

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION

बाबा गंगनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली - 110067
Munirka, New Delhi-110067

Decision no.: CIC/UIDAI/A/2018/616210/01581
File no.: CIC/UIDAI/A/2018/616210

In the matter of:
Anupam Saraph

... Appellant

VS

Asst. Director General & CPIO,
Unique Identification Authority of India
Bangal Sahib Road, behind Kali Mandir,
Gole Market, New Delhi – 110 001

... Respondent

RTI application filed on	:	04/02/2018
CPIO replied on	:	16/02/2018
First appeal filed on	:	06/03/2018
First Appellate Authority order	:	28/03/2018
Second Appeal dated	:	30/03/2018
Date of Hearing	:	09/09/2019
Date of Decision	:	09/09/2019

Note: This matter had been inadvertently registered as a Second Appeal by the Central Registry, however, the matter is treated as a complaint.

The following were present:

Complainant: Ms. Akriti Agarwal and Mr. Lakshya Purohit, representatives of the complainant, present in person.

Respondent: Shri Daves Singh, ADG(IS) & CPIO alongwith Prashant Chauhan and Rajinder Singh.

Information Sought:

The complainant has sought the following information:

1. A complete directory with names, designations and roles of staff involved in designing and developing the Central Identities Data Repository (CIDR) database and the API (Application Programming Interface) for accessing the CIDR for purposes of enrolment and purposes of authentication.
2. A statement of each of the agencies, licensees, partners and contractors, since inception, involved in design or development of the CIDR and the API (Application Programming Interface) for accessing the CIDR with link to the url having a copy of the contracts/agreements.
3. A copy of the licence agreement and usage terms of the API.
4. A list of any third parties providing API to access the CIDR and a copy of the MoU/ license agreements of UIDAI with such parties.

Grounds for Complaint

The CPIO did not provide the desired information.

Submissions made by Complainant and Respondent during Hearing:

The representative of the complainant submitted that due to illness of the mother of their Senior Advocate, he will not be able to attend the hearing before the Commission, therefore the case may be adjourned and may be listed on any other appropriate date.

The CPIO submitted that an appropriate reply had been provided to the complainant on 16.02.2018 which was upheld by the First Appellate Authority on 28.03.2018. He further reiterated the contents of his written submissions dated 05.09.2019 and stated that Aadhaar data contains Personal Identifiable Information (PII) including Biometric details of Indian residents which is highly sensitive in nature. Aadhaar data being a national asset, therefore sharing the requested information can affect the security interest of the UIDAI and may lead to incitement of an offence. Also, clause 7 of the Aadhaar(Data Security) Regulations, 2018 categorically prohibits sharing of the information related to CIDR, application details, contractual agreements etc and hence, the requested information could not be disclosed. He further added that with regard to point no. 2, no such information is available with them in the form it had been sought by the appellant.

Observations:

The Commission is in receipt of a letter from the complainant dated 05.09.2019 wherein he has informed the Commission that his case will be represented by Mr. Paras Jain, Ms. Akriti Agarwal and Mr. Lakshya Purohit.

However, during the hearing, the representatives of the appellant, Ms Akriti Agarwal and Mr. Lakshya Purohit prayed for an adjournment of the case due to the fact that the mother of their Senior Advocate is ill and hence he will not be able to attend the hearings scheduled today. The two representatives of the complainant who were present during the hearing were legal interns in the firm of the Advocate and 3rd year students pursuing B.A.LL.B. The Commission while considering the fact that the Senior Counsel of the appellant Shri Paras Jain, owing to some personal emergency was not able to attend the hearings, however, the other two representatives brought it to the notice of the Commission at the eleventh hour, just when the case was being taken up. Had the Commission been approached a little earlier, the time slots blocked for 4 cases of the appellant would have been allocated to other appellant(s). Further, in such an event, he could have deputed any other Advocate who could have been briefed about the case rather than sending two legal interns who were not at all aware about the matter and were of no assistance to the Commission nor were able to represent the appellant in the cases. They were merely present to seek an adjournment of the case rather than assisting the Commission. The Commission had made arrangements for the appearance of the Complainant at the NIC Studio, Pune to make his submissions through videoconferencing for four of his cases which were listed on the same day and for that purpose slot of half an hour was booked. The listing of his complaint deprived other appellants/complainants of the chance of being heard by the Commission today. The request for postponement, made by the legal interns of the representative of the Complainant during the hearing itself when the proceedings had already started, left the Commission no time to slot for some other appeals during the same time. Moreover, atleast 12 employees of the UIDAI also have left their routine duties to attend the four cases. Therefore, postponement of the hearing at the very last minute would have resulted in wastage of time of the Commission and of the Respondents, who were present. In view of the foregoing, it was not considered desirable to postpone

the hearing and the matter was heard ex-parte taking into account the submissions of the appellant as indicated in the complaint memo.

After perusing the complaint memo, it is noted that the appellant is not satisfied with the reply of the CPIO and had requested the Commission to take appropriate action in the matter. The CPIO in his reply dated 16.02.2018 had claimed an exemption under Section 8(1)(a) of the RTI Act which has been further amplified in his written submissions dated 05.09.2019.

The Commission observed that the reply of the CPIO is proper and further the written submissions of the CPIO dated 05.09.2019 are self-explanatory. Also, the reply of the CPIO had been given within the stipulated time prescribed under the RTI Act. Hence the complaint is not established.

Decision:

Based on the above observations, the Commission upholds the submissions of the CPIO dated 05.09.2019 and finds no scope for further intervention in the matter. However, the CPIO is directed to send a copy of the written submissions dated 05.09.2019 to the complainant within a period of 05 days from the date of receipt of this order under intimation to the Commission.

The complaint is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

Authenticated true copy

(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011- 26182594 /

दिनांक / Date