PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

RIGHT TO INFORMATION ACT, No. 12 OF 2016

[Certified on 04th August, 2016]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of August 05, 2016.

Price: Rs. 9.00  Postage: Rs. 10.00
Right to Information Act, No. 12 of 2016

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An Act to provide for the Right of Access to Information to ensure transparency on which access may be denied to ensure the Right to Information Commission to appoint Information Officers, to define the structure and format of centralised and decentralised information services.

WHEREAS the Constitution guarantees the right of access to information in Article 14A therein and there exists a need to foster a culture of transparency and accountability in public authorities by giving effect to the right of access to information and thereby promote a society in which the people of Sri Lanka would be able to more fully participate in public life through combating corruption and promoting accountability and good governance.

BE it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows—

1. (1) This Act may be cited as the Right to Information Act, No. 12 of 2016.

(2) The provisions of this Act, as far as they are applicable, have been made in accordance with the provisions of Article 14A of the Constitution.

(3) The provisions of all other sections of this Act, shall come into operation in respect of such public authorities or categories of public authorities and on such dates as may be prescribed by the Minister by Order published in the Gazette.

Provided, however, that the dates prescribed shall be at least six months after the certification referred to in subsection (3) above, and that all provisions of this Act shall be applicable to all public authorities no later than one year of such certification.

2. Right to Information Act, No. 12 of 2016

Responsibility to ensure effective implementation.

It shall be the responsibility of the Ministry of the President to ensure the effective implementation of the provisions of this Act.

PART I

Application of the provisions of the Act

Right of access to information.

3. (1) Subject to the provisions of section 5 of this Act, every citizen shall have the right of access to information which is in the possession, custody or control of a public authority.

(2) The provisions of this Act shall not be in derogation of the powers, privileges and practices of Parliament.

Provisions of this Act to prevail over other written law.

4. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and any other written law, the provisions of this Act shall prevail.

PART II

Disclosure of Access to Information

Where right of access may be denied.

5. (1) Subject to the provisions of subsection (2) a request under this Act for access to information shall be refused, where-

(a) the information 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 larger public interest justifies the disclosure of such information or the person concerned has consented in writing to such disclosure.
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9) disclosure of such information—
   (i) would undermine the defence of the State or its territorial integrity or national security;
   (ii) would be or is likely to be seriously prejudicial to Sri Lanka’s relations with any State, or in relation to international agreements or obligations under international law, where such information was given by or obtained in confidence;
   (e) the disclosure of such information would cause serious prejudice to the economy of Sri Lanka by disclosing prematurely decisions to change or discretion government economic or financial policies relating to—
   (i) exchange rates or the control of overseas exchange transactions;
   (ii) the regulation of banking or credit;
   (iii) taxation;
   (iv) the stability, control and adjustment of prices of goods and services, rents and other costs and rates of wages, salaries and other incomes; or
   (v) the entering into of overseas trade agreements;
   (d) information, including commercial confidence, trade secrets or intellectual property, protected under the Intellectual Property Act, No. 36 of 2003, the disclosure of which would harm the competitive position of a third party, unless the public authority is satisfied that public interest warrants the disclosure of such information;

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9) the information could lead to the disclosure of any medical records relating to any person, unless such person has consented in writing to such disclosure;

(f) the information consists of any communication, between a professional and a public authority to whom such professional provides services, which is not permitted to be disclosed under any written law, including any communication between the Attorney General or any officer assisting the Attorney General in the performance of his duties and a public authority;

(i) the information is required to be kept confidential by reason of the existence of a fiduciary relationship;

(j) the disclosure of such information would—
   (i) cause grave prejudice to the prevention or detection of any crime or the apprehension or prosecution of offenders; or
   (ii) expose the identity of a confidential source of information in relation to law enforcement or national security, to be ascertainable;

(k) subject to the provisions of section 29(2)(e), the information has been supplied in confidence to the public authority concerned by a third party and the third party does not consent to its disclosure;

(l) the disclosure of such information would be in contempt of court or proceedings in the maintenance of the authority and impartiality of the judiciary;

(m) the disclosure of such information would infringe the privileges of Parliament or of a Provincial Council as provided by Law;
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6. Where a request for information is refused on any of the grounds referred to in section 5, access shall nevertheless be given to that part of any record or document which contains any information that is not exempted from being disclosed under that section, and which can reasonably be severed from any part that contains information exempted from being disclosed.

