



UN  
DP

*Empowered lives.  
Resilient nations.*

# REVIEW OF LEGISLATION FOR CONSISTENCY WITH THE RTI LEGAL REGIME

This review is an independent publication commissioned by the United Nations Development Programme (UNDP) Sri Lanka.

UNDP commissioned the Centre for Policy Alternatives (CPA) to conduct a mapping and review of legislation conflicting with Sri Lanka's Right to Information (RTI) legal regime. This publication is written by Luwie Ganeshathasan, with research assistance from Khyati Wikramanayake and Krijah Sivakumar and editorial assistance from Pasan Jayasinghe. Dr. P. Saravanamuttu and Dr. Asanga Welikala provided inputs during the research, and substantive comments on the various drafts of this report.

The production and publication of this Report was supported by Chamindry Saparamadu, Consultant – Technical Assistance for Implementing the RTI Act in Sri Lanka, and Sarika Warusavitarana, Policy Research and Advocacy Assistant, UNDP Sri Lanka.

## Introduction

The recognition of the right of access to information as a fundamental right of the people, after years of advocacy and lobbying by interested parties, symbolizes a commitment on the part of the Sri Lankan state and its people to put the country on a path towards transparent, inclusive and participatory governance.

The Sri Lankan RTI legal framework is ranked 3rd in the Global Right to Information Rating by the Centre for Law and Democracy in Canada. While this is a convincing start, needless to say, laws are only as good as their implementation and enforcement. The success of the Sri Lankan RTI legal regime would critically depend on the efficient and effective supply of information by the State and those other entities covered by the Act, and its use by the people to demand transparency and accountability in governance.

RTI would require a transformation in the working culture of the public sector, the main duty bearer under the RTI Act. Greater openness and transparency in government requires the removal of legislative, administrative and other barriers which impact decision making on reactive and proactive information disclosure. It is in this context that UNDP Sri Lanka commissioned an analysis of existing legislation that conflicts with the Sri Lankan RTI legal regime. The objective of the analysis is to broaden the understanding of the nature and extent of legal barriers, and consequentially supporting the government to minimize such obstacles for a smoother operationalization of RTI processes.

## The Right to Information; the legal regime

Article 14A of the Constitution which was part of the Nineteenth Amendment<sup>1</sup> recognizes every citizen's right to access "information as provided for by law". Thereafter, the Right to Information Act<sup>2</sup> (RTI Act) was enacted in August 2016 and was operationalized in February 2017. The RTI Act defined the scope of the right to information and established the mechanism by which a citizen could access this right.<sup>3</sup> Despite the constitutional recognition of the right and the subsequent enabling legislation, much remains to be done in order to fully operationalize this legislative framework. A significant challenge in this regard is the multitude of existing legislation in conflict with the provisions of the RTI Act and some of which could potentially limit the scope of the right.

This report contains an analysis of the legislative provisions which ostensibly conflict with the provisions of Article 14A of the Constitution and the RTI Act (hereafter collectively referred to as the RTI regime). The report also briefly explores the Sri Lankan judiciaries approach to the Right to Information and the potential difficulties and questions the judiciary will have to respond to when dealing with cases relating to the RTI regime.

The several legal provisions identified in this study, range from blanket prohibitions on disclosure of information; to prohibitions that are clearly not permitted by the RTI regime; to prohibitions that could possibly be contrary to the RTI regime. This list is not exhaustive and there could be other legal provisions which conflict with the RTI regime.

An important factor in understanding the impact of these identified legal provisions is the non-obstante clause in the RTI act. The clause states that notwithstanding anything to the contrary in any other written law, the RTI Act shall prevail in situations where there is an inconsistency or conflict between it and any other written law.<sup>4</sup> The term 'written law' is not limited to legislation enacted by Parliament but also includes "all orders, proclamations, rules, by-laws, regulations, warrants and process of every kind made or issued by anybody or person having authority under any statutory or other enactment".<sup>5</sup>

Despite the strong language in this clause, there is no guarantee that it would allow the RTI Commission or the Court to override or read narrowly provisions of other laws which conflict

---

<sup>1</sup> The Bill was passed in Parliament on the 28 April 2015 and was certified on 15<sup>th</sup> May 2015

<sup>2</sup> The Right to Information Act, No. 12 of 2016, Certified on 4<sup>th</sup> August 2016.

<sup>3</sup> The long title of the act describes its purpose in the following manner "an act to provide for the right of access to information ; to specify grounds on which access may be denied ; to establish the right to information commission ; to appoint information officers ; to set out the procedure and for matters connected therewith or incidental thereto".

<sup>4</sup> See section 4, which provides that "The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail."

