

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

Appeal No. 5451 of 2022

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

ORDER

1. The appellant had filed an application dated September 10, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00608) dated October 07, 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 the information provided was incomplete, misleading or false. The appellant, in his appeal, inter alia, submitted that the information was refused by the respondent by giving frivolous reasons. In view of the submissions made by the appellant, I am dealing with the queries and the response provided by the respondent, in the following paragraphs.
3. **Queries in the application** –The appellant, vide his application dated September 10, 2022, sought the following information:

(1) How many Sebi Employees are performing JUDICIAL FUNCTIONS/ROLES in Sebi. Please provide name, employee code and designation of each of these employees.

(2) How many Sebi Employees are performing ADMINISTRATIVE FUNCTIONS/ROLES in Sebi. Please provide name, employee code and designation of each of these employees.

(3) Pls provide the official document of Sebi which specifies, prescribes and regulate the separation of Judiciary from the Administrative Function of its Employees.

4. The respondent, mentioned “Nil” in his response to query number 1. With respect to query number 2, the respondent provided the number of employees performing administrative functions/ roles. The respondent also informed that the requested information relates to personal information, the disclosure of which has no relationships to any public activity or interests and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety of the person(s). The same, is therefore, exempt under section 8(1)(g) and 8(1)(j) of the RTI Act. In response to the query number 3, the respondent informed that no information is available.
5. **Query number 1-** I have perused the query and the response provided thereto. On consideration, I find that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
6. **Query number 2-** I have perused query number 2 and the response provided thereto. With respect to the query seeking number of SBEI employees performing administrative functions/ roles, I note that the respondent has provided the requested information. As regards the non-disclosure of information relating to the name, employee code and designation of official(s), I find that a similar issue was settled by the in *H. E. Rajashekarappa vs. State Public Information Officer and Ors.* (Order dated July 01, 2008), wherein the Hon’ble High Court of Karnataka had ruled that: “... it cannot be said that section 2(f) of the Act (the RTI Act encompasses the personal information of the officials of the public authority). The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority”. In view of these observations, I agree with the response of the respondent that the requested information relates to personal information, the disclosure of which has no relationships to any public activity or interests and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety to the person. Accordingly, I do not find any deficiency in the response.
7. **Query number 3-** On consideration, I find that the respondent has clearly informed regarding non-availability of the requested information. In this regard, I note that the Hon’ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that “The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available

information and then furnish it to an applicant.” In view of the same, I do not find any deficiency in the response.

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: November 04, 2022

ANAND BAIWAR

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