



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: Financial Services Authority (FSA)

Address: Bois De Rose Avenue, Victoria, Mahé, Seychelles

Scope of the Case

1. The requestor, Arnold Chetty, appealed to the Commission on 21 January 2026 against the FSA's refusal to provide access to the Administrator's Final Report relating to Falcon Insurance Limited.
2. The Commission has considered whether the FSA complied with its obligations in relation to Part II – Access to Information of Public Bodies, Part III – Exemptions, and Part IV – Review of Decisions of the ATIA.

Request and Response

3. On 9 December 2025, the requestor, under Section 9(1) of the ATIA, submitted a request to the Information Officer of the FSA requesting a copy of the Administrator's Final Report relating to Falcon Insurance Limited.
4. Having not received the requested information within 21 days as required under Section 11 (1) of the ATIA, on 7 January 2026, the requestor followed up with the Information Officer.
5. On 9 January 2026, the Information Officer responded that the 21-day period had been interpreted as working days. The Information Officer requested an extension of 14 days to respond to the request, to which the requestor agreed.
6. On 16 January 2026, the Information Officer refused the request, stating that the report had been prepared solely for the FSA and could not be disclosed without the consent of the Administrators.

7. On 4 February 2026, the requestor applied for a review by the Head of the Information Holder.
8. On 5 February 2026, the Head of the Information Holder upheld the decision of the Information Officer and maintained the refusal to disclose the requested report unless ordered by a court.
9. The requestor subsequently lodged an appeal with the Commission on 5 February 2026.
10. On 19 February 2026, the Commission notified the FSA of its intent to investigate pursuant to Section 60 of the Act.
11. Following its investigation, the Commission found that the refusal did not clearly rely on a specific exemption under the ATIA, and that the absence of third-party consent alone was insufficient to justify refusing access.

Order and Directive

12. Pursuant to Sections 63(1)(d) and 48(4)(a) of the ATIA, on 23 April 2026, the Commission ordered the FSA Head of the Information Holder to disclose the requested information, subject only to any lawful redactions, within fourteen working days of the date of the Order:
 - 12.1. clearly identify the specific exemption under the ATIA relied upon for the refusal;
 - 12.2. disclose the Administrator's Final Report where no valid exemption under the ATIA applied; and
 - 12.3. where necessary, redact only the personal information of identifiable third parties before disclosure.

Reasons for Order and Directive

13. Section 8 of the 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.
15. Section 22 (1) of ATIA states that: "Subject to subsection (2), an Information Officer may refuse a request for information if it contains -
 - (a) trade secrets of the information holder or a third party; or
 - (b) information about the information holder or a third party that would substantially prejudice a legitimate commercial or financial interest of the information holder or

third party.” The Commission found that the refusal relied primarily on the absence of consent from the Administrators rather than on a clearly identified exemption under the Act.

16. Section 33 (1) of ATIA states that: “If an Information Officer is considering a request for access to personal information of a natural third party or commercial or confidential information of a third party, the Information Officer shall take reasonable steps to inform the third party to whom or which the information relates or, where the third party is deceased, the next of kin or legal representative of the third party, in writing of the request as soon as reasonably possible, but in any event within eight days after the request is received.”

16.1. Section 33 (3) of the ATIA states that: “Subject to subsection (8), within 10 days of being informed of a request under subsection (1), a third party may

(a) inform the Information Officer in writing that he or she consents to the release of the information to the requestor; or

(b) make a representation to the Information Officer in writing stating why the request for access to the information should not be granted.”

Decision and Conclusion (including any steps ordered)

17. On 13 May 2026, the FSA complied with the Commission’s Order by disclosing a redacted copy of the Administrator’s Final Report to the requestor.

18. The requestor confirmed that he was satisfied with the information disclosed.

19. The Commission did not require further steps.

20. The case was closed on 21 May 2026.