



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, 1st Floor Victoria, Mahe

Scope of the Case

1. The requestor, Mr. Marco Francis, appealed to the Commission on September 14th 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 at Section 11(1) of the ATIA.

Request and Response

3. On July 22nd 2020, the requestor wrote to the Information Officer and requested information in the following terms:
 - 3.1 Requesting further access to information in the case of Mr. Varsani because he has been declared a prohibited immigrant under the section of the Immigration Decree.
4. On August 10th 2020, The Information Officer acknowledge and provide a reply that he confirm that Mr. Varsani has been declared a prohibited immigrant under section 19 (1) h (ii). Further informed the requestor to apply for a review with the Head of Information Holder of Immigration and Civil status.
5. The requestor made a review to the Head of Information Holder on August 21st 2020.
6. The Head of Information Holder failed to give a decision on the review application as per Section 35 (1).

Orders

7. On September 16th 2020, the Commission ordered the Head of Information Holder of the Department of Immigration and Civil Status to provide a right of reply to the requestor in 7 days.
8. On October 12th 2020, pursuant to 63 (3), a summons was sent to the Head of Information Holder to appear before the Information Commission on November 4th, 2020. After no reply from the Head of Information Holder was received.
9. On November 4th 2020 if the Head of Information Holder failed to attend the hearing, a second and final summons was sent for November 12th 2020.

Directives

10. 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 provide the Information requested.

Decision (including any steps ordered)

11. The release of Information was completed on November 19th 2020. No further steps required.
12. The case closed on November 19th 2020.

Reasons for Decision

13. 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”
14. 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.