



# A Study of Annual Reports Submitted by Public Authorities

under Section 10 of the RTI Act 2019 to 2021

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2019 to 2021

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# Introduction

Every citizen shall have the right of access to any information as provided for by law, being information, which is required for the exercise or protection of a citizen's right held by a public authority, as guaranteed by the 19th Amendment to the Constitution of Sri Lanka<sup>1</sup>.

In order to give effect to this right, the Government of Sri Lanka introduced the **Right to Information Act No.12 of 2016** (hereinafter referred to as 'RTI Act') which is a pivotal domestic legislation that came into operation in 2017. The RTI Act affirms and promotes the enforcement of the right to access information in the Constitution, by stipulating that ***"every citizen shall have a right of access to information which is in the possession, custody or control of a public authority"***<sup>2</sup>, subject to certain limitations.

By virtue of the RTI Act, this right serves to achieve vital goals such as promoting transparency and accountability in the Public Authorities ("PA"), empowering public participation in policy-making, monitoring and curtailing corruption in PAs, and fostering state obligations and good governance.

***WHEREAS the Constitution guarantees the right of access to information in Article 14A thereof and there exists a need to foster a culture of transparency and accountability in public authorities by giving effect to the right of access to information and thereby promote a society in which the people of Sri Lanka would be able to more fully participate in public life through combating corruption and promoting accountability and good governance."***

***- Preamble to the RTI Act***

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1 Constitution of Sri Lanka, Article 14A(1).

2 Right to Information Act, Section 3.

**Section 10 of the RTI Act** imposes a **statutory duty** on the PAs to submit RTI Annual Reports (“AR”) to the Right to Information Commission (“RTIC”) before the 31st of December immediately succeeding the year to which the report relates. The submission of an AR is therefore a statutory requirement which facilitates an evaluation of the RTI practices of the PAs in a given year. It is also fundamental in assessing the awareness and the commitment of the PAs in respect of the RTI process.

This Research Report provides an analysis of the data presented in the ARs pertaining to the **information requests and appeals received from citizens and responses provided by PAs and the RTIC.**

**The Reports filed  
by PA under  
Section 10 of the  
RTI Act**

The Section reads as follows:

“Every public authority shall submit annual reports to the Commission before the thirty first day of December immediately succeeding the year to which the report relates which shall be made available to the public in its office and on its official website, furnishing information such as-

- a) The total number of requests received during the year and information provided and rejected;
- b) The amount of fees collected during the year;
- c) The number of requests rejected under Section 5;
- d) The number of times information was provided at the direction of the Commission;
- e) Any suggestions for improving the effectiveness of the regime of transparency;
- f) The number of appeals from refusal to communicate information;
- f) Practices relating to the maintenance, management and destruction of records; and
- f) Its activities under Section 8.

Every PA shall submit an Annual Report to the RTIC in accordance with Section 10 of the RTI Act. The Annual Report shall, at the same time as it is forwarded to the RTIC, be made publicly available including on the official website of the PA. Copies of the Annual Report shall be provided when requested by any person in accordance with the Fees prescribed by the Commission. [See Rule 9 of the Right to Information Rules of 2017 (Fees and Appeal Procedure) Gazetted on February 3, 2017]<sup>3</sup>.

than 51% of shares and coming under the purview of such PA, shall send copies of its annual report to the Department of National Archives and the National Library. A PA that is a local authority or business undertaking in which the local authority owns more than 51% of shares shall send copies of its annual report to the Department of National Archives and to the largest public library within its jurisdiction<sup>4</sup>.

A PA, except local authority and a government owned business undertaking in which the government owns more

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3 Ibid.

4 Ibid.

## 2.1 Literature Review

The compiling of data from annual reports by the Public Authorities under Section 10 of the RTI Act have not been the subject of any significant research up-to date. However, the following is a review of one of the available works of literature on this a subject:

Paper Citation: Natesan A, *'Towards Efficient Reporting Mechanisms for Enhancing Institutional Transparency: An Analysis of Annual Reports filed under Section 10 of the Right to Information Act in Achieving of Sustainable Development Goals'* (Sri Lanka's Right to Information Regime and the United Nations Sustainable Development Goals: Thoughts for Reflection, 2022).

The analysis in this paper, which focuses on reports submitted by public authorities

(PAs) under Section 10 of the RTI Act, was based on an average of about 6 to 8 PAs selected from each administrative level, i.e., central, national, provincial, district, and divisional. The author expressed a concern about the need to enhance and streamline the submission of these reports with the involvement of all pertinent parties, including the RTI regime administrators. As shown by the PA annual report, the author additionally emphasises the accomplishment of the Sustainable Development Goals (SDGs) of the United Nations as is evidenced through the PA annual report.

# **Research Methodology**

This study was conducted by employing a systematic empirical research methodology by collecting, analyzing and drawing quantitative findings on the selected criteria in the PA Annual Reports which are submitted to and are available in the RTIC. The information collected from various PA Annual reports have been used to draw up quantitative findings on number of information requests, and appeals received from citizens and responses provided by PAs and the RTIC etc.