<sup>5</sup> See section 2, Interpretation Ordinance.

with the RTI law. The extent to which the provisions of the RTI Act will prevail over other laws is dependent on the interpretation – in the first instance – of the RTI Commission and ultimately by the Supreme Court. As will be seen later in this document<sup>6</sup>, the circumstances of the legal regime allow a wide discretion for the RTI Commission and Judges of the Supreme Court. In a context where there is only pre-enactment judicial review and where the Supreme Court has displayed a tendency to adopt a narrow and textual interpretation of legal and constitutional provisions, it is less likely, at least at the outset, that the Court will adopt a broad reading of the non-obstante clause.

---

<sup>6</sup> See below section on “**Judicial Decisions Impacting The RTI Legal Regime**”

## Methodology for Identifying Legislation

The research specifically focused on laws that mandate secrecy or prohibit the disclosure of information by a public servant or laws that offer indemnity or immunity for public servants. The research also examined special laws which regulate development activities, land use and laws which set up specific government entities (incorporation acts), laws relating to banks and financial institutions and laws relating to publication and broadcasting.

After gathering a wide range of legal provisions that could be inconsistent with the RTI regime, these laws were vetted further to remove legal provisions which clearly fell within the exemptions to the right to obtain information – covered both in Article 14A and in the RTI Act. However, when deciding whether to retain or remove laws from this list, the researchers erred on the side of keeping the provisions in the list over removing them.

## Categorization of Laws

In order to prioritise among the considerable number of laws that have been identified, the following categorisation is proposed based on whether the relevant law is contrary to the RTI regime and whether the relevant law itself contains a provision in conflict with the RTI Act's non-obstante clause.

### Category (1)

This includes laws which are clearly contrary to provisions of the RTI Act. Moreover, these laws either explicitly state that they shall be operative despite provisions of any other law or are silent on the issue of prevalence. Thus, it is envisaged that these laws will be the most significant legislative barriers in terms of operationalizing the RTI regime.

### Category (2)

This category includes laws with provisions which are clearly contrary to the RTI Act or could potentially be used in a manner contrary to the RTI Act. However, these laws clearly state that such provisions are subject to the requirements in other laws. This provides a gateway for the prevalence clause in the RTI Act to be operationalized. This would most likely mean that no public institution could use these laws as a justification for not providing information.

### Category (3)

This category includes laws which could be contrary to the provisions of the RTI Act depending on the interpretation preferred by the relevant authority and the specific circumstances of any individual case.<sup>7</sup> Furthermore, these laws either explicitly state that they are not subject to the provisions of any other law or are silent on the issue of prevalence. These laws could

---

<sup>7</sup> Includes a large number of cases where the information in question could be personal information of citizens stored with the relevant public authority.

become contentious depending on the situation and as such represent a challenge for the RTI Commission and Courts.

In the absence of amendment to the relevant legislation, some initial guidance on the applicability of these laws by the RTI Commission would be useful for relevant stakeholders.

The categorization can be summarized with the following table:

<b>Category</b>	<b>Is subject to other law</b>	<b>Not subject to any other law or silent on issue</b>	<b>Is contrary to RTI regime</b>	<b>Could be contrary to RTI regime</b>
<b>1</b>		<b>X</b>	<b>X</b>	
<b>2</b>	<b>X</b>			<b>X</b>
<b>3</b>		<b>X</b>		<b>X</b>

## List of laws containing provisions that conflict with/may conflict with Article 14A of the Constitution and the Right to Information Act<sup>8</sup>