PART III
DEFINITIONS AND PUBLIC AUTHORITIES

7. (1) It shall be the duty of every public authority to maintain all its records duly catalogued and indexed in such form as is consistent with its operational requirements which would facilitate the right of access to information as provided for in this Act.

(2) In discharging its obligations under subsection (1), every public authority shall comply with any directions given by the Commission under section 14(5).

(3) All records being maintained by every public authority, shall be preserved—

(a) in the case of those records already in existence on the date of coming into operation of this Act, for a period of not less than five years from the date of coming into operation of this Act; and

(b) in the case of new records which are opened after the date of coming into operation of this Act, for a period of not less than twelve years from the date on which such record is created.

(4) No record or information which is the subject matter of a request made under this Act, shall be destroyed during the pendency of such request or any appeal or judicial proceeding relating to such request.
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5. Notwithstanding the provisions of subsection (3), every public authority shall endeavor to preserve all its records in electronic format within a reasonable time, subject to the availability of resources.

8. (1) It shall be the duty of every Minister to whom any subject has been assigned to publish biennially before the first day of June and thirty-first day of December respectively of each year, a report, in such form as shall be determined by the Commission as would enable a citizen to exercise the right of access to information granted under section 3 of this Act.

(2) The report referred to in subsection (1) shall contain:

(a) the particulars relating to the organisation, functions, activities and duties of the Ministry of each Minister and all the public authorities falling within the functions so assigned;

(b) the following particulars pertaining to the Ministry and the public authorities referred to in paragraphs (a):

(i) the powers, duties and functions of officers and employees and the respective procedures followed by them in their decision making process;

(ii) the norms set for the discharge of their functions, performance of their duties and exercise of their powers;

(iii) rules, regulations, instructions, manuals and any other categories of records, which are used by the officers and employees in the discharge of their functions, performance of their duties and exercise of their powers;

(iii) the details of facilities available to citizens for obtaining information;

(iv) the budget allocated, indicating the particulars of all plans, proposed expenditures and reports submitted made;

(v) the name, designation and other particulars of the information officer or officers appointed.

(3) Notwithstanding the provisions of subsection (1), it shall be the duty of every Minister, within six months of the date of coming into operation of this Act, to publish in such form as may be determined by such Minister, a report containing the information referred to in paragraphs (2)(a) and (b) of subsection (2).

(4) The report referred to in subsections (1), (2) and (3) shall be:

(a) published in the official languages and be made available in electronic form; and

(b) made available for public inspection and copies of the same may be issued to a citizen, on the payment of such fee as shall be determined by the Commission.

For the avoidance of doubt it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under Chapter XVII of the Constitution.
9. (1) (a) It shall be the duty of the Minister, to whom the subject pertaining to any project has been assigned, to communicate, three months prior to the commencement of such project, to the public generally, and to any particular persons who are likely to be affected by such project, all information relating to the project that is available with the Minister, as on the date of such communication:

Provided however, in the event of an urgent project, information shall be provided one week prior to the commencement of such project and reasons for such urgency shall be communicated to the Commission.

(b) The Commission shall issue guidelines specifying the manner in which the communication referred to in paragraph (a) shall be made.

(c) The Minister shall, on a written request made in that behalf by a citizen, make available updated information about a project referred to in subsection (1), throughout the period of its development and implementation.

(d) The information shall be made available on the payment of such fee, as shall be prescribed by the Commission for that purpose.

(3) For the purposes of this section, "project" means any project the value of which exceeds:

(a) in the case of foreign funded projects, one hundred thousand United States dollars; and

(b) in the case of locally funded projects, four hundred thousand rupees.

For the avoidance of doubt, it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under Chapter XVIII of the Constitution.

10. Every public authority shall submit annual reports to the Commission before the thirty first day of December immediately preceding the year to which the report relates which shall be made available to the public in its office and on its official website, furnishing information such as:

(a) the total number of requests received during the year and information provided and rejected;

(b) the amount of fees collected during the year;

(c) the number of requests rejected under section 9;

(d) the number of times information was provided at the direction of the Commission; and

(e) any suggestions for improving the effectiveness of the regime of transparency;

(f) the number of appeals from refusal to communicate information;

(g) practices relating to the maintenance, management and destruction of records; and

(h) its activities under section 8.

PART IV

Establishment of the Right to Information Commission

11. (1) There shall be established for the purposes of this Act, a body called the Right to Information Commission (in this Act referred to as the "Commission").

