

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 48/SCIC/2009

Mrs. Martha Menino D'Silva,
H. No. 64, 1st Ward,
P.O. Colva, Salcete – Goa.

..... Complainant.

V/s.

The Public Information Officer,
Medical Superintendent,
Institute of Psychiatry & Human Behaviour,
Bambolim – Goa.

..... Opponent.

Complainant in person.

Opponent in person.

ORDER

The Complainant on 13/7/2009 sought information from the Opponent in the items A to E mentioned in the letter and it is in respect of the patient Jeffery Menino D'Silva admitted in the Institute of Psychiatry and Human Behaviour. The Opponent on 3rd August, 2009 provided the information at A and gave the names of the doctors who have examined Jeffery Menino D'Silva and to the questions at B, C, D and E the information was denied on the ground that the it is confidential in nature of the case records and fiduciary relationship with the patient. Not content with this information provided, the Complainant approached this Commission with the Complaint dated 8/8/2009.

2. After hearing the Complainant and the Opponent and perusing the records the question for determination is whether the Opponent was justified in denying the information at B, C, D and E on the ground of being confidential in nature and involving fiduciary relationship.

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3. The question at 'B' refers to treatment given and question at 'C' the Complainant wants to know what medicine was advised at the time of discharge. The questions on the type of treatment given and the medicine prescribed to the patient falls within the exemption of section 8(1)(e) of Right to Information Act as it is confidential in nature between the Medical Officer and the patient. Regarding question 'D' whether the said patient was recovered from mental illness at the time of discharge or he was discharged on request and question 'E' what was the condition of the patient at the time of discharge, are not covered within the exemption as the same are available from the records and does not affects the privacy of the individual. With these observations, the Opponent to provide information at D and E of the letter dated 13/7/2009 to the Complainant and report compliance.

Pronounced in the open court on this 9th day of September, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