### CATEGORY 1

- 1) Sri Lanka Institute of Co-operative Management Act (No. 37 of 1983)
- 2) Asian Development Bank Agreement (Ratification) Act (No. 21 of 1966)
- 3) Computer and Information Technology Council of Sri Lanka Act (No. 10 of 1984)
- 4) Animal Feed Act (No. 15 of 1986)
- 5) Fair Trading Commission Act (No. 1 of 1987)
- 6) Tax Amnesty Act (No. 5 of 1989)
- 7) Specified Certificate of Deposits (Tax and Other Concessions) Act (No. 45 of 1990)
- 8) Tax Amnesty (Housing and Commercial Buildings) Act (No. 30 of 1992)
- 9) Foreign Exchange (Amnesty) Act (No. 32 of 1993)
- 10) Gem Trading Bank Act (No. 51 of 1993)
- 11) Commission to Investigate Allegations of Bribery or Corruption Act (No. 19 of 1994)
- 12) Sri Lanka Institute of Local Governance Act (No. 31 of 1999)
- 13) Regulation of Insurance Industry Act (No. 43 of 2000)
- 14) Inland Revenue (Regulation of Amnesty) Act (No. 10 of 2004)
- 15) Public Utilities Commission of Sri Lanka Act (No. 35 of 2002)
- 16) Inland Revenue Act (No. 10 of 2006)
- 17) Inland Revenue Act (No. 38 of 2000)
- 18) Control of Pesticides Act (No. 33 of 1980)
- 19) Co –operative Employees Commission Act (No. 12 of 1972)
- 20) Declaration of Assets and Liabilities Law (No. 1 of 1975)
- 21) Employees' Holidays Act (No. 6 of 1959)
- 22) Estate Duty Act (No. 13 of 1980)
- 23) Evidence Ordinance
- 24) Chemical Weapons Convention Act (No.58 of 2007)
- 25) Drug Dependant Persons (Treatment and Rehabilitation) Act, (No. 54 of 2007)
- 26) Civil Aviation Act (No. 14 of 2010)
- 27) National Archives Law (No. 48 of 1973)
- 28) National Science Council of Sri Lanka Law (No. 36 of 1975)
- 29) Sri Lanka Press Council Law (No. 5 of 1973)
- 30) Goods and Services Tax Act (No. 34 of 1996)
- 31) Fertilizers Act (No. 21 of 1961)
- 32) Institute of Valuers of Sri Lanka Law (No. 33 of 1975)
- 33) National Planning Council Act (No 40 of 1956)
- 34) Official Secrets Act (No 32 of 1955)

---

<sup>8</sup> Detailed provisions contained in these laws are available in the Annexure to this document.

- 35) Public Security Ordinance
- 36) Public Contracts (No. 3 of 1987) [Section 19 and 23]

## CATEGORY 2

- 37) Sri Lanka Institute of Development Administration Act (No. 9 of 1982)
- 38) Sri Lanka Atomic Energy Act (No. 40 of 2014)
- 39) National Dangerous Drugs Control Board Act (No. 11 of 1984)
- 40) Sri Lanka Standards Institution Act (No. 6 of 1984)
- 41) Banking Act (No. 30 of 1988)
- 42) Public Contracts (No. 3 of 1987) [Section 29]
- 43) Credit Information Bureau of Sri Lanka Act (No. 18 of 1990)
- 44) Science and Technology Development Act (No. 11 of 1994)
- 45) Housing Development Finance Corporation of Sri Lanka Act (No. 7 of 1997)
- 46) Finance Leasing Act (No. 56 of 2000)
- 47) Civil Aviation Authority of Sri Lanka Act (No. 34 of 2002)
- 48) Value Added Tax Act (No. 14 of 2002)
- 49) Finance Business Act (No. 42 of 2011)
- 50) Divineguma Act (No 1 of 2013)
- 51) National Medicines Regulatory Authority Act (No. 5 of 2015)
- 52) National Housing Development Authority Act (No.17 of 1979)
- 53) National Institute of Business Management Law (No.23 of 1976)
- 54) National Savings Bank Act (No.30 of 1971)
- 55) Sri Lanka Export Development Act (No.40 of 1979)
- 56) Sri Lanka Export Credit Insurance Corporation (No.15 of 1978)
- 57) State Mortgage and Investment Bank Law (No.13 of 1975)
- 58) Sri Lanka Accreditation Board for Conformity Assessment Act (No. 32 of 2005)
- 59) Statistics Ordinance
- 60) Bank of Ceylon (No. 60 of 1980)
- 61) National Development Bank of Sri Lanka Act (No. 2 of 2005)

## CATEGORY 3

- 62) Adoption of Children Ordinance
- 63) Clothing Industry Training Institute Act (No. 3 of 1984)
- 64) Business Names Act (No. 7 of 1987)
- 65) Rehabilitation of Persons, Properties and Industries Authority Act (No. 29 of 1987)
- 66) Securities Council Act (No. 36 of 1987)
- 67) Sri Lanka Council for Agricultural Research Policy Act (No. 47 of 1987)
- 68) Transplantation of Human Tissues Act (No. 48 of 1987)
- 69) Industrial Promotion Act (No. 46 of 1990)
- 70) National Education Commission Act (No. 19 of 1991)
- 71) Sri Lanka Telecommunications Act (No. 25 of 1991)

