



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 Planning Authority (SPA)

Address: Independence House Annex

Scope of the Case

1. The appeal by Ms. Karen Domingue, acting on behalf of her client, challenges the Seychelles Planning Authority's (SPA) response and handling of Access to Information requests concerning her client's property development and related documents.
2. Further efforts to view the documents at the Authority's premises were unsuccessful. Refusal of information was either due to confidentiality or unavailability of information.

Request and Response

3. On July 21st of 2023, Ms. Domingue initially requested access to various reports pertaining to her client's property development.
4. A reminder was sent to the HOIH on August 10th of 2023.
5. On August 14th of 2023, a third party consent was requested and then issued during the same month on the 16th August.
6. A renewed request was made on August 28th of 2023, directly to the information officer who was on medical leave. The HOIH responded, advising Ms. Domingue on the methods to access the information digitally or in person.
7. On September 13th of 2023, Ms. Domingue requested a review due to limited access being granted to only certain documents. The HOIH insisted on exemptions without providing detailed explanations.
8. An appealed was filed with the Commission on October 25th of 2023, due to unsatisfactory response and suspected bad faith by the SPA in handling the information request.

Directives

9. Following Section 60 of the Access to Information Act 2018 (ATIA), the Information Commission notified the Head of Information Holder (HOIH), Ms. Angela Servina, of its intention to investigate

the handling of the ATI requests made by Ms. Domingue on behalf of her client on October 30th of 2023.

10. The SPA was given 5 days from the issuance of the compliance letter by the Board of Commissioners to release the information requested in full.

Decision and Conclusion (including any steps ordered)

11. The Authority was found to be non-compliant for not providing timely and complete access to the requested information.
12. The SPA must provide Ms. Domingue and her client, full access to the requested documents, including any withheld board meeting minutes and engineering reports.
13. The SPA's initial failure to provide timely and complete access to the requested information constitutes non-compliance with various sections of the Act, namely sections 11 and 17. The SPA must rectify this by allowing Ms. Domingue and her client full digital access to inspect the requested files without undue restrictions.

Reasons for Decision

14. The SPA did not respond within the timeframe stipulated by the ATIA, which led to an unnecessary escalation to an appeal.
15. The information being requested pertains to Ms. Domingue's client's file and full access is justified and supported by the ATIA.