

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SM/A/2011/000052/SG/19381
Appeal No. CIC/SM/A/2011/000052/SG

Relevant Facts emerging from the Appeal

Appellant : Mr. E.P Vinod Kurup
600 Shiv Anil CHS Ltd
6 Union Park, Chembur
Mumbai-400071

Respondent : ✓ Mr. S. Goverdhan Rao
PIO & Head(Personnel Div.)
Baba Atomic Research Center
Department of Atomic Energy
Central Complex, 3rd Floor, BARC,
Trombay, Mumbai-400085

RTI application filed on : 12/08/2010
PIO replied : 20/08/2010
First appeal filed on : 30/08/2010
First Appellate Authority order : 16/09/2010
Second Appeal received on : 22/12/2010

Information Sought:

1. Cause of death of Mr. E.P. N Kurup?
2. Period of his illness?
3. The illness of Mr. E.P. Narayan Kurup & what was he suffering from?
4. Medical reports of Mr. E.P.N Kurup.

Reply of the Public Information Officer (PIO)

The PIO stated that: - *"The information requested by you relates to personal information of the employee, the disclosure of which has no relationship to any public activity or interest and would cause unwarranted invasion of the privacy of individual and therefore comes under the provisions of Clause (j) of sub-section (1) of Section-8 of the RTI Act, 2005. This is also contrary to the principles and Ethics of the Medical Profession. Hence, it is exempted from disclosure."*

Grounds for the First Appeal:

Incomplete and unsatisfactory information provided by the PIO.

Order of the First Appellate Authority (FAA):

The FAA disposed off the appeal upholding that the information provided by the PIO is satisfactory and claiming that *"Sh. E.P. Vinod Kumar was not an employee of this center, and was a CHSS beneficiary under Contributory Health Service Scheme of this department. Medical information about any person is protected by the Code of Professional Conduct made by the MCI under Section 33 (M) read with Section 20(A) of the Act. Hence, it is exempted under RTI Act, 2005."*

Grounds for the Second Appeal:

Incomplete and unsatisfactory information provided by the PIO and unfair disposal of the appeal by the FAA.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Absent;

Respondent: Mr. S. Goverdhan Rao, PIO & Head(Personnel Div.) on video conference from BARC Studio;

The Appellant as sought information about medical records of his late father Mr. E. P. N. Kurup. The PIO states that since the matter is about 10 years old the records may have been given to the daughter of Late Shri. EPN Kurup and he is not sure whether the records are available. The Commission directs the PIO to provide an attested photocopy of records if available to the Appellant before 15 July 2012. If the records are not available this should be clearly stated.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 15 July 2012.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.


Shailesh Gandhi
Information Commissioner
28 June 2012

(In any correspondence on this decision, mention the complete decision number.) (10)