(2) The Commission shall be the body assigned to it by subsection (1), be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
12. (1) The Commission shall consist of five persons appointed by the President upon the recommendation of the Constitutional Council. In making such recommendations, the Constitutional Council shall recommend one person nominated by each of the following organizations or categories of organizations:

(a) Bar Association of Sri Lanka which shall nominate an Attorney-at-Law of eminence or a Legal Academic in consultation with Attorneys-at-Law and Legal Academics;

(b) organisations of publishers, editors and media persons;

(c) other civil society organisations.

(2) (a) In making recommendations under subsection (1), the Constitutional Council shall ensure that the persons who are being recommended are persons who—

(i) have distinguished themselves in public life with proven knowledge, experience and eminence in the fields of law, governance, public administration, social services, journalism, science and technology or management;

(ii) are not Members of Parliament, any Provincial Council or a local authority;

(iii) do not hold any public or judicial office or any other office of profit;

(iv) are not connected with any political party or

(v) are not carrying on any business or pursuing any profession.

(b) In nominating persons for the consideration of the Constitutional Council the organizations referred to in subsection (1) shall ensure that the persons nominated meet the criteria specified therein. In the event the Constitutional Council is of the opinion that the nominees do not meet the criteria set out herein fresh nominations shall be called for.

(2) The Constitutional Council shall make its recommendations under subsection (1), within one month of the date of coming into operation of this Act of the date of a vacancy arising in the Commission. In the event, any or all of the organizations concerned fail to make nominations within such period, the Constitutional Council shall make its own recommendations after the expiry of the said period.

In the event any nominations are rejected the Constitutional Council shall make its own nominations if no acceptable nominations are retransmitted within two weeks from the rejection.

(4) Where a member of the Commission while holding such office becomes a Member of Parliament, any Provincial Council or a local authority or appointed to any public or judicial office or an office bearer of any political party such member shall cease to be a member of the Commission on such appointment.

(5) The President shall nominate one of the members appointed to the Commission to be its Chairperson.

(6) The member of the Commission shall hold office for a period of five years.

(7) A member of the Commission shall not disclose any information that cannot be disclosed under the provisions of this Act.

(8) The provisions of the Schedule to this Act shall apply to and in respect of the members of the Commission and the conduct of its meetings.
13. (1) The Commission shall appoint:

(a) a Director-General who shall be the Chief Executive Officer of the Commission;

(b) such officers and other employees as it considers necessary.

(2) The Director-General shall be responsible for the general supervision, direction and management of the affairs of the Commission and exercise disciplinary control over the officers and employees of the Commission.

(3) The Director-General and other officers and employees appointed under subsection (1), shall be subject to such terms and conditions of service as shall be determined by the Commission and be paid such remuneration as determined by the Commission in consultation with the Minister assigned the subject of Finance.

14. The duties and functions of the Commission shall be, to —

(a) monitor the performance and ensure the due compliance by public authorities of the duties cast on them under this Act;

(b) make recommendations for reform both of a general nature and those in regard to any specific public authority;

(c) issue guidelines based on reasonableness, for determining fees to be levied by public authorities for the release of any information under this Act;

(d) prescribe the circumstances in which information may be provided by an information officer, without the payment of a fee;

(e) prescribe the fee Schedule based on the principle of proactive disclosure, in regard to providing information;

(f) to hold inquiries and require any person to appear before it;

(g) to examine such person under oath or affirmation and inquire into such persons as it shall require to produce any information which is in the person’s possession, provided that the information which is exempted from disclosure under section 5 shall be examined in confidence;

(h) to inspect any information held by a public authority, including any information shared by a public authority under the provisions of this Act;

(i) to direct a public authority to provide information, in a particular form;

(j) to direct a public authority to publish any information withheld by a public authority from the public, subject to the provisions of section 5;

(k) to hear and determine any appeals made to it by any aggrieved person under section 5; and

(l) to direct a public authority or any relevant information officer of the authority to reimburse fees charged from a citizen due to any information requested for not being provided in time.
16. (1) The Commission shall have its own Fund into which shall be credited—

(a) all such sums of money as may be voted from time to time by Parliament for the use of the Commission; and

(b) donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka.

(2) Where any money is received by way of donations, gifts or grants under subsection (1)(b), the source and purpose for which such donation, gift or grant was made available shall be made public.

(3) There shall be paid out of the Fund all such sums of money required to defray the expenditure incurred by the Commission in the exercise, discharge and performance of its powers, duties and functions.

17. (1) The financial year of the Commission shall be the calendar year.

