

Central Information Commission, New Delhi  
File No.CIC/SM/A/2012/001131 & 1504  
Right to Information Act-2005-Under Section (19)

Date of hearing : 7 February 2013  
Date of decision : 7 February 2013  
Name of the Appellant : Shri Debashish Dutta,  
Scientific Officer-D,  
Van De Graff Bldg. Lehipa Project,  
Physics Group, Lon Accelerator  
Development Division, BARC, Trombay,  
Mumbai - 400 085.  
Name of the Public Authority : CPIO, Bhabha Atomic Research Centre,  
Central Complex, 3<sup>rd</sup> Floor, BARC,  
Trombay, Mumbai - 400 085.

The Appellant was present.

On behalf of the Respondent, Shri Govindan Kutty, PIO was present.

Chief Information Commissioner : Shri Satyananda Mishra

2. Both the parties were present in two different NIC studios in Mumbai. We heard their submissions.

3. The Appellant had filed two RTI applications. In the first one, he had wanted the copies of the ACRs of two officers of the organisation and the copy of some report submitted to the BRNS. In this case, the CPIO had asked him to deposit the photocopying charges for providing the copies of the ACRs while transferring the request for the report to some other CPIO. In the second case, the Appellant had sought several details about a variety of issues without specifying the exact information he wanted except in one instance, namely, the file relating to his own psychiatric case. In response to this application, the CPIO had denied to disclose the details of the psychiatric file by claiming exemption under the provisions of subsection 1(e) of section 8 of the Right to Information (RTI) Act on the ground that the file contained information which was given in trust and held in a fiduciary capacity. In response to the remaining queries, however, he had given some or the other information. In both the cases, the Appellate Authority had endorsed the stand taken by the CPIO while also providing some additional

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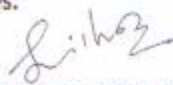
information.

4. We have carefully considered the contents of both the cases as well as the submissions made during the hearing. We are of the view that the copies of the ACRs of the two employees cannot be disclosed to the Appellant because it is clearly information personal to those employees. The provisions of subsection 1(j) of section 8 of the RTI Act exempts such information from disclosure. Similarly, the copy of the file relating to the psychiatric case of the Appellant himself cannot be disclosed for the reasons recorded by the CPIO, namely, that it contains information which has been collected from multiple sources in trust and held in a fiduciary capacity. Disclosure of the details of this file would lead to breach of trust.

5. Some of the remaining information, namely, the report submitted to the BRNS as mentioned in the first application and some other details sought in the second RTI application can be disclosed to him subject to the exemption provisions contained in the Right to Information (RTI) Act. We direct the CPIO concerned in each of these cases to write to the Appellant within 10 working days of receiving this order and to provide him with the copies of the desired documents, namely, the copy of the report and copies of the relevant file noting/correspondence having a bearing on the issues raised by the Appellant. Needless to say, the disclosure of any such information would be subject to the provisions of the RTI Act.

6. Both the appeals are disposed of accordingly.

7. Copies of this order be given free of cost to the parties.

  
(Satyananda Mishra)  
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

  
(Vijay Bhalla)  
Deputy Registrar