

WHAT IS YOUR RIGHT TO INFORMATION?

SECTION 3 IN THE RTI ACT STATES THAT EVERY CITIZEN HAS THE RIGHT TO INFORMATION AND THE RIGHT TO INFORMATION IS THE RIGHT TO ACCESS INFORMATION HELD ON RECORD BY ANY PUBLIC AUTHORITY.



The Sri Lankan Constitution says that **sovereignty is with the people**. Governance must be open and transparent for people to effectively exercise power through their representatives.



You can seek information from any **public officers**, including private bodies performing a public activity. Public officers use public funds to work for the public.



Therefore, you are **entitled to information** and this is why the Right to Information (RTI) Act was introduced in August 2016 to create an open system of governance.

**Your Right
to Information
is important for the
protection of other
rights too, such as the
freedom of religion,
the freedom of
expression, etc.**

WHO ARE THE MAIN ACTORS IN THE RTI STRUCTURE?

- ① PUBLIC AUTHORITY
- ① INFORMATION OFFICER
- ① RTI COMMISSION



WHO OR WHAT IS A PUBLIC AUTHORITY?

1. Any Government Ministry or Department
2. Any institution created by the Constitution or any written law
3. Public corporation
4. Local authority
5. Private entity or organisation carrying out statutory/public work, with the Government or a local body - only to the extent of activities covered by that statutory/public work
6. Any institution created by a Provincial Council
7. NGOs - substantially funded by the Sri Lankan Government, foreign Government or international organisation and only when they serve the public

8. Higher educational institutions licensed under any law or funded even partly, by the State, a public corporation or an institution created by a Provincial Council

9. Private educational institutions under any law or funded even partly, by the State, a public corporation or an institution created by a Provincial Council

10. Courts and institutions created to administer justice

Public authorities should display the contact details of the RTI Commission, the names of the Commissioners, contact details of the Information Officer, contact details of the Appeals Officer and any fees to be charged for obtaining any information. (Section 26)

WHO IS AN INFORMATION OFFICER? (SECTION 23)

- Information Officers are appointed by the Public Authorities
- You have to make the request for information from the Information Officer
- Every school, police station, Government Department, etc. will have an Information Officer that you can approach



WHAT ARE THE DUTIES OF THE INFORMATION OFFICER? (SECTION 25)

- Acknowledge all requests for information in writing
- Make and keep a record of the request and the reply given
- Make a decision as soon as possible or within 14 days on whether to:
 - » Provide the information requested
 - » Reject the request
 - » Communicate the decision to the person who made the request

WHAT IS THE RTI COMMISSION? (SECTION 12)

The Commission is in charge of any appeals that are made if the public authorities do not provide information or fulfil their duties



Key events in the SL RTI timeline

1996

ADVISORY COMMITTEE RECOMMENDATION

The Mass Media Ministry appoints an Advisory Committee to reform laws affecting freedom of the press and freedom of expression. Its third recommendation is to include Right to Information under Freedom of Expression, as per the International Covenant on Civil and Political Rights.

2000

INCLUDED IN FAILED CONSTITUTION ATTEMPT

RTI is included under Fundamental Rights in the failed attempt to draft a new Constitution.

2006

SRI LANKA LEGAL COMMISSION PROPOSAL

The Legal Commission introduces a Bill recommending that an RTI Act be passed, particularly in view of Sri Lanka having signed the UN Convention against Transnational Organised Crime and the Convention against Corruption.

2004

CABINET PASSES A BILL

A Bill introduced by the Editors' Guild, Free Media Movement, and Centre for Policy Alternatives is passed by Cabinet and finalised by the Justice Ministry. However, with the dissolution of Parliament that follows, Government interest in the Bill ceases.

2
0
1
0

MP INVOLVEMENT

Government and Opposition MPs at the time - Milinda Moragoda, Wijedasa Rajapaksha, Karu Jaysooriya, and Thilanga Sumathipala - unsuccessfully introduce Bills to parliament, including Private Member Bills.

2011

LLRC RECOMMENDATION

The LLRC Report states freedom of expression will perform a key role in reconciliation, and recommends that the law be reformed to assure the right to information.

