

Pakistan Information Commission

Government of Pakistan

Order

Appeal No: 2934-06/23

Kosar Parveen

Vs

FIA

Date:

October 25, 2023

Appellant not present. Ms. Sania Imtiaz, Deputy Director (Law), FIA appeared on behalf of respondent/public body.

2. The appellant by filing information request addressed to PIO, FIA headquarter Islamabad made a request to share with her the traveling history of Sher Ahmed Khan (her real brother) for the period from 1980 till 2007 as Mr. Sher Ahmed Khan is residing out of the country and during his absence from the country he managed to get ownership of land of his father through oral gift and in this behalf, a civil suit has been filed by the appellant against her brother which is pending before District Court, Khushab.
3. The public body was summoned and it furnished a written reply with regard to the matter of overseas NIC, stating that the record of said document is maintained by NADRA whereas about travel history it is submitted that under Section 16 (j) (iv), (c) and 7 (g) of the Right of Access to Information Act, 2017 said document is exempted from disclosure pertaining to the privacy of any individual hence cannot be shared.
4. As far as, record about overseas NIC is concerned, the appellant in his information request submitted before this Commission has not required it and has only requested the travel history of her brother for the period mentioned above.

5. Copy of the written reply was shared with the appellant who filing rejoinder has contested it and has submitted that being a public record FIA is bound to share it with the appellant. The appellant also relied on the case law laid down in 2016 YLR-811 Peshawar, 2020 CLC 984 Sindh) and 2017 YLR 229 (Lahore) and submitted that in view of the above said case law public body be directed to share the required information with the appellant being a public record.
6. The Commission has gone through the contents of information request, memorandum of appeal, written statement filed by the public body, rejoinder filed by the appellant and relevant provision of the Right of Access to Information Act, 2017.
7. Section 7 (g) of the Right of Access to Information Act, 2017 provide that nothing contained in Section 6 shall apply to record relating to personal privacy of an individual. According to section 16 (j) (iv) information request of a crime may not be exempt except the information relating to the operation of immigration control excluding ECL. Section 16 (c) of the Act, provides that information exempted if its disclosure under this Act would involve the inversion of privacy of an identifiable individual including a deceased individual other than the appellant.
8. The above said provisions of the Right of Access to Information Act, 2017 clearly provides that the information with regard to personal privacy of an individual and relating to the operation of the immigration control excluding ECL is exempted from disclosure. The traveling history of the real brother of the appellant is certainly information about privacy of a person and mere relationship of the appellant with the person whose traveling history is being sought is no ground to claim it.
9. As far as, citation referred by the appellant in her rejoinder are concerned, these are about the record of a passport which has been

declared a public record having presumption of truth attached with it. The traveling history is not part of any passport hence, the case law referred by appellant is not applicable in this case.

10. In view of the above, travel history of a third person sought by the appellant being a document of privacy of an individual has been found exempted from disclosure under the Right of Access to Information Act, 2017 hence, cannot be shared with the appellant. The appeal is dismissed. Appellant be informed about the order of the Commission.

Ijaz Hassan Awan
Information Commissioner

Shoaib Ahmed Siddiqui
Chief Information Commissioner