

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

RTI Act, 2005 –Implementation of Section 8(3) - Time limit for information beyond 20 years – Furnishing of information relating to the occurrence, event or matter which took place 20 years back – Instructions – Issued.

GENERAL ADMINISTRATION(RTIA/GPM&AR) DEPARTMENT

G.O.Ms.No:639

Dt:- 02.12.2011

Read :-

Government of India, Ministry of Personnel, Public Grievances and Pensions, Dept of Personnel & Training, Office Memorandum No. 1 / 14 / 2007-IR,dt.31.10.2007, communicated to all departments. Vide this department's. U.O. Note No. 30305/RTIA/GPM&AR) 2007,dt. 07.12.2007.

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ORDER:-

Sub-section 3 of Section 8 of RTI Act, 2005 provides that ' subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under Section 6 shall be provided to any person making a request under that section.

2. The Second Administrative Reforms Commission in its First Report titled the ' Right to Information – Master key to Good Governance' has made the following recommendation on the time limit for information beyond twenty years :-

“ The stipulation of making available 20 year old records on request should be applicable only to those public records which need to be preserved for such a period. In respect of all other records, the period of availability will be limited to the period for which they should be preserved under the record keeping procedures”.

3. The above recommendation of the Second Administrative Reforms Commission has been accepted by the Government. Accordingly, the following instructions are issued on implementation of Section 8(3) of RTI Act, 2005, in terms of the clarification issued by the Government of India vide their O.M read above.

- (a) The meaning of Sub-Section (3) Section 8 is that the information which, in normal course, is exempted under Sub-Section (1) of section (8) of the Act, would cease to be exempted after 20 years of occurrence of the incident on which the information is sought and the information has to be provided to the applicants. However, the information under clauses (a) (c) & (i) of Sub-Section (1) of section (8) would continue to be exempted even after the lapse of 20 years. Therefore, the Information U/s 8(1) also has to be furnished by the Public Information Officer, if it is more than 20 years old and is available with him, except under clauses (a),(c) & (i).
- (b) The RTI Act does not require the Public Authority to retain the records for indefinite period. The Record Retention Schedule applicable to the concerned Public Authority shall be followed. There is no need to retain the entire record beyond 20 years so as to provide information under Section 8(3). Information generated in a file may survive in the form of a G.O. or a letter or

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in any other form even after the destruction of the file/record. The information so available and that need to be preserved under the record keeping procedures of the Respective Public Authorities for such a period shall be provided to the applicants after lapse of 20 years, even if such information was exempt from disclosure under Sub-section (1) of section 8 except under clauses (a) (c) & (i).

4. In view of the above, all Departments of Secretariat, all HODs and all District Collectors are requested to follow the above instructions while disposing the RTI applications seeking information relating to the incidents which occurred 20 years prior to the application. They are also requested to issue suitable instructions to all the Public Authorities under their control to follow the above instructions scrupulously.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**MINNIE MATHEW
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To
All Departments of Secretariat.
All Heads of Departments.
All District Collectors.

Copy to:

The Secretary,
A.P.Information Commission,
HACA Bhavan,
Hyderabad.

The Information Technology, Communications Dept.,
with a request to upload the G.O under G.Os on
RTI Act in A.P.Online & A.P.Portal websites).

// FORWARDED :: BY ORDER //

ASSISTANT SECRETARY TO GOVERNMENT