2015

CAMPAIGN PROMISE

Maithripala Sirisena, the "common candidate" at the Presidential election, promises to introduce an RTI Act within his first 100 days in office.

2016

RTI ACT PASSES IN PARLIAMENT

A Bill introduced to Parliament in March is amended, following decisions by the Supreme Court, proposals by the Provincial Councils, and changes by the Government and Opposition, before becoming law in August.

Source: <https://www.rti.gov.lk/about-rti/history>

WHAT ARE THE STEPS TO OBTAIN INFORMATION?

- ① YOU ARE NOT REQUIRED TO GIVE ANY REASONS FOR REQUESTING THE INFORMATION OR ANY OTHER PERSONAL DETAILS EXCEPT YOUR CONTACT DETAILS
- ① THE INFORMATION DOES NOT HAVE TO BE RELATED TO YOU PERSONALLY



1.

Make a request in writing to the information officer

2.

Provide details of the information requested



3.

You can also make the request orally and the information officer will write it down



6.

Register post your letter and keep the registered post article with you



5.

Keep a copy of your request



4.

It is best to mention particular details* as part of your request



7.
Make sure you receive a written acknowledgment for your request

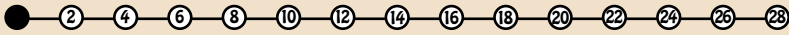


- * a. that you are requesting for information under Section 3 of the RTI Act
- b. in which language you would like to receive the response
- c. your contact details
- d. that you are a citizen of Sri Lanka

WHAT ARE YOU ENTITLED TO IF YOUR REQUEST IS ACCEPTED?

- ⊕ YOU HAVE THE RIGHT TO PUBLISH THE INFORMATION YOU RECEIVE (SECTION 36)
- ⊕ YOU CAN USE THE INFORMATION YOU RECEIVE AS EVIDENCE IN A CASE

TIMEFRAMES



If the request for information concerns the life and personal liberty of the person, the response should be made within **48 hours** (Section 25(3))

Access to the information within **14 – 28 days** (Section 25)

On limited grounds, the information officer can ask for **21 days** (e.g. if the information is in a different location or if a large amount of information is requested)

RESPONSE TO YOUR REQUEST



- o If your request is granted, you can inspect relevant work, documents, certified copies of documents or records, obtain information in any electronic mode or through printouts etc. (Section 27)



- o If your request is refused the Information Officer should give:
 - » reasons for refusal
 - » time period within which and the Appeals Officer with whom an appeal can be lodged (Section 28)

WHAT IS THE APPEAL PROCESS?

THERE ARE THREE PLACES TO WHICH YOU CAN APPEAL IN THE FOLLOWING ORDER:

- ⊕ APPEALS OFFICER (SECTION 31)
- ⊕ RTI COMMISSION (SECTION 32)
- ⊕ COURT OF APPEAL (SECTION 34)

1) YOU CAN LODGE AN APPEAL WITH THE APPEALS OFFICER AGAINST THE INFORMATION OFFICER FOR:

1. refusing a request for or access to information
2. not complying with the time period
3. giving incomplete, misleading or false information
4. charging excessive fees
5. not providing the information in the requested manner
6. if the information is deformed, destroyed or misplaced intentionally
 - o the Appeals Officer should issue a receipt on the acceptance of the appeal
 - o a decision on the appeal should be made within **3 weeks**
 - o the decision should include the reasons and specific grounds for the decision

Make sure you appeal to the Appeals Officer within 14 days of the rejection of your request.

2) WHEN CAN YOU APPEAL TO THE RTI COMMISSION?

- o If you are not satisfied with the decision made by the Appeals Officer, you can appeal to the RTI Commission within 2 months of the decision.
- o The RTI Commission should arrive at a decision within 30 days.
- o The decision made by the RTI Commission should be given in writing to:
 - » the person who asked for the information
 - » Information Officer and public authority

If you are unable to make the appeal to the Appeals Officer or the RTI Commission, you can authorise in writing, someone else to appeal on your behalf (Section 33).

3) COURT OF APPEAL

- o An individual or public authority who is not satisfied with the decision of the RTI Commission can file action in

WHAT KIND OF INFORMATION MAY BE REFUSED?