With the RTI Act coming into effect in 2017, the RTIC commenced receiving ARs for the year 2017 onwards. For the purpose of this study, ARs of 2019 to 2021 were considered as the review period, leaving out the first two years of ARs assuming potential oversights

and errors therein at the commencement of annual reporting. The RTIC has received 1,128 reports from 625 PAs for the period under review, which were perused for the purpose of this study. Therefore, the ARs submitted to the RTIC by PAs and contents therein, served as the basis for this study.

Due to periodic change of governments, subject areas assigned to the PAs also change pursuant to gazette allocations, thus causing variations in classifications of PAs. Therefore, for the purpose of this study, the PAs were classified on the basis of administrative levels in Sri Lanka to gauge the responsiveness of PAs under each administrative level viz., National, Provincial/ Local Government, and District/Divisional<sup>5</sup>.

**Table 3.1**

National	Presidential Secretariat, Prime Minister's Office, Parliament, Office of the Cabinet of Ministers, National Ministries, National Departments, Independent Commissions, Universities, Banks and other public authorities in the National level
Provincial and Local Government	Governor's Office, Governor's Secretariats, Council Secretariats, Provincial Ministries, Provincial Departments, Chief Ministries, Chief Secretariats, Municipal Councils, Urban Councils, Pradeshiya Sabha, and Zonal offices
District and Divisional	District Secretariats and Divisional Secretariats

<sup>5</sup> 'Ministry of Local Government and Provincial Councils' <[https://web.archive.org/web/20141220192201/http://www.pclg.gov.lk/en/sub\\_pgs/about\\_us\\_4.html](https://web.archive.org/web/20141220192201/http://www.pclg.gov.lk/en/sub_pgs/about_us_4.html)> accessed 22 June 2023.

### 3.1 Criteria of the Study

The ARs have been studied on the data provided for the **criteria stipulated under Section 10 of the Act**, as well as the **criteria specified in the sample AR format** made available on the official website of the RTIC (hereinafter referred to as “sample format”)<sup>6</sup>. Although the sample format contains more comprehensive and ancillary data and details, selected factors itemized in both the sample format as well as under the criteria stipulated under Section 10 have been employed as the assessment criteria for the purpose of this study, as listed below;

- a) Information Requests received by PAs
- b) Information provided fully or partially by PAs in response to requests

- c) Information rejected by PAs in response to requests;
  - i. Under Section 5 of the Act
  - ii. Other than for reasons contained in Section 5 of the Act
- d) Type of Information Requests received
- e) Number of Appeals;
  - i. Made to the Designated Officer (DO)
  - ii. Made to RTIC
- f) Number of Appeals for which information was provided at the direction of DO or RTIC (i.e., successful appeals in favor of the appellant).

### 3.2 Research Limitations

- a) This study was limited only to the ARs **physically** available at the RTIC, as of 9 June 2023.

in the period under review, especially in 2020, possibly due to the COVID-19 pandemic prevailing during that year.
- b) As only a limited number of PAs have submitted ARs to the RTIC over the review period despite the statutory requirement under Section 10 of the RTI Act, the statistics do not reflect the overall PA compliance in AR submission.
- c) A deficit in AR submission was evident
- d) ARs that are available at the RTIC have been submitted by PAs in distinct formats; primarily, pursuant to the sample format or according to the criteria stipulated under Section 10 of the RTI Act. Therefore, due to the distinct formats/criteria followed by PAs in furnishing ARs and due to the absence

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<sup>6</sup> Section 10 Sample Annual Report Format, available at <<http://www.rticommission.lk/web/images/rt-regime/report-formats-under-S-10-en.pdf>>.

of a standardized format, evaluating the data furnished in such diverse formats was a challenge in the final computation and analysis of the data.

- e) Due to the absence of a directory of PAs in Sri Lanka, a comparative evaluation of the PA compliance in submission of the AR to the RTIC in relation to the total number of PAs in SL, could not be conducted. However, in such a context, this study had relied on the Annual Reports (Performance Reports) of the RTIC of the years 2020<sup>7</sup> and 2021<sup>8</sup>, which had indicated that “the number of PAs in the State sector has been estimated as 1579”. As a starting point, this report had relied on the aforementioned sources in order to assess the PA compliance in AR submission during the period under review.
- f) Reports submitted to the RTIC which were not in conformity with any of the recommended formats/criteria were exempted from this study;

- **41** reports were submitted as per the RTI-03 format (Register of Information Requests) as provided in the Gazette Extra Ordinary No.2004/66 on February 3, 2017<sup>9</sup>, which are not according to the sample format or the RTI Act.
- **59** Monthly Reports submitted in lieu of ARs.
- **3** reports submitted with erroneous references;
  - i. A report titled ‘2021’ containing data of 2022.
  - ii. A report titled ‘2021’ submitted along with ARs for ‘2020’.
  - iii. A report submitted with missing pages.

With above 103 exemptions, **1,025 ARs were considered** out of 1,128 reports received by the RTIC, for the period under review.

