

No.10/20/2006-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

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North Block New Delhi

Dated: the 21st September, 2007

OFFICE MEMORANDUM


Subject: Disclosure of Annual Confidential Reports under the RTI Act, 2005.

The undersigned is directed to say that a number of applications are received under the Right to Information Act, 2005 requesting for supply of copies of Annual Confidential Reports (ACRs) of employees. The matter regarding disclosure of the ACRs under the Act has been examined in consultation with the Department of Legal Affairs.

2. Clause (j) of sub-section (1) of section 8 of the RTI Act provides that there is no obligation to give any citizen an information which relates to personal information and disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of privacy of the individual unless the Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information. An ACR contains information about the character, capability and other attributes of the official reported upon, disclosure of which to any other person amounts to cause unwarranted invasion of the privacy of the individual. Besides, an ACR, as its name suggests, is a confidential document. The Official Secrets Act, 1923 is not completely superseded by the Right to Information Act. Sub-section (2) of Section 8 of the 2005 Act gives a discretion to the public authority to disclose or not to disclose the ACRs of an officer to himself or to any other applicant.

3. It is clear from the above discussion that the public authority is not under obligation to disclose ACRs of any employee to the employee himself or to any other person inasmuch as disclosure of ACRs is protected by clause (j) of sub-section (1) of Section 8 of the RTI Act; and an ACR is a confidential document, disclosure of which is protected by the Official Secrets Act, 1923. However, the public authority has a discretion to disclose the Annual Confidential Reports of an employee to the employee himself or to any other person, if the public authority is satisfied that the public interest in disclosure outweighs the harm to the protected interests. If it is felt that public interest in disclosure of ACR of any employee outweighs the protected

interests, decision to disclose the ACRs should be taken with the approval of the competent authority. Competent authority in the matter may be decided by the concerned public authority.



(K.G. Verma)

Director

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To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.