- 72) Promotion of Export Agriculture Act (No. 46 of 1992)
- 73) Public Enterprises Reform Commission of Sri Lanka Act (No. 1 of 1996)
- 74) National Human Resources Development Council of Sri Lanka Act (No. 18 of 1997)
- 75) Tax and Foreign Exchange Amnesty Act (No. 4 of 1997)
- 76) Tax and Foreign Exchange Amnesty Act (No. 47 of 1998)
- 77) Sri Lanka Institute of Strategic Studies Act (No. 45 of 2000)
- 78) Electricity Reform Act (No. 28 of 2002)
- 79) Survey Act (No. 17 of 2002)
- 80) Consumer Affairs Authority Act (No. 9 of 2003)
- 81) Payment and Settlement Systems Act (No. 28 of 2005)
- 82) National Authority on Tobacco and Alcohol Act (No. 27 of 2006)
- 83) Payment Devices Frauds Act (No. 30 of 2006)
- 84) Army Act (No. 17 of 1949)
- 85) Air Force (No. 41 of 1949)
- 86) Bribery Act (No.9 of 1980)
- 87) Central Environmental Authority Act (No. 47 of 1980)
- 88) Children and Young Persons Ordinance (No. 2 of 1978)
- 89) Coconut Development Act (No. 24 of 1975)
- 90) Foreign Employment Agency Act (No 32 of 1980)
- 91) Water Resources Board Act (No. 29 of 1964)
- 92) National Institute of Language Education and Training Act (No. 26 of 2007)
- 93) Companies Act (No. 07 of 2007)
- 94) Computer Crime Act (No.24 of 2007)
- 95) Sri Lanka Sustainable Energy Authority Act (No. 35 of 2007)
- 96) Clothing Industry Training Institute Act (No. 3 of 1984)
- 97) Sri Lanka Electricity Act (No. 20 of 2009)
- 98) Default Taxes (Special Provisions) Act (No. 16 of 2010)
- 99) Assistance to and Protection of Victims of Crime and Witnesses Act (No. 4 of 2015)
- 100) Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016
- 101) National Metric Conversion Law (No.17 of 1976)
- 102) Post Office Ordinance
- 103) Public Examinations Act (No. 28 of 1968)
- 104) Sri Lanka Fruit Board Law No.30 of 1973
- 105) Shop and Office Employees (Regulation of Employment and Remuneration) Act (No. 7 of 1975)

## Stakeholder Perceptions; Laws, which require to be amended on a priority basis to operationalize RTI regime

The above-mentioned laws were circulated among stakeholders within government. During the course of discussions with stakeholders, the following laws have been identified as having the most significant impact on the operationalization of the RTI regime and as such requiring immediate attention.

- Official Secrets Act (No 32 of 1955) [Category 1]
- Public Security Ordinance [Category 1]
- National Archives Law (No. 48 of 1973) [Category 1]
- Declaration of Assets and Liabilities Law (No. 1 of 1975) [Category 1]
- Public Contracts (No. 3 of 1987) [Category 1]
- Public Utilities Commission of Sri Lanka Act (No. 35 of 2002) [Category 1]
- Central Environmental Authority Act (No. 47 of 1980) [Category 3]
- Consumer Affairs Authority Act (No. 9 of 2003) [Category 3]

## Judicial Decisions Impacting the RTI Legal Regime

### The Right to Information as a fundamental right

Prior to the explicit incorporation of the right to access information through the RTI regime, the right was recognised in several Fundamental Rights cases as being implicit to the Freedom of expression.<sup>9</sup> In the case of ***Fernando v. The Sri Lanka Broadcasting Corporation [1996] 1 S.L.R 157*** the Supreme Court held that;

“The decisions I have considered demonstrate that Article 14(1) (a) is not to be interpreted narrowly. Not only does it include every form of expression...it extends to and includes implied guarantees "necessary to make the express guarantees fully meaningful" (as noted in *Lamont* (supra). ***Thus, it may include the right to obtain and record information, and that may be by means of oral interviews (as in *Dutt (4)*), publications (as in *Lamont*), tape-recordings (as in the *Red Lion Case*), photographs, and the like; and, arguably, it may even extend to a privilege not to be compelled to disclose sources of information, if that privilege is necessary to make the right to information "fully meaningful"***. Likewise, other rights may be needed to make the actual exercise of the freedom of speech effective: rights in respect of venues, amplifying devices, etc. ***I doubt, however, that it includes the right to information simpliciter.*** (at pg. 179) [emphasis added]

In ***Environmental Foundation v. Urban Development Authority of Sri Lanka [2009] 1 S.L.R. 123*** the Court held that

The contention of the Petitioner and the objections raised thereto, have to be considered **in the light of the fact that the right to information is not specifically guaranteed under our Constitution as a fundamental right**. Although there is no such safeguard I am of the view that the 'freedom of speech and expression including publication' guaranteed by Article 14(I)(a), to be meaningful and effective should carry within its scope an implicit right of a person to secure relevant information from a public authority in respect of a matter that should be in the public domain. It should necessarily be so where the public interest in the matter outweighs the