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7 Performance Report for the year 2020 <<https://www.rticommission.lk/web/images/pdf/ANNUALPR2020/English---Final-RTIC-Performance-Report-2020---01-12-2021-1.pdf>> accessed 05 September 2023

8 Performance Report for the year 2021 <https://www.rticommission.lk/web/images/pdf/Re--edited-2021---English---Draft-RTIC-Performance-Report---21.10.2022-1.pdf> accessed 05 September 2023

9 Gazette Extra Ordinary No.2004/66 on February 3, 2017 available at [http://www.cabinetoffice.gov.lk/cab/images/Downloads/RTI/RTI%20Regulation%20Gzt%202004-66\\_E.pdf](http://www.cabinetoffice.gov.lk/cab/images/Downloads/RTI/RTI%20Regulation%20Gzt%202004-66_E.pdf)

# **Analysis of findings and Observations**

## 4.1 Annual Report submission to the RTIC

As per the Annual Reports (Performance Reports) of the RTIC of the years 2020 and 2021, the number of PAs in the State Sector has been estimated to be 1579<sup>10</sup> compared to which, the RTIC has received ARs from only 400 PAs in 2019, 280 PAs in 2020 and 345 PAs in 2021. Nevertheless, as mentioned previously, a comparative analysis of the PA compliance in submission of the AR to the RTIC could not be carried out, due to the absence of a directory of total PAs in SL.

As displayed below, the AR submission to the RTIC is alarming, as over **74%** of PAs in 2019, **82%** in 2020 and **78%** in 2021 have failed to submit ARs despite having **one full year to submit the ARs** relating to the preceding year. It should be noted that the percentage of non-compliance will increase when all State PAs are counted in.

**Chart 4.1 | ANNUAL REPORT SUBMISSION TO RTI COMMISSION**



<sup>10</sup> Note – Estimation of Number of PAs in the State Sector as of the date of this Report was not available.

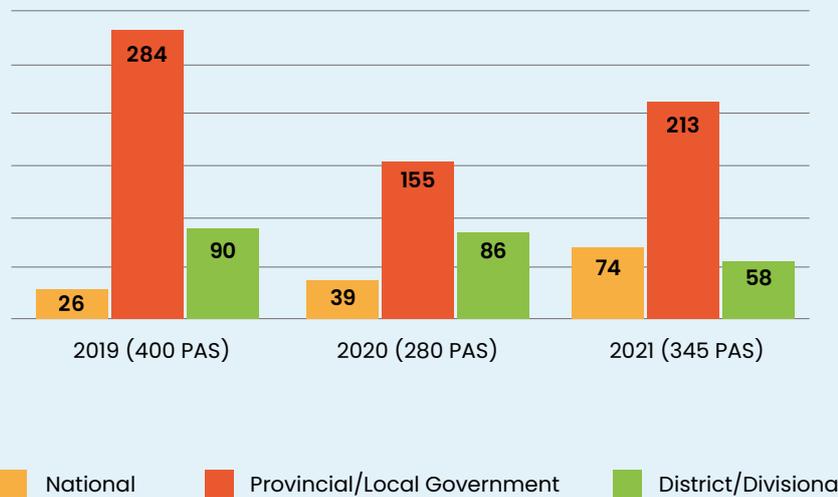
Taking cognizance of the distinct formats in which ARs have been submitted, it was observed that the ARs which were submitted adhering to the criteria under Section 10 have only furnished limited data **in absence of a standardized format**, whereas the ARs submitted as per the sample format had furnished more elaborate data.

Chart 4.2 below denotes the breakdown of the total number of PAs which have submitted ARs to the RTIC for each year

under administrative level classification.

Accordingly, it is observed that AR submission at the National level has improved over the review period, whereas the District/Divisional level shows a gradual decrease. Meanwhile, the PAs under Provincial/Local Government level record the highest AR submission in 2019, and reflect a drop followed by a hike again in 2020 and 2021 respectively.

