

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26186535

Complaint No. CIC/BS/C/2016/000320

Complainant: Mr. Sanjeev Kapoor,
P No-84, Krishna Nagar,
Opp Gopal Pura, Jaipur-302015,
Rajasthan.

Respondent: Central Public Information Officer
Dy. GM (A&P) BSNL,
O/o. General Manager Telecom Distt.
Kota, BSNL, Nr. ESI Hospital,
Jhalawar Road, Kota-324005.

Date of Hearing: 02.08.2017

Dated of Decision: 02.08.2017

ORDER

Facts:

1. The complainant filed RTI complaint dated 20.10.2015 seeking certified copy of the month-wise call details of his own mobile no. 9413399489 from August, 2014 to December, 2014.
2. The CPIO responded on 01.01.2016. The complainant filed first appeal dated 30.01.2016 with First Appellate Authority (FAA). The FAA responded on 18.02.2016. The complainant filed complaint on 08.06.2016 before the Commission on the ground that all the call details should be provided to him.

Hearing:

3. The complainant participated in the hearing in person. The respondent participated in the hearing through video conferencing.
4. The complainant stated that in response to respondent's letter dated 11.12.2015 seeking his I.D. proof, he had provided the same on 18.12.2015. Further, he stated that the respondent should have provided at least the call details from 18.12.2014 to 31.12.2014, if retention period of one year is considered. The mistake is on part of the respondent in not preserving the

call records. His valuable time has been wasted and he has incurred a lot of expenses in travelling to Kota office and Delhi. Telephone service facilities have also not been provided to him as his bills should have been sent electronically. He may have spent about Rs. 5000/- on this. Therefore, he should be fully compensated.

5. The respondent stated that the call detail records are preserved only upto their retention period of one year. Further, he stated that after receiving I.D. proof of the complainant on 18.12.2015, they had checked up the call details in their computer system on 21.12.2015 but it could not be retrieved. Therefore, they were unable to provide the sought for information.

Discussion/ observation:

6. The Commission is of the view that mistake is of the respondent in not preserving the records for the entire period for which records were asked after receipt of this RTI application. In the worst case, the call records from 18.12.2014 to 31.12.2014 should have been provided as they were within one year record retention period. The CPIO is obliged to retain the records once an RTI application is filed seeking such information. The respondent admitted that these mistakes have occurred. Mr. Sanjeev Kapoor has incurred a lot of expenses in travelling to Kota and Delhi. He has lost his valuable time in pursuing the case. Therefore, the respondent should give a compensation amount of Rs. 5,000/- to the complainant within 30 days from the date of receipt of this order.

Decision:

7. The respondent is directed to pay a compensation amount of Rs. 5,000/- to the complainant as per para 6 above.

8. The CMD, BSNL is directed to preserve the related records once an RTI application is filed. Administrative order may be issued in the matter. Compliance may be reported in one month.

9. Presently, the mobile telephone bills being sent by e-mail by BSNL do not have call records. Other private operators, however, are providing these details. CMD, BSNL is, therefore, advised that call detail records may also be sent e-mail to the subscribers, as part of their bill.

The complaint is disposed of. Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)

Dy. Registrar

Copy to:-

CMD,

Bharat Sanchar Nigam Ltd.

Opp Janpath Hotel,

Bhawan Harish Chand Mathur Lane,

Connaught Place, New Delhi- 110001.