



ARUNACHAL PRADESH INFORMATION COMMISSION, APIC
ITANAGAR

An appeal case U/S 19(3) of RTI Act, 2005
Vide Case No. Appeal-194/A/2026.

BEFORE THE COURT OF SHRI KHOPEY THALEY, STATE INFORMATION COMMISSIONER

Shri Tayo Nibing
Tayo Village

Appellant

Versus

PIO-cum-DFO, Khellong Forest Division
West Kameng District.

Respondent

Date of hearing and attendance of the Appellant & PIO		
Nos. & Date of hearing	Appellant	PIO

1 st hearing	31/08/2026	Present	Present
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Date of decision/Judgment : 31/08/2026

INFORMATION COMMISSIONER : Shri Khopey Thaley
Relevant facts emerging from Appeal:

RTI application file on	:	02/06/2025
PIO replied on	:	04/06/2025
First appeal file on	:	17/07/2025
First Appellate Authority's order	:	28/09/2025
2 nd Appeal dated	:	10/02/2026

Information sought :

The appellant filed an RTI Application dated 20/09/2025 seeking Details regarding documents like educational qualification, ST certificate, Appointment Order and Permanent Resident Certificate in respect of Shri Neton Rechi

As per the case record, PIO did not furnish the sought information.

Being dissatisfied, the appellant filed First Appeal dated 17/07/2025. The First Appellate Authority was conducted hearing in his jurisdiction on 16/10/2025. Feeling aggrieved and dissatisfied, appellant approached the Commission with instant Second Appeal.

JUDGEMENT ORDER

This is an appeal filed under sub-section (3) of Section 19 of the RTI Act, 2005. Brief fact of the case is that the appellants Shri Tayo Nibing on 02/06/2025 filed an RTI application under Form-'A' before the PIO-cum-Divisional Forest Officer, Khellong Forest Division, West Kameng, Govt. of Arunachal Pradesh whereby, seeking various information, as quoted in Form-A application. The Appellant, being not satisfied with the information received from

the PIO, filed the First Appeal before the First Appellate Authority on **17/07/2025**, Appellant, again having not received the required information from the FAA, filed the Second Appeal before the Arunachal Pradesh Information Commission on **10/02/2026** and the Registry of the Commission (APIC), having receipt of the appeal, registered it as **APIC No. 194/A/2026** and processed the same for its hearing and disposal.

Accordingly, matter came up for hearing before the Commission for first time i.e on 31/08/2026. In this hearing of the appeal on **31st day of August, 2026**, the PIO-cum-DFO, Khellong Forest Division West Kameng is represented by Shri Tanga Murtem, RFO and appellant Shri Tayo Nibing present in person.

The Commission has carefully considered the RTI application, the reply furnished by the Respondent, the grounds stated in the appeal, the submissions made by both parties during the hearing and the records available before the Commission.

The information sought by the Appellant relates to a specific individual third party and comprises the following:

- (i) Educational qualification; and
- (ii) Appointment letter.
- (iii) Scheduled Tribe (ST).
- (iv) Permanent Resident Certificate (PRC);

At the outset, it is observed that the RTI Act confers a right of access to information held by or under the control of a public authority, subject to the exemptions prescribed under Section 8 of the Act. The mere fact that a document is available with a public authority does not, by itself, make every part of such document liable to disclosure.

The information sought in the present case concerns the personal records/documents of an identifiable third party. The PRC and ST certificate contain particulars relating to the identity, status and personal particulars of the concerned individual. Likewise, educational certificates/qualification records and the personal particulars contained in an appointment-related document relate to an identifiable individual.

The Hon'ble Supreme Court in *Girish Ramchandra Deshpande v. Central Information Commissioner & Ors.*, (2013) 1 SCC 212, recognised that information relating to the personal/service records of an individual is protected as

personal information and that disclosure of such information cannot be directed merely because the information is held by a public authority.

The Constitution Bench of the Hon'ble Supreme Court in *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal*, (2019) 1 SCC 839, also emphasised that the right to information has to be balanced against the privacy interests of

The remaining request, insofar as it seeks disclosure of the appointment document containing personal particulars and other personal information of the third party, is exempt from disclosure under Section 8(1)(j) of the RTI Act.

The Commission has also considered the applicability of Section 10 (severability) of the RTI Act. However, having regard to the nature of the documents sought and the fact that the information relating to the appointment has already been furnished, the Commission finds that disclosure of isolated portions of the remaining documents would either reveal the personal information of the third party or would not serve any meaningful public-interest purpose.