---

<sup>9</sup> A limited Right to access information held by public authorities is recognised in several laws. The most prominent example of a statutory recognition of the right to access information is **S. 76 of the Evidence Ordinance** which provides that “Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefore, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies”

**confidentiality that attaches to affairs of State and official communications.** (at pg. 129-130) [emphasis added]

Both these cases recognise the right to access information insofar as such a right is required to make the freedom of expression “meaningful” and “effective”, and not as a right on its own.<sup>10</sup> However, in one of the first cases on Article 14A of the Constitution **Dr. Nalin de Silva v Ranil Wickremasinghe, Prime Minister of Sri Lanka SC FR 308/ 2015**, the Supreme Court, commenting on the previous case law, stated that;

With the enactment of Article 14A, however, explicit constitutional guarantee is now bestowed on the citizen. The said constitutional guarantee which was hitherto implicit, now operates as an explicit right within the parameters of Article 14A...What is significant to note is that, what the Supreme Court recognised, in the case referred to, is ***the right of a person to secure information from a public authority in respect of a matter that is with in public domain***. Article 14A has now specified the public authorities from which information can be secured.

This case was argued and decided by the Supreme Court prior to the enactment of the RTI Act and there is nothing to suggest that the relief sought by the Petitioner could be granted even if the RTI Act was in place.<sup>11</sup> Furthermore, the application to the Supreme Court by the Petitioner contained several technical defects.<sup>12</sup>

However, the Court’s narrow interpretation of the right, which excluded Parliament from within the definition of public authorities from which information can be secured, is problematic.<sup>13</sup>

---

<sup>10</sup> As Justice Fernando stated in **Fernando v. The Sri Lanka Broadcasting Corporation** “but it by no means follows that there is a right to information simpliciter (i.e., for one's own edification only), and not intended to facilitate the exercise of the freedom of speech.”

<sup>11</sup> The RTI Act provides that the protection of Parliamentary privileges are a grounds on which information can be refused [See section 5(1)(k), See also section 3 (2)]. The Petitioner in this case was making an application to have the COPE report, which had not been tabled in Parliament, released to the Public. The Supreme Court’s reasoning that publishing a report of a committee of Parliament, without the leave of Parliament (and before it had been tabled in Parliament) would be contrary to S. 17 of Parliament (Powers And Privileges Act) No 21 of 1953 and would thus be a breach of the privileges of parliament, would be a grounds on which the Petitioner’s request could have been rejected under the RTI Act.

<sup>12</sup> As per the judgement of the Supreme Court, the Committee on Public Enterprises (COPE) is a part of the legislature and it does not fall within the purview of administrative or executive action. The Court further stated that the Petitioner had not disclosed a violation of his Fundamental Rights.

<sup>13</sup> The Court states that Parliament has been expressly left out of the list of Public institutions mentioned in Article 14A, however with respect the Supreme Court this is a narrow reading of Article 14A, especially Article 14A (1)(a) which recognises the right of a citizen to access information held by the “State”.

## Judicial interpretation of Non-obstante Clauses

As stated previously, section 4 of the RTI Act states that;

“The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail.”

This non-obstante clause poses two main issues to be considered. **First**, what construction the Supreme Court ultimately provides to this clause and **second** what would happen in a situation where the non-obstante clause in the RTI Act is in conflict with a similar clause in another law.

On the issue of construction of the clause, **Attorney General and Others V Sumathipala (2006) 2 S.L.R. 126** provides some useful insight as to the potential approach of the Court. In her judgment, Shirani Bandaranayake, J<sup>14</sup> adopts the approach suggested in Bindra (Interpretation of Statutes, 8<sup>th</sup> Edition) and states;

"It is settled law that the non-obstante clause will have to be read in the context of what the legislature conveys in the enacting part of the provision. Considering the effects of non-obstante clauses, Bindra states that, ***“The proper way to construe a non-obstante clause is first to ascertain the meaning of the enacting part on a fair construction of its words. The meaning of the enacting part which is so ascertained is then to be taken as overriding anything inconsistent to that meaning in the provisions mentioned in the non-obstante clause...*** It does not, however, necessarily mean that there must be repugnancy between the two provisions in all such cases. ***The principal underlying non-obstante clause may be invoked only in the case of ‘irreconcilable conflict’*** (Emphasis added)."

