



## **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: Department of Land Transport

Address: Quadrant Building, 1<sup>st</sup> Floor Victoria, Mahe

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

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1. The requestor, Mr. Darel Atala, appealed to the Commission on August 26<sup>th</sup> 2022, for failure to access information at the Department of Land Transport.
2. The Commission has considered whether the Department of Land has complied with its obligations in relation to the Right of Access under Section 8 and the response to a request under Section 11(1) of the ATIA.
3. In the transition period and temporary lack of an Information Officer (IO) in post during this request, the Head of Information Holder (HOIH) was functioning in a dual role as both Information Officer and Head of information Holder. As such all requests have been made directly to the HOIH.

#### **Request and Response**

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4. On August 3<sup>rd</sup> 2022, the requestor wrote to the Head of Information Holder, requesting access to the following information:
  - 4.1 "Copies of all vehicle roadworthiness test results from their first VTS test to their last one, regardless of the format in which the data is stored."
5. On August 3<sup>rd</sup> 2022, the Head of Information Holder acknowledged receipt of the request.
6. No response to the request was given to the requestor from the initial request within 21 days as per Section 11 and as per Section 14 of the ATIA is considered a "deemed refusal".

#### **Orders**

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7. On August 30<sup>th</sup> 2022, the Commission gave notice to the Head of Information Holder of its intention to carry out an independent investigation to determine the total merits of the case.

## Directives

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8. The Commission established no exemptions under Section 20 Part III of the ATIA. Pursuant to Section 63 (1)(d) and in conjunction with Section 48 (4)(a to e) of the Access to Information Act, 2018 on August 30<sup>th</sup> 2022 the Commission ordered the Head of Information Holder to provide all information or the reply as requested to the requestor in the form available by September 13<sup>th</sup> 2022.
9. Upon Commission, investigation concluded that the data requested is the property of Seychelles Licencing Authority.

## Decision (including any steps ordered)

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10. The requestor received a reply requested from the Head of Information Holder on September 19<sup>th</sup> 2022, stated that the Information requested is not the custodian of the data and direct the requestor to the appropriate Information Holder. No further steps required.
11. The case closed and resolved on September 20<sup>th</sup> 2022.

## Reasons for Decision

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12. Section 8 of ATIA states that: "Subject of this Act, every person has a right to access to information from a public body".
13. Section 10 of ATIA states that: "Where a person — Requests for access duty to assist requestors any person under this Act;
  - (a) wishes to make a request to an information holder; or
  - (b) has made a request to an information holder that does not comply with the requirements of this Act, the Information Officer shall take all necessary steps to assist the person, free of charge, to make the request in a manner that complies with this Act.