



## **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: Agriculture Department

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

---

1. This matter pertains to an Access to Information (ATI) request submitted by Mrs. Merleen Rassool to the Agriculture Department on April 30, 2024. The request sought documents and files related to complaints made by her neighbors regarding noise disturbances caused by her dogs.
2. The Agriculture Department, represented by Mr. Keven Nancy (HOIH), failed to provide the requested information in full and within the timeframes stipulated under the Access to Information Act, 2018.
3. The Commission has conducted a review to assess the Agriculture Department's compliance with its obligations under Sections 8, 9, 10, 11, 12, and 21 of the ATIA, with a particular focus on rights of access, handling of access requests, responses to such requests, time extensions, and the management of third-party information.

#### **Request and Response**

---

4. On April 30, 2024, Mrs. Rassool formally requested the Agriculture Department to provide all records related to complaints filed by her neighbors concerning alleged disturbances caused by her dogs.
5. When the Department failed to respond within the legally mandated timeframe, the appellant sought a review from the HOIH on May 23, 2024.
6. After receiving no response from the HOIH regarding her review request, the appellant proceeded to escalate the matter by filing an appeal with the Information Commission on July 29, 2024.

## Orders

---

7. On August 1, 2024, the Commission issued an order directing the HOIH of the Agriculture Department to furnish all documents in their possession relevant to the appellant's case within a 15-day period.

## Directives

---

8. On the same date, August 1, 2024, a notice was served to the HOIH, informing them of the Commission's intent to initiate an investigation pursuant to Section 60 of the Act.

## Decision and Conclusion (including any steps ordered)

---

The investigation found the Agriculture Department in breach of the following sections of the Access to Information Act 2018:

9. Section 11(1): Failure to provide information within the set time.
10. Section 12: Failure to respond to the request for a period of not more than 14 days.
11. Section 21 (2) (a) (d): Refusal to provide information where there is no unreasonable disclosure of personal information.

## Reasons for Decision

---

12. Section 8 of ATIA states that: "subject of this Act, every person has a right to access to information from a public body".
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 35 (1) and in conjunction with Section 48 (4) (a to e) of the Access to Information Act, 2018, "the head of the information holder to whom a review application is submitted in accordance with Section 34 shall as soon as reasonably possible, but in any event within 15 days after the review application is received by the Information Officer — (a) make a decision; and (b) notify the requestor or the third party, as the case may be, of that decision in writing."

Case was closed on November 15<sup>th</sup> of 2024.