

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

**Appeal No. 5503 of 2022**

|                    |    |            |
|--------------------|----|------------|
| Kusum Gupta        | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated September 22, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 18, 2022, responded to the application filed by the appellant. The appellant filed an appeal (reg. No. SEBIH/A/E/22/00652) dated November 22, 2022.
2. The appellant, in the appeal, has made a request for personal hearing. On the issue of providing an opportunity of hearing by the First Appellate Authority (FAA) under RTI Act, a full bench of Hon’ble CIC in *Bombay Stock Exchange Limited vs Securities and Exchange Board of India* (File No. CIC/SM/A/2011/001687) observed that “*It is not practical to lay down an inflexible rule that PIOs and AAs will always offer an opportunity of hearing to the parties, let alone to the 3rd party. They may do so as per their discretion, keeping in view the complexity of legal and factual issues involved, without forgetting that timelines are to be adhered to, being the essence of the Act.*” Therefore, it is noted that there is no specific requirement under the provisions of the RTI Act, of providing a personal hearing by the FAA and that the discretion to give hearing to the appellant shall be exercised considering the complexity of the issues involved and the timelines specified under the RTI Act. In this context, reliance is also placed on the decisions of the Hon’ble CIC in the matters of *Mr R.K Jain vs. UPSC* (Decision dated March 10, 2014). In view of the above observations, I have carefully considered the application, the response and the appeal. I note that the grounds of appeal are self-explanatory. Hence, the matter can be decided based on the material that is available on record.
3. **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 provided by the respondent with respect to query numbers 1 and 2 of the application. In view

of the submissions made by the appellant in her appeal, I am dealing with the said queries and the response provided thereto, in this order.

4. **Query numbers 1 and 2** –The appellant, vide query number 1, sought two certified hard copies of the details of Investor Awareness Programme sessions conducted by SEBI Individual SMART (Mr. Amit Gupta). Vide query number 2, the appellant sought full Video Recordings, Participants Registrations and Chat Box Messages pertaining to the 234 online Investor Awareness Programs (IAPs) Webinar conducted by the SMART (Mr. Amit Gupta from Thane location). The appellant requested that the same may be provided in a pen drive/ storage disk.
5. The respondent, in response to the aforesaid queries, informed that the information sought by the appellant is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act as the same relates to personal information of a SMART, 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 and physical safety of the person(s). The appellant, in her appeal, *inter alia*, submitted that the respondent failed to provide any proper explanation/justification in the response.
6. I have perused the queries and the response provided thereto. I note that the respondent denied disclosure of the requested information in terms of Section 8(1)(g) and 8(1)(j) of the RTI Act as the same pertains to personal information of a SMART. 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 Agarnal* 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 that the requested information relates to personal information of third parties, 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). Accordingly, no further intervention is warranted at this stage.

7. 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: December 21, 2022**

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