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

Appeal No. 4898 of 2022

Amit Gupta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 02, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated March 03, 2022 responded to the application filed by the appellant. The appellant filed an appeal dated March 30, 2022, against the said response dated March 03, 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 query numbers 1 and 3. Further, I note that the appellant had sought similar information with respect to IAP conducted on a different date, vide another application and the same has been dealt by this forum. Accordingly, I am only dealing with query numbers 1 and 3 along with the response provided thereto, in this appeal.

3. **Query number 1-** The appellant, vide query number 1 of this application, sought the following information with respect to IAP delivered by the appellant on July 09, 2021:

> *"1. Provide complete details (including full details captured by CISCO WEBEX Training Platform) like the total number of participants (attendees), names, attendees profession title, age, location duration spent by attendees during the session."*

4. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure under Section 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 individual. The appellant, in his appeal, *inter alia*, submitted that the

requested information has no relation with personal information and that there is no reason for denial or exemption of the information.

5. I have perused the query raised by the appellant in his application and the response provided I note that the respondent had invoked the provisions of section 8(1)(j) of the RTI Act to deny information to the appellant. 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 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 the same, I find that query number 1 (except first part of the query seeking total number of participants), pertains to personal information of other entities, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the individual. Accordingly, I do not find any deficiency in the response.

6. With respect to the first part of query number 1 pertaining to "total number of participants (attendees)", I note that the respondent has already provided the relevant information in his response to query number 4 of the application, wherein the appellant had sought similar information. In view of the same, no further intervention is warranted.

7. **Query number 3-** The appellant, vide query number 3 of the application, sought the following information-

> *"3. Provide the minimum number of participants are required in the IAP session for full claim settlement and clubbed claim settlement."*

8. The respondent, in response to the aforesaid query, advised the appellant to refer to clause 10 v) and 12 ii) of the operational guidelines. The respondent also provided the link for accessing the same. The appellant, in his appeal, requested to provide the response in writing instead of sharing the weblink.

9. I have perused the query and the response provided thereto. On consideration, I find that the answer to the query can be found out by the appellant by accessing the information available on the SEBI Investor website, which is in the public domain. I note that Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that *"….. unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act.*" In view of these observations, I find that the respondent cannot be obliged to provide response to such request for information, as made by the appellant through his application.

10. Notwithstanding the same, I find that the respondent has guided the appellant to access the relevant information which is available on the SEBI Investor website. In my view, the query has been adequately addressed. Accordingly, I do not find any deficiency in the response.

11. The appellant, in his appeal, sought the "*document/s where participants spend 40 minutes then it will be counted for SMART's claim reimbursement in an IAP session criteria is mentioned.*" I find that this query were raised by the appellant for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said query does not warrant consideration at this stage.

12. 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: April 29, 2022

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