The practical application of the above-mentioned approach in the context of the RTI Act would be as follows. If any provision of the RTI Act is in conflict with a provision in any other law, the Court would have to decide “the fair construction” of the RTI Act’s provision first. This meaning will thereafter prevail over any conflicting provisions in the other law. However, mere inconsistency is not sufficient – the principal underlying the non-obstante clause may be invoked only in the case of ‘irreconcilable conflict’. As with any tool of interpretation, the Court has considerable discretion when deciding what the fair meaning of any particular provision of the RTI Act is and whether such provision is irreconcilable with a provision in any other law.

The previously mentioned **Attorney General and Others V Sumathipala** also discusses the approach of the Court where two conflicting statutes both have non-obstante clauses. In that

---

<sup>14</sup> With Justices Weerasuriya, Udalgama, Dissanayake and Fernando agreeing

case, the Court examined the provisions of the Code of Criminal Procedure act<sup>15</sup> and the Immigrants and Emigrants Act<sup>16</sup> which were in conflict and also contained non-obstante clauses. In her judgment Shirani Bandaranayake, J affirms the approach of the Court of Appeal on this issue as follows;

“..... Sripavan, J., in his judgment has correctly referred to Bindra (Interpretation of Statutes, 8th Edition pg. 151) as well as to the ratio of Kushi Ram v The State **that when special provision is made in a special statute, that special provision excludes the general provision in the general law** and therefore, by section 47, the legislature intended that a person accused of an offence under section 45 of the Immigrants and Emigrants Act shall not in any circumstances be admitted to bail.”

As seen previously, the provisions of the RTI Act *inter alia* provide for the right of access to information and specify the grounds on which access may be denied, however, there are other laws which describe the right to access information in specific contexts. As such, it would impose a significant challenge to the Court in deciding which constitutes the special statute and which constitutes the general statute. In fact, there could be a situation where the Court concludes that both statutes are special statutes.

Some guidance can be found in the case of **E.P.F.Commissioner v O.L.Of Esskay Pharmaceuticals 2011 (11) TMI 639** (Supreme Court of India). In this case the dispute was regarding the interpretation of *Section 11 (2) of Employees Provident Fund Act (1952)*<sup>17</sup> and *Section 529A of the Companies Act of India (1956)*<sup>18</sup> The Court stated that;

The argument... that the non-obstante clause contained in the subsequent legislation, i.e. Section 529A (1) of the Companies Act should prevail over similar clause contained

---

<sup>15</sup> Section 404 of the Code of Criminal Procedure Act reads as follows:

"The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive; and **notwithstanding anything to the contrary in this Code or any other law the Court of Appeal may in any case direct that any person in custody be admitted to bail** or that the bail fixed by the High Court or Magistrate be reduced or increased or that any person enlarged on bail by a Judge of the High Court or Magistrate to be remanded to custody." (emphasis added)

<sup>16</sup> Section 47(1) of the Immigrants and Emigrants Act, No. 20 of 1948, as amended states as follows:

**"Notwithstanding anything in any other law-** (a) every offence under paragraph (a) of sub-section (1) of section 45; ..... **shall be non-bailable and no person accused of such an offence shall in any circumstances be admitted to bail.**" (emphasis added).

<sup>17</sup> **'notwithstanding anything contained in any other law for the time being force**, the amount due from an employer in respect of the employee's contribution is treated as first charge on the assets of the company and should be paid in priority to all other debts.' (emphasis added)

<sup>18</sup> **Notwithstanding anything contained in any other provision of this Act or any other law for the time being in force in the winding up of a company-**

(a) Workmen's dues; and

(b) debts due to secured creditors to the extent such debts rank under clause (c) of the proviso to sub- section (1) of section 529 *pari passu* with such dues, **shall be paid in priority to all other debts.**

in an earlier legislation, i.e. Section 11(2) of the EPF Act sounds attractive, ***but if the two provisions are read in the light of the objects sought to be achieved by the legislature by enacting the same, it is not possible to agree with the learned counsel.***

As noted earlier, the object of the amendment made in the EPF Act by Act No.40 of 1973 was to treat the dues payable by the employer as first charge on the assets of the establishment and to ensure that the same are recovered in priority to other debts. As against this, the amendments made in the Companies Act in 1985 are intended to create a charge *pari passu* in favour of the workmen on every security available to the secured creditors of the company for recovery of their debts. There is nothing in the language of Section 529A which may give an indication that legislature wanted to create first charge in respect of the workmen's dues, as defined in Sections 529(3)(b) and 529A and debts due to the secured creditors.

The Court cited with approval the dicta of the Constitution Bench (Supreme Court of India) in ***Ashok Marketing Limited v. Punjab National Bank (1990) 4 SCC 406***, which considered some of the precedents on the interpretation of statutes and stated:

"The principle which emerges from these decisions is that in the case of inconsistency between the provisions of two enactments, both of which can be regarded as special in nature, the conflict has to be resolved by reference to the purpose and policy underlying the two enactments and the clear intendment conveyed by the language of the relevant provisions therein."

