

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

Appeal No. 5404 of 2022

Pankaj Kumar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 12, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 08, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00564) dated September 02, 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, submitted that he is not satisfied with the information provided by SEBI. In view of the submission made by the appellant. I am dealing with the queries and the response provided by the respondent, in the following paragraphs.
3. **Query numbers 1, 3 and 5-** The appellant, vide query numbers 1, 3 and 5, sought the following information:

- 1. How are the panel members of SEBI Grade A 2022 interviews selected?*
- 3. Whether all the members are currently working in SEBI as employees or not?*
- 5. What are the guidelines issued to the panel members for interview marking scheme?*

4. The respondent, in response to the aforesaid queries, informed that the queries are in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act
5. I have perused the queries and the response provided thereto. On consideration, I find that the queries of the appellant are in the nature of seeking clarification/opinion from the respondent. I note that the

respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. In this context, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: "... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...". In view of these observations, I find that the said queries cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. Accordingly, I do not find any deficiency in the response.

6. **Query numbers 2 and 4-** The appellant, vide query number 2, sought information regarding educational qualifications and work experience of panel members of SEBI Grade A interview 2022. Vide query number 4, the appellant sought information regarding Marks obtained in interview by all the candidates who appeared in interview whether selected or not (category wise) and their marks in Phase II.
7. The respondent, in response to the aforesaid queries, informed that the information sought relates to personal information of panel members and shortlisted candidates, 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. The same is therefore, exempt in terms of section 8(1)(g) and 8(1)(j) of the RTI Act.
8. 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. 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..."

9. In view of the above observations, I am of the opinion 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). Hence, the same is exempted from disclosure under Section 8(1)(j) and 8(1)(g) of the RTI Act. Accordingly, I do not find any deficiency in the response.
10. 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

ANAND BAIWAR

Date: September 29, 2022

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