



## **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 Police  
Address: Central Police station, Victoria, Mahe

### **Scope of the Case**

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1. The requestor, Ms. Manette Labiche, wrote to the Department of Police on April 6<sup>th</sup> 2021, to appeal the Department of Police failure to release the information requested.
2. The Commission has considered whether the Department of Police 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 December 4<sup>th</sup>, 2020, the requestor wrote to the Information Officer (IO) and requested information in the following terms:
  - 3.1 Request for information about an incident that occurred on July 22<sup>nd</sup> 2020.
4. The Information Officer acknowledged the request on December 17<sup>th</sup> 2020.
5. On January 5<sup>th</sup> 2021, the requestor made a review with the Head of Information Holder for the reason that 21 days as per the Access to Information Act had elapsed and she has not received a reply from the Information Officer.
6. On 29<sup>th</sup> January 2021, the Information Officer wrote to Ms. Labiche to inform her that the case is ongoing and provided only information that they have in record.

### **Orders**

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7. On April 13<sup>th</sup> 2021, the Commission requested that the Department of Police provide a report of the case before any directives be provided. A deadline of April 28<sup>th</sup> 2021 was given.

## Directives

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8. 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 orders the Department of Police to provide a reply and release to the requestor.

## Decision and Conclusion (including any steps ordered)

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9. Information Officer informed Commission on the 27<sup>th</sup> April 2021 that he wrote to Ms. Labiche on the 29<sup>th</sup> January 2023 to provide a reply to the requestor.
10. Proof of reply was provided accordingly to the Commission. No other steps were required.
11. The case closed on May 14<sup>th</sup>, 2021.

## 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 is the case”
13. 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.
14. Section 27 of ATIA states “An Information Officer may refuse to grant access to information, if such access would cause prejudice to —
  - (a) the prevention or detection of crime;
  - (b) the apprehension or prosecution of offenders;
  - (c) the administration of justice;
  - (d) the assessment or collection of any tax or duty; or
  - (e) the security and life of an informant relating to a crime or investigation.