

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Appeal No. 159/2025/SCIC

Mrs. Ida Susana Avita De Souza e Pinto,
Flat No. BD-1, B Block, Silver Towers,
Aquem- Alto, Margao,
Salcete-Goa 403601.

V/s

--- Appellant

1.The Public Information Officer,
Institute of Psychiatry
and Human Behaviour, Bambolim-Goa.

2.First Appellate Authority,
Director/Dean Institute of Psychiatry
and Human Behaviour, Bambolim Goa.

----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

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|----------------------------------|------------|
| RTI application filed on | 23/04/2025 |
| PIO replied on | 28/04/2025 |
| First Appeal filed on | 08/05/2025 |
| First Appellate order on | 02/06/2025 |
| Second appeal received on | 11/07/2025 |
| Decided on | 04/11/2025 |

Information sought and background of the Appeal

1. Mrs. Ida Susana Avita De Souza e Pinto filed an application dated 23/04/2025 under RTI Act, 2005 to the PIO, Institute of Psychiatry and Human Behaviour, Bambolim seeking certified copies of the following information:

"i. Medical tests done to ascertain the medical health condition of Late Mrs. Filomena when she was referred to Institute of Psychiatry and Human Behaviour.

ii. List of the dates on which Late Mrs. Filomena received treatment at Institute of Psychiatry and Human Behaviour and related medical reports, prescription etc."

2. In response to the RTI application, PIO (Medical Superintendent/Acting), Institute of Psychiatry and Human Behaviour, Bambolim vide letter dated 28/04/2025 replied as under :

"The information sought by you is personal and confidential information about Mrs. Filomena Pinto.

The case records of patients registered at Institute of Psychiatry and Human Behaviour, Bambolim are strictly confidential. The information available to the doctors is in fiduciary relationship with the patient and has no larger public interest that warrants disclosure of information.

Hence I am exempted from disclosure of information u/s 8(1) E and 8(1) (j) of RTI Act 2005".

3. Being aggrieved by the reply received from the PIO, Appellant filed first appeal dated 08/05/2025 before the First Appellate Authority praying that Respondent PIO be directed to furnish sought information.
4. FAA (Director/Dean, IPHB) passed an order dated 02/06/2025 stating that *"information denied under Section 8(1) (e) and 8 (1) (j) of the RTI Act, 2005 is valid"*.
5. Subsequently, Appellant preferred Second appeal dated 11/07/2025 stating that Respondents (PIO & FAA) miserably failed to pass a reasoned order justifying the denial of information sought by the Appellant. Appellant further stated that both Respondents grossly erred in holding that information sought is confidential and matter of fiduciary relationship.

FACTS EMERGING IN COURSE OF HEARING

6. In pursuant to the filing of the present appeal by the Appellant, parties were notified fixing the matter for hearing on 20/08/2025 for which Appellant and Respondent PIO present. Respondent PIO filed written submission with additional copy to the Appellant.

In the submission, Respondent PIO submitted that the sought information was denied u/s 8(1) (e) and 8(1) (j) on the ground that the information available in the fiduciary relationship and the disclosure of which has no relationship to any public activity or interest. Matter adjourned and fixed for reply of Appellant on 25/09/2025.

7. Matter took up for hearing on 25/09/2025 for which Appellant present along with her husband and lawyer. Respondent PIO vide e-mail dated 18/09/2025 intimated the Registry about his inability to attend the proceedings.
8. Matter again took up for hearing on 21/10/2025 but Appellant and Respondent absent. However, on October 7, 2025, Registry received a mail from the Respondent PIO requesting to adjourn the matter to the first week of November 2025 as he is proceeding on leave. Accordingly matter adjourned to 04/11/2025.
9. When the matter took up for final argument on 04/11/2025, Respondent PIO present and the Appellant appeared along with her husband, son of Late Filomena Pinto whose medical treatment related information sought by the Appellant and lawyer Adv. Vivek F. Vas.

Respondent PIO submitted that he did not furnish the information to the Appellant because the information sought is of a third party and as part of the medical ethics, doctors are bound to maintain the confidentiality of the patient. Disclosure of the information in respect of the patient will lead to the encroachment into the privacy of the patient and moreover the Appellant could not establish larger public interest in the disclosure of the information in respect of the patient referred in the present appeal.

10. Appellant submitted that Late Filomena Pinto is not a '*third party*' and Appellant is Late Filomena's daughter-in-law and Appellant's husband Mr. Clintonio Pinto is the son of late Filomena. In order to establish the relation of Appellant and her husband to late Filomena, Appellant has filed following documents before the Commission on 04/11/2025 -

- i. An Affidavit Cum Declaration dated 04/11/2025
- ii. Death certificate of late Filomena Pinto.
- iii. Aadhar Card bearing No.8188 7693 9377 of the Appellant.
- iv. Birth certificate of Mr. Clintonio Pinto, husband of the Appellant, containing the name of father, Conceicao Hilario Amancio Pinto and name of mother, Filomena Rebelo Pinto.

- V. Certificate of Marriage between Clintonio Pinto s/o. Conceicao Hilario Amancio Pinto & Filomena Rebelo Pinto with Mrs. Ida Susana Avita De Souza e Pinto (Appellant).

DECISION

- i. Since the Appellant and her husband are daughter-in-law and son respectively of late Filomena Rebelo Pinto, whose medical treatment details was sought by the Appellant, Commission is of the opinion that the information sought by the Appellant cannot be treated as a 'third party' information and cannot be denied to the Appellant. Hence, the Respondent PIO is hereby directed to furnish the information sought by the Appellant vide RTI application dated 28/03/2025 to the Appellant, free of cost, within 10 days from the date of receipt of the order.***
- ii. Even though the Appellant and her husband, who is the son of late Filomena Rebelo Pinto, has filed an 'Affidavit cum Declaration' dated 04/11/2025 assuring that they will not misuse the information sought, Appellant is hereby further cautioned not to misuse the information in contravention of the medical ethics, procedures, guidelines and norms.***
- iii. The original 'Affidavit cum Declaration' dated 04/11/2025 filed by the Appellant along with the documents to establish the relationship of late Filomena Pinto and the Appellant/her husband should be attached along with the copy of the Order to the Respondent PIO/IPHB.***
- iv. Respondent PIO is directed to file compliance report to the Commission within 15 days from the receipt of the order.***

- Proceeding stands closed.
- Pronounced in Open Court.
- Notify the parties.

Aggrieved party if any, may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC