**By Regd. Post AD**

Ref.No.2598/FAA/2013/A-15 August 23, 2013

***APPELLATE AUTHORITY UNDER***

***RIGHT TO INFORMATION ACT (RTI ACT), 2005***

***SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA (SIDBI / BANK)***

**APPEAL UNDER SECTION 19(1) OF THE RTI ACT BY SHRI RANDOLPH ROWE AGAINST THE ORDER NO. 979 DATED 08/07/2013 OF CENTRAL PUBLIC INFORMATION OFFICER (CPIO) OF SIDBI REGARDING HIS RTI APPLICATION DATED 10/06/2013**

**Background :**

The Information Seeker Shri Randolph Rowe, resident of 504, Durvankur Cooperative Housing Society Limited, Citi Corner II, Plot No. 53, Sector 29, Vashi, Navi Mumbai 400 703, filed an application dated June 10, 2013 under the provisions of the Right to Information Act, 2005 before the CPIO of Small Industries Development Bank of India, seeking various information connected with examination of staff accountability / determination of vigilance angle / decision of the Chief Vigilance Officer / Vigilance Department in respect thereof / decision of the Disciplinary Authority / Managing Director/ Central Vigilance Commission etc / regarding existence of vigilance angle in respect of Smevs Engineering Works, Shriram Industries and Jig Tech Enterprises which were sanctioned and disbursed financial assistance by the Pune Branch office of Small Industries Development Bank of India*.*

CPIO disposed off the said application vide order no. 979 dated July 08, 2013, informing that “*the requested information pertains to three borrowers, which are confidential in nature and are held by public authority i.e. SIDBI in commercial confidence, the disclosure of which would harm the competitive position of the borrowers i.e. third party. …… the requested information is held by public authority in fiduciary capacity and larger public interest does not warrant disclosure of such information.”*

 ***Contd/-…***

**: 2 :**

CPIO in his order has also mentioned that Supreme Court while deciding the issue relating to disclosure of information / documents under RTI Act, pertaining to Vigilance / disciplinary proceedings, has ruled that disciplinary orders and the documents in course of disciplinary proceedings are personal information within the meaning of section 8(1)(j) and the disclosure of which normally has no relationship to any public activities or public interest and this disclosure of which would cause unwarranted invasion of the privacy of an individual. Therefore, the requested information is exempted under section 8(1)(d), (e) and (j) of RTI Act.

In his above mentioned appeal Shri Rowe has challenged the order of CPIO on various grounds, inter alia, claiming that the exemptions under section 8(1)(j) can be applied only when one seeks information related to a third party. He has also contended that when one seeks information about his own case, there is no invasion of privacy and therefore, section 8(1)(j) can not be applied.

**Decision :**

I have gone though the contents of the Appeal dated August 05, 2013 (received on August 13, 2013) of the information seeker as also his Application dated June 10, 2013 and the order No. 979 dated July 08, 2013 passed by CPIO of the Bank in disposing off the said application. In his Application dated June 10, 2013 of the information seeker while seeking various information connected with examination of staff accountability / determination of vigilance angle etc. in respect of the three borrowal accounts of Pune Office of the Bank, has not made any mention that the information was sought for about his staff accountability in those three accounts. This issue is clarified by him only in his appeal under reference. That being the case, matter is remanded back to CPIO to reconsider the issues / his request for the information in the light of the clarification now given by the information seeker.

Order accordingly.

Copy of this decision be sent to the Information Seeker and CPIO.

**Sd/-**

 **(Shailendra Mahalwar)**

**Chief General Manager (Legal) and**

**First Appellate Authorty**

Endt. No.2598A/FAA/2013/A-15 of date 23/08/2013

1] Shri Randolph Rowe, 504, Durvankur Cooperative Housing Society Limited, Citi Corner II, Plot No. 53, Sector 29, Vashi, Navi Mumbai – 400 703

2] Shri U.S.Lal, GM [Legal] & CPIO, SIDBI, Head Office, Lucknow.

**[S. B. Sahu]**

**Assistant General Manager( Office of FAA)**