have a right of access to information which

is in the possession, custody or control of a public authority.

(2) The provisions of this Act, shall not be in derogation

of the powers, privilages and practices of Parliament.

Provisions of 4. The provisions of this Act shall have effect

this Act to notwithstanding anything to the contrary in any other written

prevail over

other written law and accordingly in the event of any inconsistency or

law. 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 5. (1) Subject to the provisions of subsection (2) a request

access may be

under this Act for access to information shall be refused,

denied.

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;

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(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;

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(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 or prejudicial to the maintenance

of the authority and impartiality of the judiciary;

(k) the disclosure of such information would infringe

the privileges of Parliament or of a Provincial

Council as provided by Law;

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(l) disclosure of the information would harm the

integrity of an examination being conducted by

the Department of Examination or a Higher

Educational Institution;

(m) the information is of a cabinet memorandum in

relation to which a decision has not been taken; or

(n) the information relates to an election conducted by

the Commissioner of Elections which is required

by the relevant election laws to be kept confidential.

(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), (e), (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 may 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), and the commission

may as expeditiously as possible and in any event give its

advice within fourteen days.

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Severability 6. Where a request for information is refused on any of

under certain the grounds referred to in section 5, access shall nevertheless

circumstances.

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 7. (1) It shall be the duty of every public authority to

authorities to

maintain and maintain all its records duly catalogued and indexed in such

preserve its form as is consistent with its operational requirements which

records. would facilitate the right of access to information as

provided for in this Act.

(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) No record or information which is the subject matter

of a request made under this Act, shall be destroyed during

the pendency of such request or any appeal or judicial

proceeding relating to such request.

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(5) 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.

8. (1) It shall be the duty of every Minister to whom Ministers duty to

any subject has been assigned to publish biannually before publish a report.

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 citizen 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 organisation,

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;

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(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 paragraphs (a) and

(b) of subsection (2).

(4) The reports referred to in subsections (1), (2) and (3)

shall be-

(a) published in the official languages and 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.

For the avoidance of doubt it is hereby declared

that any reference to the Minister shall also include

a reference to a Minister of a Provincial Council

established under Chaper XVIIA of the Constitution.

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9. (1) (a) It shall be the duty of the Minister, to whom Duty of the

the subject pertaining to any project has been assigned, to Minister to

inform public

communicate, three months prior to the commencement of

about the

such project, to the public generally, and to any particular initiation of

persons who are likely to be affected by such project all projects.

information relating to the project that is available with the

Minister, as on the date of such communication:

Provided however, in the event of an urgent project,

information shall be provided one week prior to the

commencement of such project and reasons for such urgency

shall be communicated to the Commission.

(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 citizen, 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 hundred

thousand United States dollars; and

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

thousand rupees.

For the avoidance of doubt it is hereby declared that any

reference to the Minister shall also include a reference to

a Minister of a Provincial Council established under

Chapter XVIIA of the Constitution.

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Duty of public 10. Every public authority shall submit annual reports

authorities to

to the Commission before the thirty first day of December

submit reports

etc. immediately succeeding the year to which the report relates

which shall be made available to the public in its office and

on its official website, 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;

(e) any suggestions for improving the effectiveness of

the regime of transparency;

(f) the number of appeals from refusal to communicate

information;

(g) practices relating to the maintenance, management

and destruction of records; and

(h) its activities under section 8.

PART 1V

ESTABLISHMENT OF THE RIGHT TO INFORMATION COMMISSION

Establishment 11. (1) There shall be established for the purposes of

of the right to

Information this Act, a body called the Right to Information Commission

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.

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12. (1) The Commission shall consist of five persons Constitution of

appointed by the President upon the recommendation the Commission.

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 which shall nominate

an Attorney-at-Law of eminence or a Legal

Academic in consultation with Attorneys -at-Law

and Legal Academia;

(b) organizations of publishers, editors and media

persons;

(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;

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

(v) 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

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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.

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13. (1) The Commission shall appoint- Appointment of

officers and

employees of

(a) a Director-General who shall be the Chief

the

Executive Officer of the Commission; 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.

14. The duties and functions of the Commission shall Duties and

be, to – functions of the

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;

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(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 15. For the purpose of performing its duties and

Commission. 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.

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16. (1) The Commission shall have its own Fund into Fund of the

which shall be credited- Commission.

(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.

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

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.

18. The provisions of Part II of the Finance Act, No. 38 Part II of the

of 1971 shall, mutatis mutandis apply to the financial control Finance Act, No.

38 of 1971 to

and accounts of the Commission. apply.

19. The members and officers and all other employees Members etc,

of the Commission shall be deemed to be public servants of the

Commission

within the meaning and for the purposes of the Penal Code

deemed to be

(Chapter 19) and every inquiry held by the Commission public servants.

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.