(2) The Commission shall cause proper books of accounts to be maintained of the income and expenditure and all other transactions of the Commission.

(3) The provisions of Articles 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Commission.

18. The provisions of Part II of the Finance Act, No. 38 of 1971 shall, mutatis mutandis, apply with the financial control and accounts of the Commission.

19. The members and officers and all other employees of the Commission shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 09) and every inquiry held by the Commission under this Act shall be deemed to be a judicial proceeding within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.
24. (1) Any citizen who is desirous of obtaining any information under this Act shall make a request in writing to the appropriate information officer, specifying the particular of the information requested for.

Provided that where any citizen makes a request under this subsection is unable due to any reason to make such request in writing, each citizen shall be entitled to make the request orally and it shall be the duty of the appropriate information officer to reduce such request to writing on behalf of the citizen.

(2) Where a citizen—

(a) wishes to make a request to a public authority; or

(b) has made a request to a public authority which does not comply with the requirements of this Act,

the information officer concerned shall take all necessary steps to assist the citizen, free of charge, to make the request in a manner that complies with this Act.

(3) On receipt of a request, an information officer shall immediately provide a written acknowledgement of the request to the citizen.

(4) Where an information officer is able to provide an immediate response to a citizen making a request and such response is to the satisfaction of the requester, the information officer shall make and retain a record of the request and the response therein.

(5) A citizen making a request for information shall—

(a) provide such details concerning the information requested as is reasonably necessary to enable
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28. Where a request for information is refused by an information officer, such officer shall specify the following information in the communication to be sent under section 23(1), to the citizen who made the request—

(a) the grounds on which such request is refused; and

(b) the period within which the citizen to whom such an appeal against such refusal may be preferred under section 32 of this Act.

29. (1) Where a request made to an information officer by any citizen to disclose information which relates to, or has been supplied by a third party and such information has been treated as confidential at the time the information was supplied, the information officer shall, within one week of the receipt of such request, invite such third party by notice issued in writing, to make representations for or against such disclosure within seven days of the receipt of the notice.

(2) An information officer shall be required in making his decision on any request made for the disclosure of information which relates to, or has been supplied by a third party, to take into consideration the representations made by such third party under subsection (1), and shall, where the third party—

(a) does not respond to the notice, disclose information requested for;

(b) responds to the notice and agrees to the disclosure of the information requested for, disclose such information;

(c) responds to the notice and refuses to disclose the information requested for, deny access to the information requested for.
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22. Provided however, that the Commission may on the application made in that behalf by the citizen making the request, direct the disclosure of the information in question notwithstanding any objection raised by such third party against its disclosure, where the release of the information concerned demonstrably outweighs the private interest in non-disclosure.

Exemption from exit or prosecution.

30. No liability, whether civil or criminal, shall attach to any public authority or any information officer or any other officer of such public authority, for anything which in good faith is done by such officer in the performance or exercise of any function or power imposed or assigned to such officer under this Act.

PART VI

Appeals Against Decisions

31. (1) Any citizen who is aggrieved by a refusal of a request for information:

(a) refusing a request made for information;

(b) refusing access to the information on the ground that such information is exempted from being granted under section 5;

(c) non-compliance with timeframes specified by this Act;

(d) granting of incomplete, misleading or false information;

(e) charging excessive fees;

(f) the refusal of the information officer to provide information in the form requested;

(g) the citizen requesting, having reasonable grounds to believe that information has been

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obtained, destroyed or misplaced to prevent such citizen from having access to the information

may, by appeal to the designated officer within fourteen days of the refusal, act or done of becoming aware of the grounds on which the appeal is sought to be made, as the case may be:

Provided however, that the designated officer may admit the appeal after the expiry of the period of fourteen days if he or she is satisfied that the appellant was prevented by a reason beyond his or her control from filing the appeal in time.

(2) The designated officer shall issue a receipt on the acceptance of the appeal, to the citizen making the appeal, and in any case within three working days.

(3) The decision on any appeal preferred under subsection (1), shall be made by the designated officer within three weeks of the receipt of the appeal and shall include the reasons for the said decision including specific grounds for the same.

(4) The right of a citizen to prefer an appeal under subsection (1) shall be without prejudice to his or her right to make an application to the Commission.

(5) The designated officer may, where reasonable cause is given for failure to submit an appeal within a period specified by subsection (1) by the citizen making such an appeal may at his discretion hear the appeal notwithstanding such delay.