The Court thereafter concluded that, in the context of the purpose of the *Employees Provident Fund Act*, which was to create a social safety net:

"The effect of the amendment made in the Companies Act in 1985 (i.e. 529A) is only to expand the scope of the dues of workmen and place them at par with the debts due to secured creditors ***and there is no reason to interpret this amendment as giving priority to the debts due to secured creditor over the dues of provident fund payable by an employer.*** Of course, after the amount due from an employer under the EPF Act is paid, the other dues of the workers will be treated at par with the debts due to secured creditors..." (emphasis added)

The case, whilst it doesn't elucidate principles that can be followed, is nonetheless useful in understanding the difficulty faced by the Court when trying to reconcile such provisions.

## Recommendations for Reform

Three options are suggested in order to amend the laws identified under all 3 categorizations discussed above. These are broad recommendations and are not mutually exclusive;

**Option A:** Amend each law explicitly stating that such laws would be subject to the RTI Act;

**Option B:** Enact a special provision act that includes all laws included in this category, clearly stating that such laws will be subject to the RTI Act.

**Option C:** Amend the RTI act to include a provision which states that “Where any information which is prohibited by any written law from being disclosed is disclosed in compliance with a requirement made under this act, such disclosure shall not be deemed to be a contravention of such written law.”<sup>19</sup>

It has to be noted that each option has its challenges and merits. Option A would take a considerable period of time to achieve and might not be able to be done in the life of one or even two Parliaments. As such, a prioritization of legislation, either based on the categorization described above or based on feedback from stakeholders, would be useful in order to deal with the legislation that represent the most significant challenges. Option C is much faster and easier to implement, however, opening the provisions of the RTI act to amendment could result in changes to the other positive aspects of the law, which would have the effect of diluting the RTI regime. Option B is also faster and relatively easier than Option A, if adopted this option would give the RTI commission and the Supreme Court more discretion to deal with inconsistencies with the RTI regime on a case by case basis. Whilst this offers some flexibility it is also fraught with uncertainty as to how the Court and the RTI commission will develop the RTI regime.

Considering the volume of the legislation identified and the complexities of the different options identified above, it is clear that it will take a considerable period of time to bring Sri Lanka’s existing legislation in line with the RTI regime. As such, amending legislation that is contrary to the RTI regime is the more prudent course of action. However, considering the large volume of laws identified amending each law could prove to be difficult. In this regard policy makers would have to priorities legislation based on the immediacy of the need to reform.

---

<sup>19</sup> See section 12(3) of National Planning Council Act No 40 of 1956

## Conclusion

The wording of Article 14A of the Sri Lankan Constitution leaves room for the right to information to be restricted by pre-existing legislation. As was seen in the foregoing analysis of the case law, the RTI Commission and the judges would have considerable latitude in interpreting the non-obstante clause in the RTI Act, in attempting to reconcile the RTI Act with pre-existing legislation. Furthermore, the Sri Lankan judiciary cannot engage in judicial review of legislation, and the Supreme Court has, over time, displayed a tendency to adopt a narrow and textual interpretation of legal and constitutional provisions. Therefore, it makes it less likely, at least at the outset, that the Court will adopt a broad reading of the non-obstante clauses.

As such, it is recommended that policymakers consider amending legislation that is contrary to the RTI regime, as the more prudent course of action. However, considering the large volume of laws identified, amending each law could prove to be difficult. Hence, policy makers could prioritize legislation based on the immediacy of the need to reform, and ultimately streamline the RTI regime.

## ANNEXURE

### Specific Legislative provisions which could be in Conflict with the Right to Information Regime

Name of Legislation	Section	Description
<b>Category 1</b>		
Public Security Ordinance	7 read with Article 155(2) of the Constitution	(7) An emergency regulation or any order or rule made in pursuance of such a regulation shall have effect notwithstanding anything inconsistent therewith contained in any law; and any provision of a law which may be inconsistent with any such regulation or any such order or rule shall, whether that provision shall or shall not have been amended, modified or suspended in its operation under section 5 of this Ordinance, to the extent of such inconsistency have no effect so long as such regulation, order or rule shall remain in force. <sup>20</sup>
Official Secrets Act 32 of 1955	27	<p>"official secret" means- (i) any secret official code word, countersign or pass word; (ii) any particulars or information relating to a prohibited place or anything therein; (iii) any information of any description whatsoever relating to any arm of the armed forces or to any implements of war maintained for use in the service of the Republic or to any equipment, organization or establishment intended to be or capable of being used for the purposes of the defence of Sri Lanka; and (iv) any information of any description whatsoever relating directly or indirectly to the defences of Sri Lanka;</p> <p>"secret document" means any document containing any official secret and includes- (i) any secret official code or anything written in any such code; and (ii) any map, sketch, plan, drawing, or blue-print, or any photograph or model or other representation, of a prohibited place or anything therein or of any implement of war or of anything relating to the defences of Sri Lanka;</p>

<sup>20</sup> Gives the President power to enact emergency regulations, which have the effect of over-riding, amending or suspending the operation of the provisions of any law including the RTI act, except the provisions of the Constitution.