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Application of 20. The Commission shall be deemed to be a scheduled

the Bribery Act. institution within the meaning of the Bribery Act (Chapter26)

and the provisions of that Act shall be construed accordingly.

Expenses 21. Any expenses incurred by any member, officer or

incurred in any employee of the Commission in any suit or prosecution

suit or brought by or against such person before any court in respect

prosecution.

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 22. The Commission shall within six months of its

requirements establishment, formulate and give adequate publicity to the

to be published.

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 23. (1) (a) Every public authority shall for the purpose

Information of giving effect to the provisions of this Act, appoint, within

officers and

three months of the date of coming into operation of this

designated

officers. 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

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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.

24. (1) Any citizen who is desirous of obtaining any Procedure for

information under this Act shall make a request in writing to obtaining

information.

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

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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 25. (1) An information officer shall, as expeditiously as

requests possible and in any case within fourteen working days of

submitted under

the receipt of a request under section 24, make a decision

section 24.

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, the response to it shall be

made within forty-eight hours of the receipt of the request.

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(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

(2) 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.

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

to display details

conspicuous place within the official premises and on a

of information

website of such public Authority if any, a notice specifying– officers and fees

to be charged.

(a) contact details of the Commission and the members

of the Commission;

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(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 27. (1) Where decision has been made to grant a request

which

for information, such information shall be provided in the

information is to

be provided. 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 not 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.

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28. Where a request for information is refused by an Refusal of a

information officer, such officer shall specify the following request to be

communicated.

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.

29. (1) Where a request made to an information officer Where

by any citizen to disclose information which relates to, or information

requested for

has been supplied by a third party and such information has was supplied by

been treated as confidential at the time the information was a third party.

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:

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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 30. No liability, whether civil or criminal, shall attach

suit or to any public authority or any information officer or any

prosecution.

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 31. (1) Any citizen who is aggrieved as a result of–

a rejection of a

request.

(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;

(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; or

(g) the citizen requesting having reasonable

grounds to believe that information has been

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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:

Provided however, that the designated officer may admit

the appeal after the expiry of the period of fourteen days if

he or she is satisfied that the appellant was prevented by a

reason beyond his or her control from filing the appeal in

time.

(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.

32. (1) Any citizen aggrieved by:– Appeals to the

Commission.

(a) the decision made in respect of an appeal

under section 31(1), may within two months

of the communication of such decision; or

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(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 33. Where the aggrieved party is unable due to any

made on behalf

reason to make an appeal under section 31 or section 32, as

of an aggrieved

party. 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 34. (1) A citizen or public authority who is aggrieved

Court of Appeal. by the decision of the Commission made under section 32,

may appeal against such decision to the Court of Appeal

within one month 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.

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PART VII

GENERAL

35. Every officer in any public authority giving a Duty to disclose

decision which affects any person in any way, shall be reasons for a

decision.

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.

36. Nothing in this Act is intended to prevent or Nothing in this

discourage information holders from publishing or giving Act to prevent

or discourage

access to information or prevent any person from seeking

information

and obtaining information, which may be provided in due from being

compliance with the law. published.

37. (1) The Commission shall cause to be prepared a Commission to

report of its activities as often as it may consider necessary, prepare a report

of its activities.

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.

38. (1) Where– Commission to

inform the

appropriate

(a) any information officer willfully - disciplinary

authority.

(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);

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(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 within a

period of one month.

Offences. 39. (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;

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(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.

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Release or 40. Notwithstanding any legal or other obligation to

disclosure of

which a person may be subject to by virtue of being an officer

information by

an employee of or employee of any public authority, no officer or employee

a public of a public authority shall be subjected to any punishment,

authority.

disciplinary or otherwise, for releasing or disclosing any

information which is permitted to be released or disclosed

under this Act.

Regulations. 41. (1) The Minister may in consultation with the

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 principles and provisions of this 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. 42. (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;

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(d) the format of the reports to be prepared under section

10.

(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.

43. In this Act, unless the context otherwise requires– Interpretation.

“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, No. 16 of 1978 or

acknowledged by the University Grants

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;

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“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 organisation” 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 or otherwise has a

controlling interest;

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(f) a local authority;

(g) a private entity or organisation 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 which are

established, recognised or licensed

under any written law or funded, wholly

or partly, by the State or a public

corporation or any statutory body

established or created by a statute of a

Provincial Council;

(k) private educational institutions

including institutions offering

vocational or technical education

which are established, recognised or

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licensed under any written law or

funded, wholly or partly, by the State

or a public corporation or any statutory

body established or created by a statute

of a Provincial Council;

(l) all courts, tribunals and institutions

created and established for the

administration of justice;

Sinhala text to 44. In the event of any inconsistency between the

prevail in case

Sinhala and Tamil texts of this Act, the Sinhala text shall

of inconsistency.

prevail.

SCHEDULE [Section 12(8)]

PROVISIONS RELATINGTO MEMBERSOF 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 ;

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(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.

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(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.

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