**Law Cases Working Group**

**Relevant Cases form**

**Objective**

In May 2022 the International Conference of Information Commissioners (ICIC) established the Law Cases Working Group, which objective is to advance the knowledge about Law Cases and relevant resolutions regarding access to information with the overarching goal of increasing innovation. These efforts are intended to share knowledge and exchange best practices.

This Relevant Cases Form was prepared within the ICIC Law Cases Working Group, and its objective is to integrate a compilation of files fact sheets with relevant cases, two 2022 cases per institution, that will allow us to share and spread these cases in the ICIC website.

**Case reference**

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| Authority: Information Commissioner’s Office |
| Country / State: Maldives |

**Case Summary**

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| Document:  Information |
| Information requested:   1. Total amount owed by Fenaka Corporation ltd (a State-owned Enterprise) to third parties for the supply of goods and services. 2. Individual amount owed to each party and their names. |
| Public entity answer:  The institution failed to provide an answer within the 21 days’ time frame. But Once the decision was appealed to Information Commissioner they provided an answer.  In it, it was stated that the Information requested in number 1 was already published in Auditor General’s Office website.  Information requested in number 2 is exempted under section 23 of the RTI Act as it contains third party personal information and the said information is also exempted under section 25, Information on business affairs. |
| Disagreement (argument that originates the presentation of the appeal):   * If information was already published on other website, still the Institution should provide the information by providing the link of that information. It’s not a reason not to provide information on the request. * Requested information does not fall under the exemptions; section 23 of RTI Act, third party private information.   - Disclosure of the names of the parties and the amount to be paid to each party  cannot be regarded as third-party personal information, as the information requested is on the amounts and the parties that the SOE have to pay.   * section 25, Information on business affairs. This section provides that if the information was gathered on an agreement of confidentiality and that information has any of the following attributes: (1) Trade secrets; (2)Information, if disclosed would have a detrimental impact on the business or financial interest of the third party or contained trade secrets; maybe exempted.   - The requested information did not fulfill the criteria under section 25 as the information was not gathered on an agreement of confidentiality. |
| Resolution:  For the information requested in number 1, the Institution was ordered to provide the link of the requested information in written form to the applicant.  For the information requested in number 2 don’t fall under section 23 and section 25, of the RTI act, the institution was ordered to provided those requested information within seven days to the applicant. |
| Relevance of the case:  Principles of RTI.  Exemptions.  High profile case.  Direct constitutional significance.  The decision affects the rights of vulnerable groups.  Involve new technologies.  Direct international significance.  The relevance of the case most reflective to the application of the authority´s powers.  Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Keyword / subject heading the case:  Third-party personal information, State owned Enterprises |

**Resources**

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| Link to the resolution: |