

Parminder Singh
S/o Sh. Nirmal Singh,
Village – Mallwal,
Qadim,
Tehsil & Distt. - Ferozepur(Punjab)

.... Complainant

V/s

Public Information Officer,
O/o The Senior Superintendent of Police,
Patiala (Punjab)

.... Respondents

Complaint Case No. 142 of 2020

Present : None on behalf of the complainant.
Sh. Naresh Kumar, A. S. I. (Incharge RTI) , on behalf of the respondent.
Sh. Karnail Singh, Deputy Superintendent of Police GPR(HQ), Patiala (Third Party).

ORDER

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 25.09.2019. The complaint has been received in the Commission on 30.01.2020.

The Hon'ble Chief Information Commissioner vide Office Order dated 19.08.2021, has constituted a Division Bench of the undersigned to hear the above-mentioned complaint-case.

The complainant, Sh. Parminder Singh is not present in today's hearing. He has also not sent any intimation regarding his non-availability.

Sh. Naresh Kumar, A. S. I. (Incharge RTI), who appeared on behalf of the respondent PIO in today's hearing, states that the information demanded by the complainant through RTI request is regarding appointment of Sh. Karnail Singh, Head Constable (Belt Number 1794) in the Police Department and his qualification, on the basis of which he got promotion from Head Constable to Inspector in the year 2011 and it is 'third party' information, hence, could not be supplied to the complainant. He also intimates the Commission that a reply has also been sent to the Commission vide letter no. 1028 dated 01.07.2020, intimating that personal information as defined under clause (j) of Section 8 (1) of the RTI Act can not be given to the information-seeker, where the information-seeker failed to establish the fact that information sought for by him is in larger public interest and the complainant was duly informed about this fact vide letter no. 1029 dated 01.07.2020. It is placed in the case-file.

Sh. Karnail Singh, Deputy Superintendent of Police GPR(HQ), Patiala (Third Party), who appeared in person during the hearing, states that the information demanded through RTI request dated 25.09.2019 is his 'personal information' and requests not to disclose his personal information to anyone. He also intimates that in this regard he has already sent a reply to the Commission, which was received in the Commission vide Diary No. 16776 dated 30.07.2021. It is placed in the case-file.

After hearing the parties and examining the documents placed in the case-file, it emerges that the information sought for by the complainant through his RTI request is 'personal information' in nature, moreover, the complainant is also not present during the hearing to clarify the fact that what public interest is involved in the disclosure of information (demanded through RTI request) in this case.

Moreover, through Para 59 of Decision dated 13.11.2019, the Hon'ble Supreme Court of India, in Civil Appeal no. 10044 of 2010 titled Central Public Information Officer, Supreme Court of India Vs. Subash Chander Agarwal, has defined 'Personal Information' under RTI Act, 2005 and the relevant operative part of the Judgment is reproduced below ;

xxx

xxx

xxx

"Reading of the aforesaid judicial precedents, in our opinion, would indicate that 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, detail 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 invasion 'Larger Public Interest' is satisfied. This list is indicative and not exhaustive."

xxx

xxx

xxx

As the information sought for by the complainant through his RTI request is 'personal information' in nature and the information-seeker also failed to establish the fact that information sought for by him is in larger public interest, hence, the above-mentioned complaint is not maintainable and announced as **disposed of and closed**.

Copies of the orders be sent to the parties.

(Asit Jolly)
State Information Commissioner
Punjab

(Sanjiv Garg)
State Information Commissioner
Punjab

Date : 10th November, 2021

Note : Install → CISCO WEBEX Meetings → Click on Join Meeting → Enter Meeting Code ID No. i. e. is '1589136034'