The Commission has also **considered Section 8(2) of the RTI Act**. The amended Section 8(1)(j), **presently applicable, provides an exemption in respect of information which relates to personal information. Nevertheless, Section 8(2) permits disclosure where the public interest in disclosure outweighs the harm to the protected interests.** In the present case, no overriding public interest has been established by the Appellant sufficient to outweigh the privacy and personal interests of the third party.

Accordingly, upon an overall consideration of the facts, submissions and records, the Commission finds that the information sought, to the extent it comprises the PRC, ST certificate/status, educational qualification records and personal contents of the appointment-related document of the identifiable third party, is exempt from disclosure under Section 8(1)(j) of the RTI Act, 2005, as applicable on the date of disposal of this appeal.

ORDER

In view of the foregoing discussion and findings:

- (i) The information relating to the appointment, to the extent permissible and available, has already been furnished to the Appellant;
- (ii) the request for disclosure of the PRC and ST certificate/status of the third party is declined under Section 8(1)(j);
- (iii) The request for disclosure of the educational qualification records/certificates of the third party is declined under Section 8(1)(j), there being no overriding public interest established in the facts of the present case.
- (iv) the request for disclosure of the personal contents of the appointment-related document is declined under Section 8(1)(j), subject to the information relating to the fact of appointment already furnished to the Appellant; and

individuals and that personal information of third parties requires an appropriate balancing exercise under the RTI Act. The Court further recognised the relevance of Section 11 where information concerning a third party is involved.

It is also pertinent that, pursuant to **Section 44(3) of the Digital Personal Data Protection Act, 2023, Section 8(1)(j) of the RTI Act** has been substituted. Accordingly, the present appeal has to be examined in the light of the provision applicable on the date of adjudication. **The statutory scheme, however, continues to recognise a public-interest override under Section 8(2) where the public interest in disclosure outweighs the harm to the protected interest.**

In the present case, the Appellant has not demonstrated any specific, cogent or overriding public interest which would warrant disclosure of the remaining personal information. Mere assertion that the information is required, without establishing a discernible public-interest purpose capable of outweighing the privacy interest of the concerned individual, cannot by itself justify disclosure.

The Appellant has therefore not been able to establish that disclosure of the PRC, ST certificate/status, educational qualification records or the personal contents of the appointment-related document is necessary to advance any identifiable and overriding public interest.

The Commission further takes note of the fact that information relating to appointment has already been furnished to the Appellant, to the extent available and permissible, in the form in which the relevant record is maintained, including the Form-A application. Therefore, the object of obtaining information concerning the fact of appointment has already been substantially met.

As regards the request for copies of the PRC and ST certificate, the Commission finds that the request seeks personal documentary records of an identifiable third party. In the absence of any demonstrated overriding public interest or specific allegation supported by material showing illegality or misuse of public authority, disclosure of such documents is not warranted.

Similarly, the request for the individual's educational qualification records, in the present factual circumstances, seeks disclosure of the personal documents of a third party. The Commission finds no sufficient material before it to conclude that disclosure of the actual certificates/documents, as sought, is necessary in overriding public interest.

As regards the appointment letter, the Commission distinguishes between the fact of appointment and the personal contents of the appointment record. The fact of appointment, insofar as it constitutes information concerning a public appointment and is otherwise part of the public record, stands on a different footing. In the present case, however, information relating to the appointment has already been furnished to the Appellant.

(v) Since the information concerns a third party, the provisions of Section 11 of the RTI Act have also been considered. However, third-party consultation/objection is not, by itself, treated as determinative. The Commission has independently examined the nature of the information and has arrived at the conclusion that the information is exempt from disclosure under Section 8(1)(j). This approach is consistent with the Supreme Court's treatment of third-party personal information in Subhash Chandra Agarwal.

The appeal is accordingly disposed of. The case is closed.

Judgment/Order pronounced in the open Court of this Commission today on this **31st day of August, 2026**. Each copy of Judgment/Order be furnished to the parties.

Given under my hand and seal of this Commission/Court on this **31st day of August 2026**.

Memo.No.APIC-194/A/2026
Copy to:

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Sd/-
(Khohey Thaley)
State Information Commission
APIC, Itanagar.
Dated Itanagar, the 02 August, 2026.

1. The PIO-cum-DFO, Khellong Forest Division, West Kameng District, Arunachal Pradesh for information. Pin code: 790114
2. Shri Tayo Nibing, Tayo Village, PO/PS, Paling, Kra-Daddi District, Arunachal Pradesh for information. Contact No. 8132092877.
- ✓ 4. The Computer Programmer for upload on the Website and emailed to concerned.
5. Office Copy.

Registrar/Dy. Registrar,
APIC-Itanagar.
Registrar
Arunachal Pradesh Information Commission
Itanagar