32. (1) Any citizen aggrieved by--

(a) the decision made in respect of an appeal under section 31(1), may within two months of the communication of such decision, or
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(b) the failure to obtain a decision on any appeal made within the time specified for giving the same under section 31(3), may within two months of the expiry of the period so specified, may appeal against that decision or the failure, to the Commission and the Commission may within thirty days of the receipt of such appeal afford, vary or reverse the decision appealed against and forward the request back to the information officer concerned for necessary action.

(2) The Commission may admit an appeal after the expiry of the period of two months if the Commission is satisfied that the appellant was prevented by a reason beyond his or her control from filing the appeal in time.

(3) The Commission shall give reasons for its decisions in writing to the appellant, the information officer and the public authority concerned.

(4) On appeal, the burden of proof shall be on the public authority to show that it acted in compliance with this Act in processing a request.

33. Where the aggrieved party is unable due to any reason to make an appeal under section 31 or section 32, as the case may be, such appeal may be made by a person duly authorized in writing by the aggrieved party to prefer the same.

Appeal to the Court of Appeal

34. (1) A citizen or public authority who is aggrieved by the decision of the Commission made under section 32, may appeal against such decision to the Court of Appeal within one month of the date on which such decision was communicated to such citizen or public authority.

(2) Until rules are made under Article 136 of the Constitution pertaining to appeals under this section, the rules made under that Article pertaining to an application by way of revision to the Court of Appeal, shall apply in respect of every appeal made under subsection (1) of this section.

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PART VII

CLARIFICATION

25. Every officer in any public authority giving a decision which affects any person in any way, shall be required on request made in that behalf by the person concerned, to disclose to that person in writing the reasons for arriving at such decision.

36. Nothing in this Act is intended to prevent or discourage information holders from publishing or giving access to information or prevent any person from seeking and obtaining information which may be provided in due compliance with the law.

37. (1) The Commission shall cause to be prepared a report of its activities as often as it may consider necessary, in which, it shall prepare at least one report in each calendar year. The Commission shall transmit a copy of every such report to the President before Parliament and a copy of the same shall also be sent to the President

(2) A copy of the report prepared under subsection (1) shall, within two weeks of it being tabled before Parliament, be made available for public inspection at the office of the Commission and whenever possible, a copy of the same may be made available on its website.

38. (1) Where-

(a) any information officer wilfully-

(b) refuses to receive an application for information from any citizen;

(c) refuses a request made for information, without giving reasons for such refusal;

(d) stipulates excessive fees in breach of the fee Schedule referred to in section 14 (c);
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6. (A) otherwise fails to process a request in accordance with the provisions of this Act;

(b) any designated official willfully—

(1) under section 31 refusal an appeal made upon ground other than a ground specified in section 5 of this Act;

(ii) failed without reasonable cause to make a decision on an appeal, within the time specified under section 31(3) for making such decision.

the Commission shall, bring the matter to the notice of the appropriate disciplinary authority.

2. The relevant disciplinary authority shall inform the Commission of the steps taken in respect of any matter brought to the notice of such disciplinary authority within a period of one month.

Of the 29th (1) every person who—

(a) deliberately obstructs the provision of information or intentionally provides incorrect, incomplete or inaccurate information;

(b) destroys, invalidates, alters or totally or partially conceal information under his or her custody, or to which he or she has access to or knowledge of due to the exercise of his or her employment in such public authority;

(c) fails or refuses to appear before the Commission when requested to do so by the Commission;

(d) appears before the Commission, and fails or refuses to be examined by the Commission or to produce any information which is in that person possession or power or deliberately provides false information under oath or affirmation;

(e) fails or refuses to comply with or give effect to a decision of the Commission;

(f) resists or obstructs the Commission or any officer or other employee of the Commission, in the exercise of any power conferred on the Commission or each officer or employee, by this Act;

(g) discloses any information in contravention of the provisions of section 17(7) of this Act,

commits an offence under this Act and shall, on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupas or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

2. Any officer whose assistance was sought for by an information officer under section 3(3) and who fails without reasonable cause to provide such assistance, shall commit an offence under this Act, and shall be liable to a fine not exceeding ten thousand rupees.

3. Any fine imposed for the commission of an offence referred to in subsection (1) or (2) of this section, shall be in addition to and not in derogation of any disciplinary action that may be taken against such officer by the relevant authority empowered to do so.

4. A prosecution under this Act shall be commenced by the Commission.
40. Notwithstanding any legal or other obligation to which a person may be subject to by virtue of being an officer or employee of a public authority, no officer or employee of a public authority shall be subjected to any punishment, disciplinary or otherwise, for releasing or disclosing any information which is permitted to be released or disclosed under this Act.