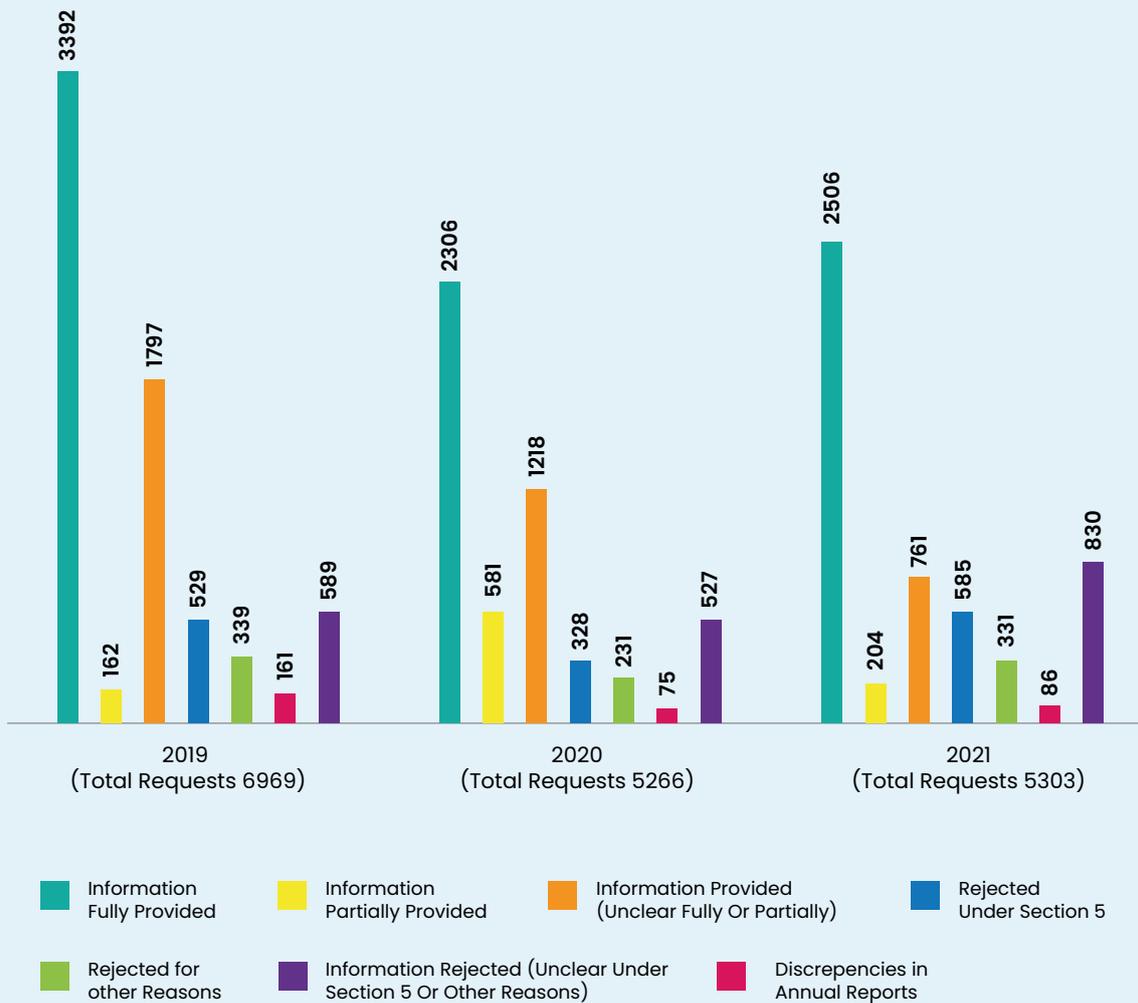
**Chart 4.2 | BREAKDOWN OF ANNUAL REPORT SUBMISSION BY PUBLIC AUTHORITIES (PAs) UNDER EACH ADMINISTRATIVE LEVEL**



**Requests received and Responses:**

According to the 1,025 ARs, a total of **17,538 requests have been received** for the 3 years under review, out of which 15,592 requests have been responded to (information provided or rejected), however the balance is not accounted for. (See Chart 4.3 below)

**Chart 4.3 | RTI REQUESTS RECEIVED & RESPONSES AS PER ANNUAL REPORTS**



The statistics reflect that the RTI usage during the period under review has fluctuated, with 2019 recording the highest receipt of requests (6,969 requests), followed by

a decline in 2020 (5,266 requests) and a slight increase in 2021 (5,303 requests). The decline in 2020 could be assumed to have been due to the COVID-19 pandemic and the

lockdown restrictions prevalent during the year which had an adverse impact on many governmental operations.

In respect of the **requests for which information has been provided**, out of the 17,538 requests received, **information has been provided for 12,927 requests** (fully or partially) which records a **73.7%** likelihood of information being provided by the Information Officer at the first instance.

As denoted in the table below, based on the ARs available, the **Ministry of Education** has received the highest number of requests in 2019 and 2021, with 819 requests received in 2019 and 441 in 2021. In 2020, the highest number of requests were received by the **Department of Government Valuation** (525 requests), whereas **Ministry of Education** has received 417 requests recording the second highest number of requests received in 2020.

**Table 4.1**

<b>Year</b>	<b>Public Authority</b>	<b>Number of Requests Received</b>
<b>2019</b>	<b>1. Ministry of Education</b>	<b>819</b>
	2. Ministry of Public Administration, Home Affairs, Provincial Councils & Local Government – Investigation, Research and Monitoring Unit	435
	3. District Secretariat, Jaffna	145
<b>2020</b>	<b>1. Department of Government Valuation</b>	<b>525</b>
	2. Ministry of Education	417
	3. Divisional Secretariat, Vavuniya	248
<b>2021</b>	<b>1. Ministry of Education</b>	<b>441</b>
	2. Office of the Public Service Commission	376
	3. Office of the Deputy Director of Agriculture (Badulla)	250

In evaluating the number of requests received under each administrative level, it was observed that, for the entire period

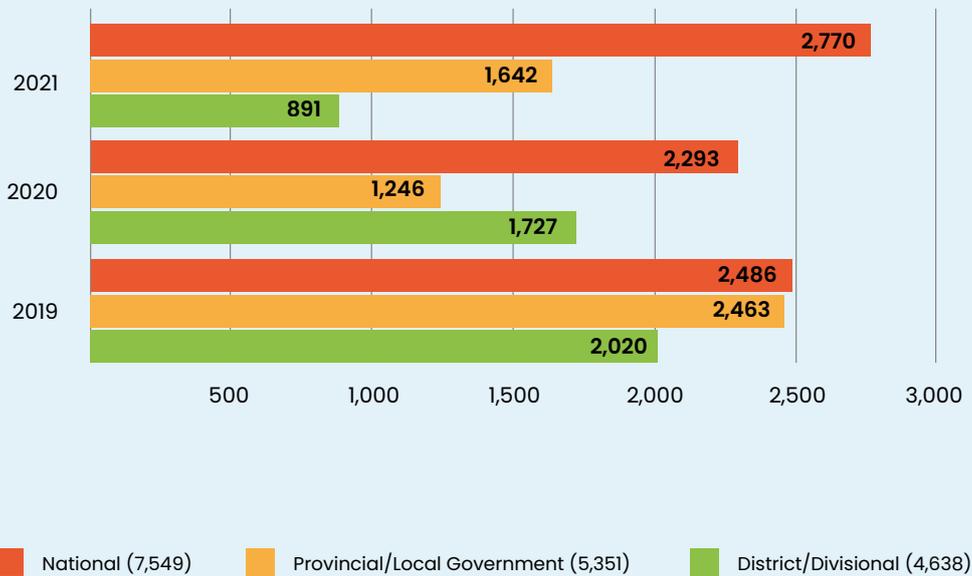
under review, PAs under the National level have received **7,549** requests in total, whereas PAs under Provincial/Local

Government level and District/Divisional level have received **5,351** and **4,638** requests respectively. (See Chart 4.4 below)

It was also observed that in all 3 years, PAs under the **National level** have recorded the

highest number of information requests received with **2,486** requests in 2019, **2,293** in 2020 and **2,770** in 2021. Notably, the below statistics reflect that the RTI practices are most active in the PAs under the National level.

**Chart 4.4 | NUMBER OF REQUESTS RECEIVED UNDER EACH ADMINISTRATIVE LEVEL**



In terms of **rejection of information requests**, Section 5(1) of the RTI Act stipulates an exhaustive list of grounds on which an information request shall be refused by the PAs, including but not limited to, circumstances where the disclosure of a particular information warrants an invasion of a person's privacy, undermines the defence of the State or its territorial integrity or national security, would cause serious prejudice to the economy of Sri Lanka.

Supplement to the grounds set forth under Section 5, information requests have also been rejected for other reasons such as non-availability of information. The ARs submitted as per the sample format had provided data where the PAs have rejected information based on either Section 5 grounds or for other reasons, distinctively. Whereas the ARs submitted as per the criteria stipulated under Section 10 of the Act have supplied data either for the number of requests for which information has been

rejected as a whole, or based on Section 5 grounds only.

According to the Chart 4.3 above, **rejection of information** records a **15.2%** in all 3 years, which includes rejection of information based on grounds stipulated under Section 5 of the RTI Act as well as rejections for other reasons.

Based on the analysis as demonstrated in Chart 4.3 above, a **discrepancy** of data recorded in the ARs was evident in all 3 years, accounting for **11.1%** of the total requests

received. It is abundantly clear that these discrepancies could potentially lead to possible errors and inaccuracies in the final computation of the number of requests received, requests for which information has been provided or rejected. Nonetheless, for the purpose of this study, the data recorded in the ARs **have been taken and considered as-is.**

A few examples to demonstrate the inaccuracies in the data provided in the ARs leading to discrepancies in the final computation are listed below;

#### **Example I – 2021 AR of Pradeshiya Sabha, Matale:**

AR indicates that 7 requests have been received for the year, and information for all 7 requests have been fully provided. However, it was also recorded that 3 requests have been rejected for reasons other than the grounds set out in Section 5. A discrepancy of 3 is evident.

#### **Example II – 2019 AR of Pradeshiya Sabha, Thumpane:**

AR indicates that 24 requests have been received for the year, for which information has been fully provided for 13 requests, partially provided for 1 request, and 6 requests have been rejected under Section 5. A discrepancy of 4 is evident.

#### **Type of Information Requests received:**

The sample format comprises of a category for PAs to furnish data on the types (nature) of information requests received under 7 categories, namely; **Establishment Matters, Procurement related, Political Victimization, Financial, Environment, Policy**, and a generic

**“Other”** category encompassing those that fall outside the main 6 categories.

The analysis of the types of Information requests received is subject to the following limitations;

- The ARs which have **furnished data as per Section 27(3) of the RTI Act (“Manner in which information is to be provided”)** under the Type of Information Requests in the sample format were not considered for study due to the irrelevant data supplied.

### **Example I – 2019 AR of Divisional Secretariat, Gonapinuwala**

Out of the 18 requests received, 5 requests have been recorded under “Others” and 13 were denoted as “To take copies of documents” which is a manner in which information could be provided as per Section 27(3) of the RTI Act. The latter was therefore not considered for the study due to the irrelevancy.

### **Example II – 2021 AR of Ministry of Urban Development & Housing,**

The 18 requests received have all been indicated as “To take copies of documents and records” as per Section 27(3) of the RTI Act, which were excluded from the study.

- Several **discrepancies** in the data recorded by the PAs were evident, leading to possible errors and inaccuracies in the final computation of the number. Nevertheless, for the purpose of this study, the data recorded in the ARs **have been taken and considered as-is.**
- For the purpose of analysis and data accumulation, **new categories** introduced by several PAs have been recorded under the generic “Other” category.

### **Example I – 2019 AR of Pradeshiya Sabha, Ambagamuwa:**

A new category titled “Development Projects” was introduced to accommodate 4 requests received under this category.

### **Example II – 2020 AR of Sri Jayawardenapura Kotte Municipal Council:**

1 request received had been recorded by introducing a new category named “Court Cases”.

**Example III – 2021 AR of Department of Local Government, Trincomalee, Eastern Province:**

Out of the requests received by this PA, 8 requests have been recorded under a new category titled “Land”.

- The number of requests which have been left unaccounted for and have not been classified under any of the aforementioned categories have also been recorded under “Other”.

**Example I – 2019 AR of Sri Lanka Broadcasting Corporation**

Out of the 55 requests received for the year 2019, only 10 have been classified under “Political Victimization”. The remaining 45 have not been classified under any category, and therefore recorded under “Others” for the purpose of this study.

**Example II – 2020 AR of Divisional Secretariat, Ambanpola:**

Out of the 10 requests received for the year 2019, only 2 have been classified under “Financial”. Remaining 8 have not been classified under any category, and therefore recorded under “Others”.

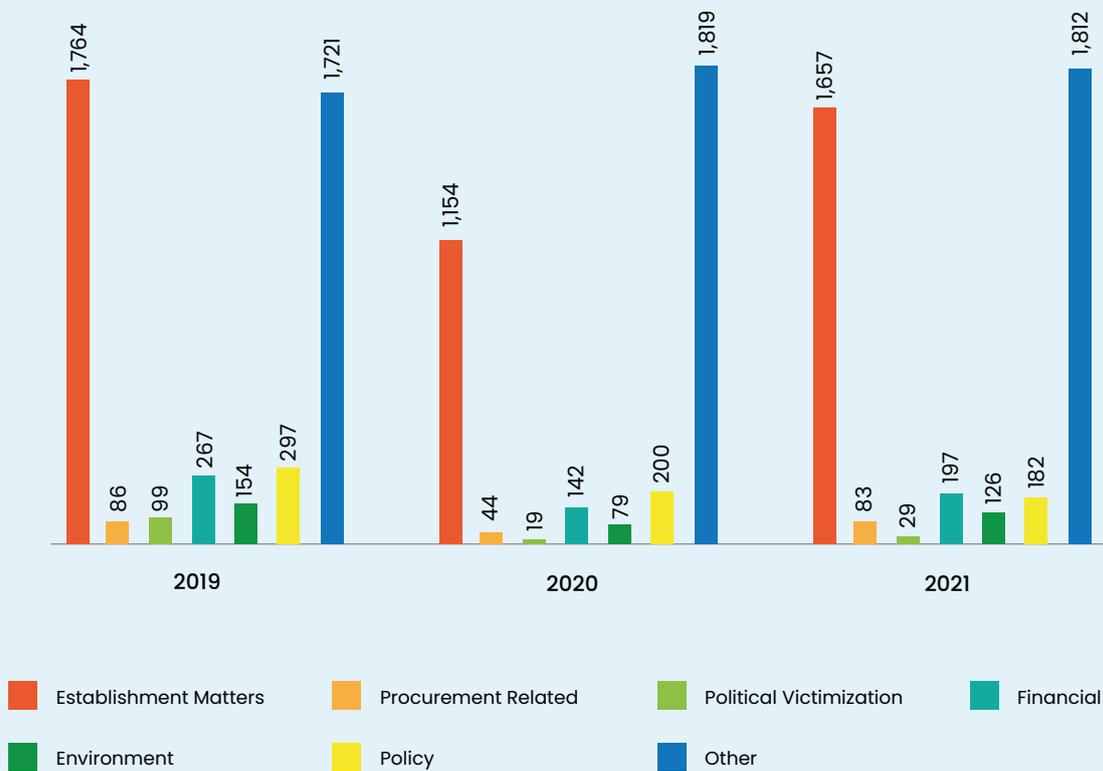
**Example III – 2021 AR of Department for Registration of Persons,**

Out of the 24 requests received for the year 2019, only 1 has been classified under “Establishment Matters”. Remaining 23 have not been classified under any category, and therefore recorded under “Others”.

Due to the distinct formats in which ARs have been submitted, and subject to the above limitations, only **735** out of 1,025 ARs (**71.7%**) submitted to the RTIC which have furnished data for the above categories have been considered for this study.

Chart 4.5 below reveals the statistics in relation to the type of requests received during the period under review.

**Chart 4.5 | TYPE OF INFORMATION REQUESTS**  
(AS PER CATEGORIES IN THE SAMPLE FORMAT)



As demonstrated in the Chart, out of the 735 ARs, the number of requests received for **“Other”** categories records the highest number with **5,352** for all 3 years, whilst the number of requests received regarding **“Establishment Matters”** records the second highest with **4,575** requests. Only **147** requests have been received under **“Political Victimization”** recording the lowest number out of the 7 categories.

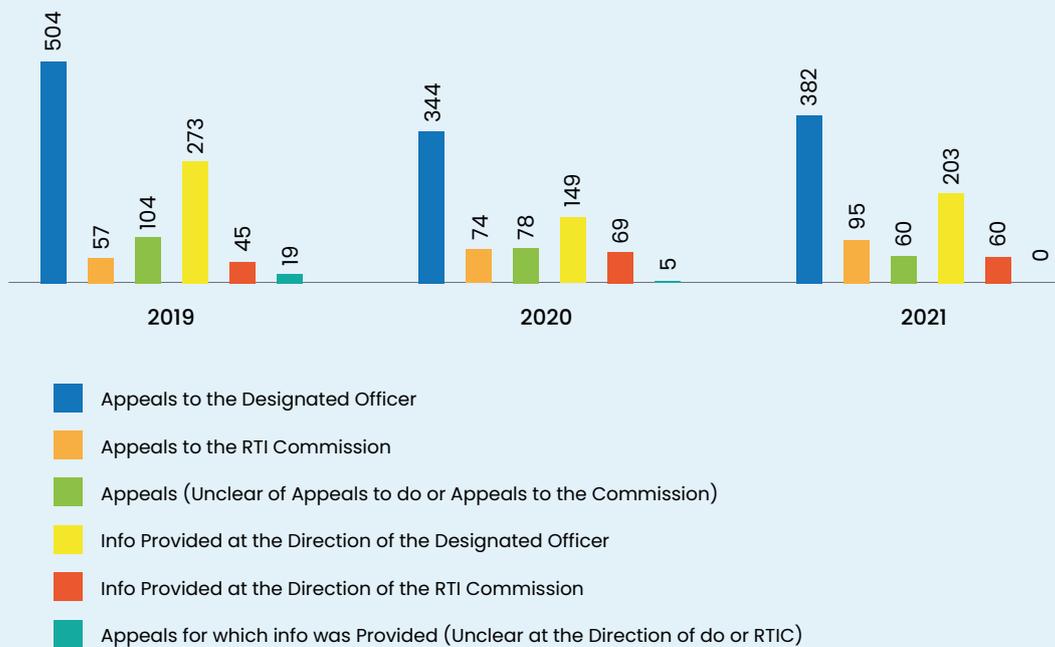
It should however be noted that the inflated number under **“Other”** category is owing to the inclusion of the newly introduced categories by PAs which are specific to the respective PA, as well as due to the number of requests which have not been classified under any category.

### Appeals received and responses:

A citizen who is aggrieved as a result of the grounds set forth under Section 31 of the RTI Act is entitled to appeal to the Designated Officer (DO) of the relevant PA<sup>11</sup>. And where such Appellant is dissatisfied by the decision

of the DO or failure to obtain a prompt decision on the appeal, the Appellant may appeal against such decision or failure to the RTIC.<sup>12</sup> (see Chart 4.6 below).

**Chart 4.6 | APPEALS AND RESPONSES AS PER THE AR**



As shown in the Chart above, collectively, **1,698 appeals** have been received by the DO and the RTIC during the period under review (Appeals to DO + RTIC + unclear). In response to the appeals made, **only** the number of times information was **provided** at the direction of the DO and at the direction of the RTIC are reflected in the ARs submitted

to the RTIC. However, data concerning the balance appeals at both the DO and RTIC levels, which have been rejected, in progress, or otherwise, are not reflected in the AR. Therefore, the sample format falls short of a criterion to capture data on the number of **appeals rejected** by both the DO and the RTIC.

<sup>11</sup> Right to Information Act, Section 31.

<sup>12</sup> Right to Information Act, Section 32.

A few examples to support this claim are as follows;

**Example I – 2019 AR of Bank of Ceylon:**

As per the AR, 24 appeals have been made to the DO, where information has been provided at the direction of the DO for 5 appeals. However, there is no reflection of the remaining 19 appeals. Moreover, the AR had further stated that 4 appeals have been lodged with the RTIC, and on the assumption that those 4 appeals were out of the remaining 19 appeals, any reference to the 15 balance appeals have not been indicated in the AR.

**Example II – 2020 AR of District Secretariat, Jaffna:**

As per the AR, 13 appeals have been made to the DO, where information has been provided at the direction of the DO for 10 appeals. However, the remaining 3 appeals have not been accounted for.

**Example III – 2021 AR of Ministry of Education:**

As per the AR, 87 appeals have been made to the DO, where information has been provided at the direction of the DO for 46 appeals, and a reflection of the remaining 41 appeals have not been indicated in the AR. It was further stated in the AR that 30 appeals have been lodged with the RTIC, and on the assumption that those 30 appeals were out of the remaining 41 appeals, 11 appeals remain unaccounted for.

(It is also noteworthy that the PAs will not be aware of the number of appeals that were withdrawn and/or dismissed at the RTIC level, given that the ARs submitted to the RTIC contain data only on the number of appeals lodged with the RTIC which the PA has notice of.)

## 4.2 Misinterpretation of the data required by the AR

It was observed that some PAs have misinterpreted the type of data that is required to be furnished by them. This observation was encountered where the PA had seemingly considered the “Number of requests for which information has

been provided fully” under Category 5 in the sample format, to be inclusive of the “Number of times the information was provided at the direction of the Designated Officer” under Category 9.

### Example

In the 2021 AR of Pradeshiya Sabha, Rideemaliyadda submitted to the RTIC, the total number of requests received for the year was recorded as “1”, and the number of requests for which information was fully provided was also recorded as “1”. However, the number of times the information was provided at the direction of the DO was also recorded as “1”.

## 4.3 ARs submitted in non-conformity with Section 10 or the sample format:

**41 PAs** were observed to have submitted Registers of Information Requests to the RTIC, as ARs. It should be emphasized that the Registers are an auxiliary requirement under the Gazette<sup>13</sup> which is to be maintained by the PAs, and is not a requirement under Section 10 to be submitted to the RTIC. Moreover, 59 PAs have submitted Monthly Reports to the RTIC, in place of ARs covering the full year.

Furthermore, **92 ARs** were observed to have failed to state the year to which the report relates, making the initial assessment of the ARs rather challenging. However, for the purpose of this study, and in order to avoid discarding valuable data provided, these reports have been taken into account after careful verification.

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13 Gazette Extra Ordinary (n5)

#### 4.4 Absence of an established directory of all the PAs in the State Sector:

Assessment of the AR submission to the RTIC by the PAs within a span of 3 years was analyzed based on an **estimation** that there are 1579 PAs in the State sector as per the 2021 Annual Report (Performance Report) of the RTIC. Due to the absence of an established directory of PAs in the

State sector at the time of this study, a comparative evaluation of the PA compliance in AR submission, in relation to the total number of PAs in the State sector, could not be conducted.

#### 4.5 One year period to submit ARs to the RTIC:

As per Section 10, PAs are duty bound to submit ARs to the RTIC “before the thirty first day of December immediately succeeding the year to which the report relates”. PAs are

therefore allowed a period of one **full** year for the AR submission, which is excessively lengthy.

# **Conclusions and Recommendations**

## 5.1 Responsiveness

Reiterating the observation made in terms of the PA compliance in AR submission as per the RTI Act, the analysis of the data reveals that the responsiveness of PAs in fulfilling a **statutory duty is relatively weak**.

### *Recommendation*

In fulfillment of **the statutory duty** imposed on the PAs, public officials should therefore submit the ARs promptly within the stipulated time period under Section 10. In furtherance of the above, a mechanism to periodically monitor the PA compliance of the duty under

Section 10 of the Act could be introduced and implemented by the Ministry of Mass Media, thereby encouraging the PAs to submit the ARs promptly.

## 5.2 Criteria and Format

The data furnished by the PAs have been submitted under distinctive criteria and formats due to the absence of a standardized format for ARs. By introducing specific criteria it would be an ideal layout

to obtain more comprehensive data from PAs and maintain consistency among ARs submitted by all PAs.

### *Recommendation*

Amend criterion 5.2 as "Number of requests for which information has been provided fully by

- a) The Information Officer".
  - b) Amend criterion 5.3 as "Number of requests for which information has been provided partially **by the Information Officer**".
  - c) Introduce criterion 9.3 for the "Number of
  - d) Introduce criterion 9.5 "Number of appeals withdrawn by the Appellant"
- times information has been refused at the direction of DO"

### 5.3 Records Management

The inaccuracies and discrepancies observed in the data furnished by the PAs not only impair the overall assessment of RTI related data, but also diminish the credibility of the RTI framework as a whole. This could be perceived as a lack of awareness of the

PAs on the statutory duty imposed on them to maintain accurate and duly catalogued records of data within the PA, as well as to furnish accurate and systematized data in the ARs.

#### *Recommendation*

Accordingly, the **Information Officers and Designated Officers** of every PA should be educated and refreshed on their roles,

duties and responsibilities through periodical **workshops** and **awareness programs** (at least Bi-annually).

### 5.4 PA Directory

A directory of **all** the PAs in the State sector was not available at the time of this study, for a better evaluation of AR submission by the PAs.

#### *Recommendation*

It is recommended for the Ministry of Mass Media in collaboration with the Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government to establish

and maintain a database of **all** the Public Authorities, to give effect to a mechanism to monitor the compliance of each PA in submitting RTI ARs as per the Act.

### 5.5 Validation of Data

Data provided by the PAs in the ARs are the only data that the RTIC is presently relying upon, due to the absence of an established practice or procedure to corroborate the data provided by the PAs. It is an indispensable requirement to evaluate the

data provided in the ARs and validate them; a requirement which is further necessitated considering the inaccuracies and discrepancies observed during this study.

### *Recommendation*

A mechanism, in view of ensuring accuracy of reporting, as well as for the purpose of corroborating the data provided by the PAs

in the ARs, could be initiated and enforced by the Ministry of Mass Media.

**\*NOTE** - The data extracted from the ARs and utilized for this research report are made available on the Right to Information website managed and maintained by the Sri Lanka Press Institute. (<https://rtisrilanka.lk/analytics/>)

# **Bibliography**

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## Annexure 1

Criteria set out in Section 10 of the RTI Act.

Duty of public authorities to submit reports etc.

### 10 *Right to Information Act, No. 12 of 2016*

**10.** Every public authority shall submit annual reports to the Commission before the thirty first day of December immediately succeeding the year to which the report relates which shall be made available to the public in its office and on its official website, furnishing information such as-

- (a) the total number of requests received during the year and information provided and rejected;
- (b) the amount of fees collected during the year;
- (c) the number of requests rejected under section 5;
- (d) the number of times information was provided at the direction of the Commission;
- (e) any suggestions for improving the effectiveness of the regime of transparency;
- (f) the number of appeals from refusal to communicate information;
- (g) practices relating to the maintenance, management and destruction of records; and
- (h) its activities under section 8.

## Annexure 2

Sample Annual Report Format made available on the official website of the RTIC.

To access the above format visit the following URL or scan the QR code.

<http://www.rticommission.lk/web/images/rt-regime/report-formats-under-S-10-en.pdf>





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