

**BEFORE THE EXECUTIVE DIRECTOR AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 9th May, 2023

**Order under section 19 of the Right to Information Act, 2005 (RTI Act) in respect of RTI
Appeal**

IN THE MATTER OF

Hasan Murtaza

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

2nd Floor, Jeevan Vihar Building

Sansad Marg, New Delhi - 110 001.

... Respondent

1. The Appellant has filed the present Appeal dated 10th April 2023 (received by IBBI on 11th April, 2023), challenging the communication of the Respondent (on his second query) dated 13th March 2023 in his RTI application no. ISBBI/R/P/23/00005 filed under the RTI Act. I have carefully examined the application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record.

2. It is noted that in his RTI application, the Appellant had requested for the following –
“...Applications of IIRP filed until December 31, 2023 in the enclosed format herein, arranged from highest claim amount to lowest claims amount.
Following are the particulars of information being sought and requested to be provided along with relevant certified / authenticated copies of such information :

S. No.	Under Section	Adjudicating Authority	Date of Filing	Applicant	Respondent	Claim Amount (Rs.)	Status

”

3. By the impugned communication, the Respondent has informed the Appellant “*that the information relating to the name of the applicant and respondent along with claim amount is qualified as personal information within the meaning of section 8(1)(j) of the RTI Act. Hence, the disclosure of information is exempted.*”

4. In the Appeal, the Appellant has stated that –

- (a) The information sought do not qualify as personal information or relates to any individual(s) which would cause unwarranted invasion of privacy of said individuals.
- (b) Names of parties along-with status of IIRP application filed till 31.12.2022 is a statistical data and can be classified as public information as it is already available and can be accessed by public on website of NCLTs, although it is scattered and not available in the format sought by Appellant.
- (c) The proviso to section 8(1)(j) clearly exempts those categories of information from the purview of personal information which cannot be denied to the Parliament or a State Legislature, as and when sought by them and therefore, cannot be denied to any individual.

- (d) CPIO has also not rejected the request on the ground that same would disproportionately divert the resources of the public authority or would be detrimental to safety of the record in question.
 - (e) Without prejudice to above, if at all certain part of the information sought qualifies as personal information such as names of Applicant or Respondent, CPIO could have applied section 10 and severed the personal information while providing the rest of the information.
 - (f) Lastly, the definition of 'right to information' includes the right to take certified copies of documents or records.
5. It is gainsaying that the Appellant's '*right to information*' flows from section 3 of the RTI Act and the said right is subject to the provisions of the Act. While the "*right to information*" flows from section 3 of the RTI Act, it is subject to other provisions of the Act. In terms of section 2(f) of the RTI Act 'information' means "*any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.*" Section 2(j) of the RTI Act defines the "*right to information*" in term of *information* accessible under the Act which is held by or is under the control of a public authority. Section 8 provides for exemption from disclosure of information held by or under control of the public authority. Thus, if the public authority holds any information in the form of data, statistics, abstracts, etc. an applicant can have access to the same under the RTI Act subject to exemptions under section 8.
 6. It is pertinent that section 8(1)(j) exempts information which 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 CPIO or SPIO or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information. In this regard, it is pertinent to mention that the term "personal information" has been amplified in the Apex Court's decision in the case of *Cen. Pub. Information Officer, SC vs. Subhash Chandra Agarwal* dated 13th November, 2019 whereby it was held as under: "*...personal records, **including name**, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.*"
 7. Section 8(1)(j) of the RTI Act exempts information which relates to personal information, the disclosure of which has no relationship to any public activity or interest. If the information sought for is personal and has no relationship with any public activity or interest or it will not sub-serve larger public interest, the Respondent is not legally obliged to provide that information. The Hon'ble Supreme Court in *Bihar Public Service Commission vs. Saiyed Hussain Abbas Rizwi and Ors.* (Civil Appeal No. 9052 of 2012 (Arising out of SLP (C) No. 20217 of 2011) *vide* Order dated 13th December 2012 observed that – "*In terms of this provision, information which 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 would fall within the exempted category, unless the authority concerned is satisfied that larger public interest justifies the disclosure of such information. It is, therefore, to be understood clearly that it is a statutory exemption which must operate as a rule and only in exceptional cases would disclosure be permitted, that too, for reasons to be recorded*

demonstrating satisfaction to the test of larger public interest. It will not be in consonance with the spirit of these provisions, if in a mechanical manner, directions are passed by the appropriate authority to disclose information which may be protected in terms of the above provisions.” In Canara Bank v. C.S. Shyam and Anr. (Civil Appeal No. 22 of 2009) vide decision dated 31st August 2017, the Hon’ble Supreme Court observed as follows - “In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.”

8. In view of these observations, I find that the Respondent was justified in invoking the provisions of sections 8(1)(j) of the RTI Act with regard to the name of Applicant, name of Respondent and claim amount. Further, I am also not satisfied that a larger public interest is involved so that information disclosures can be allowed. As such I find no valid ground to outweigh the scope of exemption under section 8(1)(j).
9. In addition to above, the information related to claim amount is also exempt from disclosure under of section 8(1)(d) of the RTI Act, which reads as under: -

“(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen, (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;”
10. The Appellant has failed to establish how a larger public interest is involved warranting disclosure of requested information nor has he disclosed as to how his interest is affected by non-disclosure of requested information.
11. I note that information related to “S. No., Section no., Adjudicating Authority, Date of filing and Status’ of applications filed, if available on record, can also be severed from the information, which is exempt from disclosure under the RTI Act, and can be provided to the Appellant. Accordingly, the Respondent is directed to provide this information (certified copy) if available within 10 days of the date of this order.
12. In view of the above, the Appeal is disposed of.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

1. Appellant, Hasan Murtaza.
2. CPIO, The Insolvency and Bankruptcy Board of India, 2nd Floor, Jeevan Vihar Building, Sansad Marg, New Delhi - 110 001.