



## **Access to Information Act 2018 (ATIA)**

### **Appeal Case to the Information Commission, Seychelles**

#### **Statement of Recommendations, Findings, Orders, Decisions and Directives as per Part VII, Section 64**

Public Body: Seychelles Planning Authority

Address: Independence House Annex, 1<sup>st</sup> Floor Victoria, Mahe

#### **Scope of the Case**

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1. The requestor, Mr. Robert Grandcourt, appealed to the Commission on July 9, 2021, for failure to access a public record of planning documents at the Seychelles Planning Authority.
2. The Commission has considered whether the Planning Authority has complied with its obligations in relation to the Right of Access at Section 8 and the response to a request at Section 11(1) of the ATIA.

#### **Request and Response**

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3. On July 7<sup>th</sup> 2021, the requestor wrote to the Head of Information Holder (HOIH) requesting a review for the following":
  - 3.1. Access to the planning condition documents imposed on Bayview Development Ltd.
4. On July 7<sup>th</sup> 2021, the Head of Information Holder of the Planning Authority acknowledged and denied access to information in view of the fact that consent was not obtained from a third party.
5. The Seychelles Planning Authority requested consent from a third party on July 1<sup>st</sup> 2021.
6. According to the Information Commission's investigation, the Head of Information Holder was involved in the Access to Information request from the beginning.

#### **Orders**

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7. On July 12<sup>th</sup> 2021, the Commission gave notice of its intention to carry out an inquiry to the Head of Information Holder.
8. The Commission requested that the Head of Information Holder provide all documents in question to the Commission for review and decision.
9. The Commission requested that notice and reasonable steps be taken by the Information Officer and Head of Information Holder to inform the third party to whom the information relates to verify consent and/or representation for non-access.
10. The Commission received the requested documents and third party consent to release the information on July 16<sup>th</sup> 2021.
11. According to the Information Commission investigation, it was conclude that the release of information to the requestor Mr. Grandcourt.

## Directives

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12. Pursuant to Section 33, Section 63 (1)(d) and in conjunction with Section 48 (4)(a to e) of the Access to Information Act, 2018, the Information Commission orders the Seychelles Planning Authority to release information contained in the “Condition for approved applications” **Ref: DC/40/16, DC/1342/16, DC1144/18 and DC1321/19.** .

## Decision and Conclusion (including any steps ordered)

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13. The requestor gained access to the file on August 9<sup>th</sup> 2019. No other steps were required.
14. The cases closed on August 18<sup>th</sup> 2021.

## Reasons for Decision

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15. Section 8 of ATIA states that: “Subject of this Act, every person has a right to access to information from a public body.”
16. Part III of Exemption section 21(1) of the ATIA states, “An Information Officer may refuse a request for information if its release would involve the unreasonable disclosure of personal information about a natural third party, including a deceased individual.”
17. Part III of Exemption Section 22(1) - an Information Officer may refuse a request for information if it contains —
  - (a) trade secrets of the information holder or a third party; or
  - (b) information about the information holder or a third party that would substantially prejudice a legitimate commercial or financial interest of the information holder or third party.