

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
SECURITIES AND EXCHANGE BOARD OF INDIA

Appeal No. 5598 of 2023

Manish Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 12, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 08, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00036) dated February 08, 2023. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, submitted that the CPIO refused to provide information by giving unlawful reasons. In view of the submission made by the appellant, I am dealing with the query and the response provided thereto, in the following paragraphs.
3. **Queries in the application** –The appellant, vide his application dated January 12, 2023, sought the following information:

“1. How many employees in SEBI are working in the capacity of Quasi-Judicial Authority? Provide name and employee code of all these employees?”

4. The respondent, in response to the aforesaid queries, informed that as per Section 15-I of the SEBI Act, 1992, the Board may appoint any officer, not below the rank of a Division Chief, to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty. The respondent also informed that the details of Division Chiefs (DGM and above) are available on the SEBI website. Further, the respondent also informed that the information pertaining to the name and employee code of each of

these employees, is exempt from disclosure under section 8(1)(g) and 8(1)(j) of the RTI Act as the same relates to personal information, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the officials. Further, the disclosure of the information may also endanger the life or physical safety of the person(s).

5. I have perused the query and the response provided by the respondent. With respect to the first part of the query, I find that the respondent has adequately addressed the query by providing the relevant information that can be disclosed. I note that the respondent also categorically informed that the details of staff members and their posting (including details of division chiefs i.e. DGM and above) are available on the SEBI website, which is in the public domain. Accordingly, no further intervention of this forum is warranted.
6. With respect to the second part of the query, I note that the appellant has sought personal information of employees working in the capacity of Quasi-Judicial authority in SEBI, which stands exempted from disclosure under section 8(1)(j) of the RTI Act. In this context, reference is made to the judgment of the Hon'ble Supreme Court of India in the matter of *Central Public Information Officer, Supreme Court of India V.s. Subhash Chandra Agarwal* in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010 (judgement dated November 13, 2019) wherein it was held that: "59. 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, details 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 of larger public interest is satisfied. This list is indicative and not exhaustive..." In view of these observations, I agree with the response of the respondent and I do not find any deficiency therein.
7. Further, I note that similar information was sought by the appellant in his application dated January 16, 2023. I also note that this forum had made similar observations in the order dated February 22, 2023 passed in Appeal No. 5582 of 2023.

8. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The Appeal is accordingly dismissed.

Place: Mumbai

Date: February 24, 2023

**ANAND BAIWAR
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA**