

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

Appeal No. 5532 of 2022

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

ORDER

1. The appellant had filed an application dated November 24, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 07, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00667) dated December 12, 2022. 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. On perusal of the appeal, it appears that the appellant is not satisfied with the response of the respondent provided with respect to query numbers 8 and 10 of the application. In view of the submissions made by the appellant, I am only dealing with the said queries and the response provided thereto, in this order.
3. **Query numbers 8 and 10-** The appellant, vide query number 8 of his application, sought the name and employee code of SEBI employees who got promotion in 2022. Vide query number 10, the appellant, *inter alia*, sought information regarding the travel details of an officer of SEBI during November 03, 2022 to November 14, 2022, reason for travel, expenses incurred, pay scale of the officer, educational qualification, work experience, rationale for appointment in SEBI, details of departmental enquiry initiated against him if any, complaints received against him etc.
4. The respondent, in response to the aforesaid queries, informed that the requested information is exempt from disclosure under Section 8(1)(g) and 8(1)(j) of the RTI Act as the same is personal information of the employees, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into their privacy and may also endanger the life or physical safety of the

person. The appellant, in his appeal, *inter alia*, submitted that the information requested in query number 8 was denied on illegal grounds and that the information requested in query number 10 was denied without providing any legal or logical reason. The appellant also submitted that the public has a right to know the information.

5. I have perused query number 8 and the response provided thereto. I note that the respondent has specifically sought the names and employee codes of SEBI employees who got promoted in the year 2022. On consideration, I am of the opinion that the disclosure of the requested information may not cause unwarranted invasion into their privacy. In view of the same, the information sought at query number 8 shall be provided to the respondent.
6. Further, I have perused query number 10 and I find that the same is majorly in the form of seeking personal information of officers of SEBI which stands exempted from disclosure under section 8(1)(j) of the RTI Act. The requested information also includes personal and professional records of employee, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety of the person(s). 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 Vs. 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 the import of "personal information" envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in other matter(s). The Hon'ble Supreme Court 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. Notwithstanding the above, I note that the information pertaining to pay scale of SEBI officers is available on the SEBI website. The same can also be accessed at <https://www.sebi.gov.in/pay-scales.html>
8. Considering the above observations, I remit the matter to the respondent for providing information with respect to query number 8 of the application dated November 24, 2022, within 15 working days from the date of receipt of this order.
9. The Appeal is accordingly disposed of.

Place: Mumbai
Date: January 11, 2023

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