

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. e-106-04/2021

Pirzada Abdullah Iqbal Rabbani

Versus

Federal Government Employees Housing Authority

Date: 14.7.2021

Fawad Malik : Information Commissioner

APPEAL.

1. Mr. Pirzada Abdullah Iqbal Rabbani through E-mailed request dated 15.3.2021 under the Right of Access to Information Act, 2017, addressed to the Director Coordination, Federal Government Employees Housing Authority has asked for the provision of record of the members of “Green Enclave-II” (Newly named as Sky Garden Scheme). He has requested the detail / copies of registration forms / membership fee deposit slips of members of Green Enclave-II reflected at Sr. No. 1, 2, 6 to 11, 364 to 371, 452 to 455, 1253 to 1316, 1696 to 1702, 1784, 1785, 1787, 4058 to 4134, 4142, 4143, 4418 to 4420, 4532 to 4535, 7162 to 7178, 7180 & 7801 in the list downloaded from the website of Federal Government Employees Housing Authority.

The list appended with the application mentions the Sr. No., Cat, Quota, Name of applicant, CNIC No., Date of membership, Date of Birth, Parent Department, BPS, Membership Fee, Down Payment and Down Payment Date of the members who deposited down payment against Green Enclave-II (Sky Garden).

2. The respondent responded to the request as under:

“All the information regarding members of Green Enclave-II is available on the website of FGEHA i.e. www.fgeha.gov.pk. The applicant is asking for membership form/deposit slips of these members. It is pertinent to mention here that membership form carries personal information of the members such as Name, Address, CNIC, Official Address; Mobile No’s etc. which is sensitive information as members are Federal Government Employees working in institutions like Pakistan Atomic Energy Commission, Defence institutions, agencies, police etc.

hence, their personal information cannot be shared with any other person. However , FGEHA has recently launched membership portal scheme through which members can get login ID to get access to all information.

If the applicant is a member of FGEHA, then he may get a login ID from FGEHA for his personal information.”

3. The appeal is filed before the Pakistan Information Commission complaining therein the non-provision of the desired information by the Federal Government Employees Housing Authority. It is stated therein that the record desired by the appellant was uploaded on the website but later on the same is removed by the organization. The appellant has prayed that:
 - a. FGEHA may please be directed to provide certified copies of the membership forms/fee deposit slips of members of Green Enclave-II as pointed out on list provided with application which was downloaded from department website at the earliest. Or
 - b. FGEHA may be directed to provide certified copies of list of the members of Green Enclave-II which was uploaded on their website on 29 Dec 2020.

PROCEEDINGS.

4. The appeal was set down for hearing before the Commission on 14.7.2021. Mr. Shahid Nadeem, Director (C) FGEHA represented the Authority while the appellant appeared in person. The appellant has reiterated for the delivery of his request while the organization has contested inter alia amongst others on the following reasons:
 - i. that the record and information sought by the appellant erroneously uploaded on the official website www.fgeha.gov.pk of the organization has now been removed for the reason that certain of the exempted material from disclosure, touching the privacy of the members was also placed on the website. This was mistake/error on the part of the department which has been rectified and now members’ portal has been established for the personal information and use of the members.
 - ii. that the information/record requested by the appellant carries personal information of the members such as Name, Address, CNIC, Official Address, Mobile No. etc. and
 - iii. that the personal information may be serious prejudice as the members also include the employees serving in the sensitive institutions.

COMMISSION'S VIEW.

5. The appellant is looking for the certified copies of the membership forms/fee deposit slips of members as pointed out by him or to provide certified copies of the list of the members of Green Enclave-II which was uploaded on the website of FGEHA on 29.12.2020 but off-loaded later on.
6. The Commission is conscious and mindful in the matters of information concerning the private privacy of any individual. The copy of the membership form is bound to disclose the personal information of the particulars such as Name, Address, CNIC, Official Address, Mobile No. etc.
 - Section 16(c) of the Act exempt the disclosure of information penetrating into privacy and confidentiality of an identifiable individual.
 - Under Section 16(g) of the Act the sharing of the said information would constitute an actionable breach of trust of the members against the organization.
 - Further the point raised by the respondent carries weight that the members of FGEHA also include employees of the institutions and agencies working on sensitive matters. The disclosure of their particulars can affect adversely.
7. The record and information sought by the appellant was erroneously uploaded on the official website www.fgeha.gov.pk of the organization. The organization later realized that certain of the exempted material from disclosure, touching the privacy of the members were also placed on the website against the spirit of the Right of Access to Information Act, 2017 and article 19A of the Constitution of Islamic Republic of Pakistan. This was mistake/error on the part of the department which has been rectified and now membership portal scheme has been established for the access of personal information and use of the members. Members of FGEHA may get a login ID from FGEHA for their respective personal information.
8. The Commission is of the view that the request of the appellant cannot be accepted in the light of the Act and the Constitutional restraints. However, to ensure the transparency and for promoting good governance and in compliance of section 5 of the Act, only the name, grade/seniority and date of registration of the members must be uploaded and made available on the official website of FGEHA.

ORDER.

9. The appeal is not allowed. The Director General, Federal Government Employees Housing Authority is however directed to publish and upload on the official website only the name, grade/seniority and date of registration without affecting the privacy of the

members of “Green Enclave-II” within one month of the receipt of this order under intimation to this Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner
Announced on 26.7.2021

Certified that this order consists of four pages, each page has been read and signed.