

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

**CORAM: Shri Juino De Souza : State Information Commissioner**

**Appeal No: 151/2019/SIC-II**

Anil Govind Naik,  
2/G-3, Dukle Residency,  
Tambadi Mati,  
Taleigao – Goa - 403 002.

**.... Appellant**

v/s

1. The PIO/Planning Section,  
Directorate of Education,  
Govt. of Goa,  
Alto, Porvorim – Goa.
2. The PIO/Accounts Section,  
Directorate of Education,  
Porvorim – Goa.
3. The Dy. Director of Education/FAA,  
Directorate of Education,  
Govt. of Goa, Alto, Porvorim – Goa.

**.... Respondents**

**Relevant emerging dates:**

Date of Hearing : 15-10-2019

Date of Decision : 15-10-2019

**O R D E R**

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 15/10/2018, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, O/o Directorate of Education, Porvorim-Goa at nine points. The Appellant is *inter alia* seeking (1) Copy of letter No.SMC/PHSS/DE-01/Approval/HM/Tr-G-I/2016-17 dated 10/10/2016 along with an enclosures as stated in the said letter alongwith all file notings. (2) Copy of letter No.DE/PLG/HSS/118/2016-17/part/1917 dated 02/11/2016 along with copies of file notings for issue of this letter. (3) Copy of letter No. SMC/PHSS/DE-01/Approval/HM/Tr-G-I/2019-17/21 Dated 04/11/2016 alongwith all file notings (4) Copy of letter No.DE/PLG/HSS/118/2016-17/part/2126 dated 22/11/16 with all file notings for issue of this letter (5) Copy of letter No.SMC/PHSS/DE-101/Approval/HM/Tr.Gr.I/2016-17/24 dated 5/12/2016 with file notings (9) Copy of letter No.DE/ACCTS/GPF.A.CPF/16/17/1258 dated 21/09/2018 long with all copies of correspondence by school for issue of this letter along with file notings and other such information. ...2

2. It is seen that the PIO transferred the RTI application under Section 6 (3) to the PIO, Accounts Section vide letter No.DE/PLG/RTI/2016/1790 dated 25/10/2018 with respect to point No. 9, and also transferred from point from 1, 3, & 5 & vide letter DE/HSS/RTI/2016/1791 dated 25/10/2018 to the PIO, People's Higher Secondary School.
3. The Appellant meanwhile vide letter dated 05/11/2018 informed the PIO, Directorate of Education that he had sought information as per the records available in the Directorate of Education, as there was no necessity to forward the RTI application to the Principal, People Higher Secondary School, Mala Panaji –Goa.
4. It is seen thereafter that since no information was furnished, the Appellant filed a First Appeal on 11/01/2019 and the First Appellate Authority (FAA) vide an Order dated 28/02/2019 directed that the PIO may allow Appellant to inspect the concern file. In point II of the said Order, the PIO was directed to provide information relating to point No.9 in RTI application within 15 days.
5. The Appellant being aggrieved that despite the directions given at point No.II the PIO, Accounts Department has not complied in furnishing the information at point No.9 has subsequently filed a Second Appeal with the Commission registered on 27/05/2019 and has prayed that the PIO be directed to provide information as per the RTI application correctly and fully and for other such reliefs.
6. **HEARING:** During the hearing the Appellant Shri. Anil Govind Naik, is present in person. The Respondent No.1 is absent. Respondent No.2 Shri. Nilesh Gaonkar, Assistant Accounts Officer, Accounts Section, Dte. of Education, Porvorim - Goa is present in person. The FAA is absent.
7. **SUBMISSIONS:** The Appellant submits that he is only interested in receiving the information at point No. 9 which pertains to copy of letter No.DE/ACCTS/GPF.A. CPF//16/75/1258 dated 21/09/2018 alongwith the copy of correspondence. The Appellant further request the commission to issue directions to the said PIO to furnish the said information at point No.9.

8. The Respondent PIO per contra submits that vide a letter dated 20/03/2019 he had informed the Appellant that the information at point No.9 cannot be furnish as the said information is confidential and personal in nature and hit by provision of section 8 (1)(j) and that further vide another letter No.PHSS/RTI FILE/INFO/2018-19/69 dated 01/02/2019, Mrs. Sidharthi M.S. Netravalkar, Principal, People Higher Secondary School had objected for furnishing information on her GPF Account No, monthly contribution and balance as the same are personal in nature. The PIO furnishes a copy of the said letter and a Xerox copy of letter from the said Principal both which is taken on record and one copy of each is served on the Appellant.
9. The Respondent PIO finally submits that as the information about the GPF is come under the purview of 8 (1)(j) and is personal information which has no relation to any public activity, the same was not furnished and therefore requests the Commission to dispose of the case.
10. **FINDINGS:** The Commission after hearing the submission of the respective parties and perusing the material on record, indeed finds that the information pertaining to point No. 9 cannot be furnished as the same contains the details of GPF Account No. monthly contribution and balance which was objected by Mrs. Sidharthi M.S. Netravalkar, Principal, People Higher Secondary School as being Personal Information which has no relation to any public activity is exempt from disclosure under section 8(1)(j) and due to which correctly the PIO has not furnished the information at point no 9 of the RTI Application.
11. At this juncture the Appellant submits that the Order of the First Appellate Authority was passed on 28/02/2019, whereas the RTI application was dated 15/10/2018 and that objections were raised by the third party on 06/02/2019 and which was communicated to the Appellant by letter dt 23/02/2019 and that the First Appellate Authority has not recorded such objection in his Order dated 28/02/2019.

12. It is also submitted that the same information sought at point No. 9 was received by him at the time hearing arguments in a Writ Petition filed in High Court and as such no longer become Personal Information.
13. The Commission finds the above argument advanced by the Appellant is without substance. It is a fact that the PIO was absent during the hearing before the First Appellate Authority and this is perhaps the reason as to why the objections raised by third party vide letter dated 06/02/2019 could not come to be recorded and does not find any mention in the Order passed by the First Appellate Authority on 28/02/2019.
14. The appellant has stated that he has already collected the information from some other source. The Commission is of the opinion that the statement is extraneous. It is not mandatory and binding on the part of the Commission to direct the PIO to furnish information at point No.9 when the same falls under the ambit of Personal Information and thus hit by provisions of section 8(1)(j) only because the Appellant has collected the same information from another sources.
- 15. DECISION:** As the information sought is Personal Information being exempted from the disclosure and which has no relationship to any public activity or interest, and or which would cause unwarranted invasion of the privacy of the individual and it being exempted under section 8(1)(j) the same cannot be furnished. Consequently the Order passed by the First Appellate Authority is hereby quashed and set aside. **Nothing further survives in the Appeal case which accordingly stand disposed.**

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-  
**(Juino De Souza)**  
**State Information Commissioner**