SECTION 5 (4) OF THE ACT SAYS THAT A REQUEST FOR INFORMATION CANNOT BE REFUSED IF THE REASON WHY THE INFORMATION IS NEEDED IS MORE IMPORTANT TO THE PUBLIC INTEREST THAN THE HARM THAT WILL BE CAUSED IF IT IS GIVEN.



personal information



information which can harm national security



information which can harm the economy



medical records



communication between a professional and a public authority



information based on a relationship of trust (e.g. information that a client gives his/her lawyer)



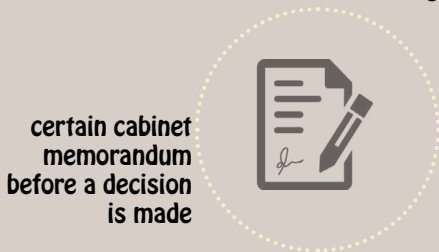
information which can lead to disrespecting court



information which takes away the privileges of Parliament/Provincial Council



information which can affect the integrity of an examination



certain cabinet memorandum before a decision is made



confidential information regarding elections

HOW CAN YOU USE RTI FOR RELIGIOUS FREEDOM?



DO YOU KNOW?

THE RIGHT TO INFORMATION IS ALSO A FUNDAMENTAL RIGHT AS PER ARTICLE 14A OF THE CONSTITUTION. THEREFORE, YOU CAN EVEN CANVASS YOUR RIGHT TO INFORMATION IN THE SUPREME COURT.



1. If you are denied access to a **basic need** (e.g. water, electricity) based on your faith, you can question:
 - o if the authority is the relevant/lawful authority to decide on such matters
 - o the legal basis on which you are not being provided these services



2. If your child is denied **school admission** on the basis of religion, even after you have met the criteria, then, you can request the reasons for your admission being rejected from:
 - o the school
 - o the relevant local educational institute
 - o the Ministry of Education



3. If you are compelled to **register your place of worship**, by citing the 2008 Circular, you can request the following information from the relevant authority:
 - o why the Circular is law
 - o which legislation stipulates that places of worship should be registered



4. If, after meeting all the legal requirements, you are:
 - o prohibited from **building a place of worship**
 - o your **plans** are not approved by the relevant authorityyou can question the relevant authority:
 - o if the authority is the relevant/lawful authority to decide on such matters

- the grounds on which your plans were not approved OR
- the grounds on which the construction is prohibited



5. If your **place of worship** is forcibly shut down you can question the relevant authority:

- if the authority is the relevant/lawful authority to decide on such matters
- under which law or on what grounds your place of worship is being shut down



6. If you are prohibited from **entering an area to conduct worship**, you can question the relevant authority:

- if the authority is the relevant/lawful authority to decide on such matters
- why you are not allowed the freedom to enter a village/geographical area (to conduct worship)



7. If you are denied the **right to burial** in public cemeteries based on your religion, you can question the relevant authority:

- if the authority is the relevant/lawful authority to decide on such matters
- the legal basis on which you have been denied burial rights

If you need further information, you can contact:

RIGHT TO INFORMATION COMMISSION

Rooms Nos. 203-204, Block 2, BMICH,
Buddhaloka Mawatha, Colombo 7
Email: rti.commission16@gmail.com
Telephone/Fax: 011-2691625
Website: www.rticommission.lk/web/index.php?lang=en

MINISTRY OF FINANCE AND MASS MEDIA

163, Asi Disi Medura,
Kirulapone Mawatha,
Polhengoda, Colombo 05
Email: info@media.gov.lk
Telephone: 011 251 3459, 011 251 3460, 011 251 2321,
011 2513 498
Website: www.rti.gov.lk; www.media.gov.lk

**THE NATIONAL CHRISTIAN EVANGELICAL ALLIANCE OF
SRI LANKA (NCEASL)**

The NCEASL, as the representative body for Evangelical Christians, engages in safeguarding the Religious Freedom of minorities in Sri Lanka.

Address: P.O. Box 113, Dehiwala, Sri Lanka
Tel: 011 5511358
Email: legal@nceasl.org
Web: www.nceasl.org



© The National Christian Evangelical Alliance of Sri Lanka (NCEASL)
All rights reserved.