



Access to Information Act 2018 (ATIA)
Appeal Case to the Information Commission, Seychelles
Statement of Recommendations, Findings, Decisions as per Part
VII, Section 64

Public Body: Seychelles Licensing Authority
Address: Orion Mall, 2nd Floor, Victoria, Mahe

Scope of the Case

1. The case pertains to an Access to Information (ATI) request made by Mr. George Camille to the Seychelles Licensing Authority (SLA) on November 20th of 2023, regarding a lease agreement between Mr. Bernard Camille and Mr. Stephane Banane, along with licenses issued to Glorious Bakery.
2. The information request arises from a meeting between Minister Devika Vidot, Mr. Ronny Antat, and Mr. George Camille where the lease in question was discussed.
3. SLA's decision to deny access was based on the grounds of protecting the personal details of a third party, as mentioned in their response to Mr. George Camille's request. Despite Mr. Camille's position as the executor, access was not granted.
4. The Commission has considered whether the SLA has complied with its obligations in relation to section 8 and 20 of the ATIA amongst others.

Request, Response and Findings

5. On November 20th of 2023, the requestor wrote to the Information Officer (IO) of SLA requesting access to the following information:
 - 5.1 A copy of the lease from SLA between Bernard Camille and Stephane Banane.
 - 5.2 Copies of all the licenses issued to the bakery at La Passe, La Digue either in the name of Bernard Camille, Glorious Bakery or Stephane Banane.
 - 5.3 He indicated his status as the executor of his late father's estate and the legal owner of property LD548 from the ATI request made.
6. The IO requested for a third party consent on November 28th of 2023, to which Mr. Bernard Camille refused to grant permission on December 6th of 2023, but did not provide the reasons for the refusal.
7. On December 11th of 2023, the Information Officer provided a response to the appellant. Partial information was provided to the requestor and another portion was withheld on the grounds that the information contains personal details pertaining to a third party.
8. The appellant made a review to the HOIH on December 17th of 2023 and also stated that a copy of an expired lease was provided to him.
9. On December 18th of 2023, the requestor contacted the InfoCom for assistance, as he had not received a response to date. Since the timeframe to provide a response had not elapsed the InfoCom followed up with Mr. Camille on January 3rd of 2024 after the statutory timeframe to provide a response had lapsed.

10. An appeal was lodged on January 3rd of 2024 due to the deemed refusal from the HOIH and the unsatisfactory response received from the IO.
11. The appellant provided proof of executorship to the IC on January 4th of 2024.
12. A notice to the HOIH was given on January 5th of 2024 as per Section 60 of the Act and all information related to the subject matter of the request was sought to be produced before the Commission not later than January 20th of 2024.
13. From the thorough review conducted on the records provided to the Commission, a letter was sent to the HOIH on January 16th of 2024 as the Commission did not see the reason for the refusal as satisfactory.
14. The SLA agreed to release the information on January 17th of 2024, however the organisation sent the wrong documents to the appellant.
15. The Commission got in contact with SLA to sort out matters, and the correct document was finally released on January 18th of 2024.
16. The Information Commission notified SLA of the request and sought evidence of the appointed executor for parcel LDS48 of La Digue, particularly mentioning Mr. George Camille's claim as the appointed executor as the IO had mentioned that they have proof of ownership of another person in their file, namely Mr. Bernard Camille, the brother of Mr. George Camille. Additionally, SLA was asked if they possessed updated documentation regarding the property's lease and ownership.
17. During the due diligence process, it became evident that crucial elements outlined in sections 21(2)(a) and 33(3)(b) of the Access to Information Act were not adhered to. Specifically, there was a lack of representation from a third party detailing reasons for withholding the information. Additionally, the head of the information holder failed to furnish a decision on the review application within the mandated timeframe, as per section 35(7) of the Act.

Recommendations

12. Pursuant to Section 63 (1)(d and e) and in conjunction with Section 48 (2) (a to c) of the Access to Information Act, 2018 the Commission recommended 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.
13. The SLA was instructed to provide evidence of the appointed executor and updated documentation related to the property lease in question.

Reasons for Recommendation

14. The Commission required to establish from the request that the basis for exemptions under Part III of the ATIA, in particular if:
 - 14.1 Information in the request involves the unreasonable non-disclosure of personal information of a natural third party.
 - 14.2 Information in the request contain commercial or confidential information of an information holder.
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. Part III of Exemption section 21 (2), ‘a request shall not be refused where- (f) the information is about a deceased individual and the requestor is: (i) next of kin or legal representative or (iii) the executor of the deceased estate.
17. The Supreme Court of Seychelles has legally appointed Mr. George Camille as the executor of the estate of Mr. Alloy Camille. As such, Mr. George Camille possesses the requisite legal authority to manage the affairs of the estate, including the acquisition of relevant information regarding its assets and agreements.
18. The information sought, particularly the lease agreement, holds direct relevance to the effective administration and management of the estate, notably parcel LD548 and associated businesses.

19. The absence of adequate representation from third parties and the failure to adhere to prescribed decision-making timelines by the information holder were inconsistent with the provisions of the Access to Information Act.

Conclusion

13. Upon examination of Mr. George Camille's appeal, the Commission has arrived at the conclusion that the denial of access to the requested information is not warranted.
14. In light of the foregoing, the Commission determines that the requested information, including the lease agreement between Mr. Bernard Camille and Mr. Stephane Banane, should be promptly made available to Mr. George Camille, the duly appointed executor of the parcel of land and businesses situated thereon.

Cased was satisfactorily resolved and closed on January 18th of 2024.