



## **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 for Immigration and Civil Status  
Address: Independence House, 1<sup>st</sup> Floor Victoria, Mahe,

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

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1. The requestor, Mr. Marco Francis, appealed to the Information Commission on May 8<sup>th</sup> 2020, about the Department of Immigration and Civil Status's failure to respond to his request.
2. The Commission has considered whether the Department of Immigration has complied with its obligations in relation to the Right of Access at Section 8 and the response to a request under Section 11(1) of the ATIA.

#### **Request and Response**

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3. On January 6<sup>th</sup> 2020, the requestor wrote to the Information Officer (IO) and requested information in the following terms:
  - 3.1 "Under the right information, we are requesting copies, of all the documents referring to the decision to declare Mr. Varsani a prohibited immigrant."
4. The Information Officer failed to reply to the request within 21 days as per Section 11 (1) of ATIA or it can be considered under Section 14 and interpreted as 'deemed refusal'.
5. The requestor under Section 34 (2) applied for a review to the Head of Information Holder (HOIH) on 5<sup>th</sup> March 2020.
6. The Head of Information Holder failed to give a decision on the review application as per Section 35 (1).
7. The requestor appealed to the Information Commission as per Section 58 on May 8<sup>th</sup> 2020.

#### **Orders**

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8. On May 11<sup>th</sup> 2020, the Commission ordered the Department of Immigration and Civil Status to provide a right of reply to the requestor.
9. On June 19<sup>th</sup> 2020, pursuant to 63 (3), a summons was sent to the Information Officer to appear before the Information Commission.
10. On July 1<sup>st</sup> 2020, the Information officer appeared before the Commission and was instructed to provide the Requestor with the information.

## Directives

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11. Pursuant to Section 63 (1)(d) and in conjunction with Section 48 (4)(a to e) of the Access to Information Act, 2018 Commission ordered to release the information.

## Decision and Conclusion (including any steps ordered)

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12. The Commission orders the Information Officer to provide a reply to the requestor by the July 12<sup>th</sup> 2020.
13. Release of Information was completed on July 14<sup>th</sup> 2020. No other steps were required.
14. The case was resolved and closed on July 15<sup>th</sup> 2020.

## 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. Section 11(1) of ATIA states that: "Subject of subsection (2), the Information Officer to whom a request is made under section 9 shall, as soon as reasonably possible, but in any event within 21 days after the request is submitted –
  - (a) Determine whether to grant the request;
  - (b) Notify the requestor of the decision in writing.