

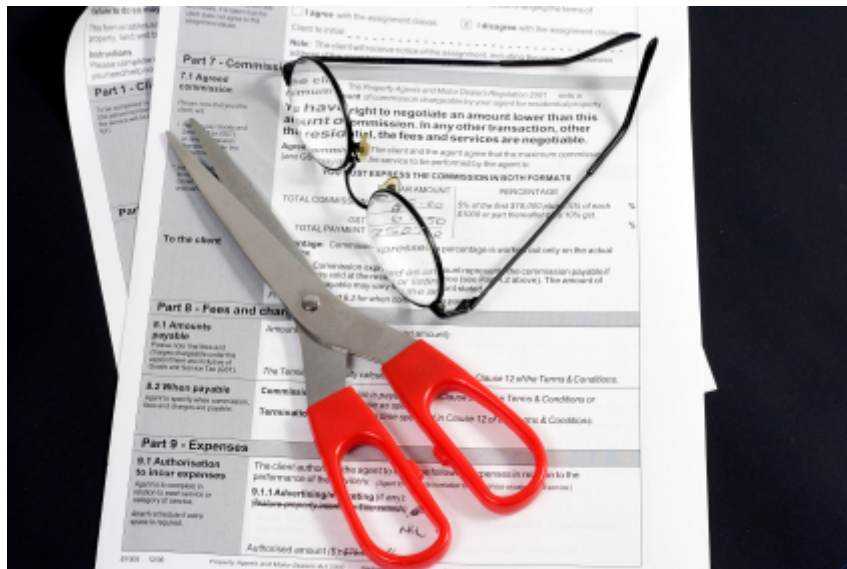
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# Severability

severability,, rti, act



## What is severability under RTI Act

Section 10 (1) of [RTI Act](#) defines that “Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.”

## Interpretation

The important aspect of ‘severability’ must be considered by a PIO before denying information. If part of the information asked by an applicant is exempt, the balance information must be provided after removing the part which is exempted.

This is a very important provision if used carefully and properly. Since it is almost impossible that the entirety of a longer document would be exempt, careful severing would almost always lead to the release of the non-exempt material. So, in most cases, the proper question to ask is not whether a document is or is not exempt but whether certain material in a document is exempt.

Further, the [RTI Act](#) states under Section 10 (2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing -

(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;

© the name and designation of the person giving the decision;

(d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and

(e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of Section 19 or the central Information commission or the State Information commission, as the case may be, time limit, process and any other form of access.

## Interpretation

If a part of the information is severed as per Section 10(1) the PIO must:

1. Inform the applicant that a part of the information is being severed since it is exempt.
2. The reasons for denying certain information as per Section 8 (1) and reasoning how the section is applicable.
3. The name and designation of the officer giving the decision to exempt some information.
4. Details of the fees to be paid by the applicant showing the calculations.
5. Details of the first appellate authority including name, designation, and address, and the time within which the first appeal should be made, i.e. 30 days.

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