



## **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 Licensing Authority  
Address: Orion Mall, 2<sup>nd</sup> Floor, Victoria, Mahe,

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

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1. The requestor, Mr. Darel Atala, appealed to the Commission on October 11<sup>th</sup> 2022, for failure to access information at the Seychelles Licensing Authority (SLA).
2. The Commission has considered whether the SLA 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 19<sup>th</sup> 2022, the requestor wrote to the Information Officer (IO) requesting access to the following information:
  - 3.1 "Copies of motor vehicle records including copies of all vehicle records SLA maintains, regardless of format."
4. On August 2<sup>nd</sup> 2022, the Information Officer provided partial information to the requestor and withheld other information requested on the basis of it contains personal information of third party.
5. On September 13<sup>th</sup> 2022, a review was made to the Head of Information Holder (HOIH) of the Seychelles Licensing Authority for the deemed refusal of the Information.
6. The Head of Information Holder acknowledged on September 28<sup>th</sup> 2022, informing the requestor that another meeting with Seychelles Licensing Authority partners had been scheduled to review the content of his request.
7. No follow up response by Seychelles Licensing Authority was given to the requestor. The 15 days review from the Head of Information Holder has elapsed as per Section 34 of ATIA.

#### **Orders**

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8. On October 17<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.
9. The Commission requested that the Head of Information Holder to provide all documents in requested to the Commission for review and decision by November 1<sup>st</sup> 2022 to make a determination on the matter.

## Directives

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12. The Commission required to establish from the request that the basis for exemptions under Part III of the ATIA, in particular if:
  - 12.1 All information in the request involves the unreasonable non-disclosure of personal information on a natural third party (parties).
  - 12.2 All information in the request contain commercial or confidential information of an information holder.
13. Pursuant to Section 63 (1)(d) and in conjunction with Section 48 (4)(a to e) of the Access to Information Act, 2018 the Commission ordered the Seychelles Licensing Authority to release the information to the extent that it did not compromise the above or under the exemptions of ATIA or any written law.

## Decision and Conclusion (including any steps ordered)

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14. Upon submitted the notice to Seychelles Licencing Authority on October 17<sup>th</sup> 2022 of the intention of conducting an investigation in the matter, the Head of Information Holder informed Commission that the requestor has already been provided with a reply to his review.
15. The requestor received a reply to the decision from the Head of Information Holder dated on October 14<sup>th</sup> 2022.
16. On the October 18<sup>th</sup> 2022, the requestor confirmed with the Commission that he is satisfied with the response received from the Head of Information Holder on October 14<sup>th</sup> 2022. No further steps required.
17. The cases resolved and closed on October 18<sup>th</sup> 2022.

## Reasons for Decision

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18. Section 8 of ATIA states that: “subject of this Act, every person has a right to access to information from a public body is the case”
19. 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.”
20. 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.