Regulations:

41. (1) The Minister may in consultation with the Commission make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are necessary to be made in order to give effect to the principles and provisions of this Act.

(2) Every regulation made under subsection (1) shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made under subsection (1) shall, forthwith after its publication in the Gazette be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be revoked as from the date of such disapproval but without prejudice to anything previously done thereunder.

(4) The date on which any regulation is deemed to be so revoked shall be published in the Gazette.

Rules:

42. (1) The Commission may make rules concerning any of the following matters:

(a) the form and manner in which appeals may be made to the Commission;

(b) the procedure for holding inquiries;

(c) fee schedule in respect of providing information;

(d) the format of the reports to be prepared under section 10.

(3) No rule made under this section shall have effect until it is approved by the Minister and notification of such approval is published in the Gazette.

43. In this Act, unless the context otherwise requires—

"citizen" includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are citizens;

"designated officer" means a designated officer appointed under section 23 of this Act;

"Higher Educational Institution" means a University, Campus or University College established or deemed to be established or made by the Universities Act, No. 16 of 1978 or acknowledged by the University Grants Commission or established under the provisions of any other Act;

"information" includes any material which is recorded in, in any form including records, documents, memos, memar, opinions, advice, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, correspondence, memorandum, draft legislation, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, computer records and other documentary material, regardless of its physical form or character and any copy thereof;

"information officer" means an information officer appointed under section 23 of this Act.
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(1) a local authority;

(2) a private entity or organisation which is carrying out a statutory or public function or service under a contract, a partnership, an agreement or a license from the government or an agency or from a local body, but only to the extent of activities covered by that statutory or public function or service;

(3) any department or other authority or institution established or created by a Provincial Council;

(4) non-governmental organisations that are substantially funded by the government or any department or other authority established or created by a Provincial Council or by a foreign government or international organisation, rendering a service to the public in so far as the information sought relates to the service that is rendered to the public;

(5) higher educational institutions excluding private universities and professional institutions which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;

(6) private educational institutions including institutions offering vocational or technical education which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;

(7) all courts, tribunals and institutions created and established for the administration of justice;

44. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

SCHEDULE

Provisions relating to Members of the Commission

1. A member of the Commission shall cease to be a member, where such member:

(a) resigns his or her office earlier by writing addressed to the President;

(b) is removed from office by the President;

(c) is convicted by a court of law;

(d) is convicted to have excused itself by absolving himself or herself from three consecutive meetings of the Commission, without obtaining prior leave of the Commission; or

(e) engages in any employment outside the duties of his office, during the term of office.

2. The President may on the recommendation of the Constituent Council remove from office a member of the Commission where:

(a) such member has become permanently incapable of performing his or her duties owing to any physical disability or unsuitability of mind;
such member is unfit to perform his or her duties on the basis of moral turpitude; or

(c) such member is convicted of an offence by a competent court of law.

(3) The Chairperson or any other member of the Commission may resign from such office by letter in that behalf addressed to the President and the resignation shall become effective from the date of its acceptance by the President in writing.

(4) In the event of the vacation of the office of any member of the Commission, the President shall follow the same procedure as set out in section 12(1) and appoint another person to hold such office for the unexpired term of office of the member whom he succeeds.

(5) (a) Where a member of the Commission, is temporarily unable to discharge his or her duty due to ill health, absence from Sri Lanka or for any other cause, the President may on the recommendation of the Constitutional Council, appoint another person to act in place of such member during his or her absence.

(b) Where the Chairperson of the Commission, is temporarily unable to discharge his or her duty due to ill health, absence from Sri Lanka or for any other cause, the President shall appoint another member of the Commission, to act in place of such Chairperson during his or her absence.

(6) The members of the Commission, shall be paid such remuneration as shall be determined by the Minister in charge of the subject of Finance.

(7) (a) The Commission shall meet at least once in every month or as often as it may be necessary.

(b) The quorum for any meeting of the Commission shall be three members.

(c) The Chairperson of the Commission shall preside at all meetings of the Commission, and in the absence of the Chairperson at any such meeting, the members present shall elect from amongst them, a member to preside at such meeting.

(d) The Chairperson or the person presiding at any meeting of the Commission, shall in addition to his vote, have a casting vote.

(e) The Commission shall regulate the procedure in regard to its meetings and the transaction of business at such meetings.