	7	<p>(1) If any person entrusted with any official secret or secret document, communicates or delivers it to any other person who is not a person to whom he is authorized to communicate or deliver it or to whom it is in the interests of the State his duty to communicate or deliver it, he shall be guilty of an offence punishable under subsection (2) of section 26.</p> <p>(2) If any person who is not entrusted with, but who is otherwise having possession or control of, any official secret or secret document, communicates or delivers it to any other person who is not authorized to receive it or who is not a person to whom it is in the interests of the State his duty to communicate or deliver it, he shall be guilty of an offence punishable under subsection (2) of section 26.</p>
	8	<p>(1) If any person receives any official secret or secret document or permits it to be communicated or delivered to him, having reasonable cause to believe that it is communicated or delivered to him in contravention of this Act, he shall be guilty of an offence punishable under subsection (2) of section 26.</p> <p>(2) It shall be a sufficient defence for any person charged with an offence under subsection (1) to prove that the communication or delivery of the official secret or secret document was not due to any solicitation or demand on his part.</p>
Sri Lanka Press Council Law	16(1), (2), (3), (4), (5) a (7)	<p>(1) No person shall publish, or cause to be published, in any newspaper, any matter which purports to be the proceedings or any part thereof, of a meeting of the Cabinet of Ministers.</p> <p>(2) No person shall publish, or cause to be published in any newspaper-</p> <p>(a) any matter which purports to be the contents or any part of the contents of any document sent by or to all or any of the Ministers to or by the Secretary to the Cabinet of Ministers; or</p>

		<p>(b) any matter which purports to be a decision or any part of a decision of the Cabinet of Ministers, unless it has been approved for publication in the newspapers by the Secretary to the Cabinet of Ministers.</p> <p>(3) No person shall publish or cause to be published in any newspaper any official secret within the meaning of the Official Secrets Act or any matter relating to military, naval, air-force or police establishments, equipment or installation which is likely to be prejudicial to the defence and security of the Republic of Sri Lanka, unless such matter has been approved for publication in the newspapers by the Secretary to the Ministry charged with the subject of Defence.</p> <p>(4) No person shall publish or cause to be published in any newspaper any statement relating to monetary, fiscal, exchange control or import control measures alleged to be under consideration by the Government or by any Ministry or by the Central Bank, the publication of which is likely to lead to the creation of shortages or windfall profits or otherwise adversely affect the economy of Sri Lanka, unless such matter has been approved for publication in the newspapers by the Secretary to the Ministry charged with the subject in question.</p> <p>(5) Subject to the preceding provisions of this section, no person shall publish, or cause to be published, in any newspaper, any proposal or other matter, alleged to be under consideration by any Minister or any Ministry or the Government, when it is false that such proposal or matter is under consideration by such Minister, Ministry or by the Government. In any prosecution for a contravention of this subsection, the burden of proving that any such proposal or other matter so published is false shall be on the prosecution.</p> <p>(7) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall, upon conviction, be liable to be punished with a fine not</p>
--	--	--

		exceeding five thousand rupees, or with imprisonment of either description for a term not exceeding two years, or with both such fine and imprisonment.
Sri Lanka Institute of Co-operative Management Act (No. 37 of 1983)	35	(1) A member of the Board or an officer or servant of the Institute shall not disclose to any person except for the purposes of the performance of his duties, or the discharge of his functions, any information acquired by him in the performance of his duties or the discharge of his functions: (2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act.
Asian Development Bank Agreement (Ratification) Act No. 21 of 1966	Article 52 of the Agreement	<p>This act was enacted to an act to enable Sri Lanka to become a member of the Asian Development Bank authorizing the ratification or acceptance of the agreement, establishing that bank, to which Sri Lanka is a signatory.</p> <p>Section 03 “The provisions of <b>Chapter VIII of the Agreement shall have the force of law in Ceylon</b>, and accordingly the Bank shall have in Ceylon the status, immunities, exemptions and privileges specified in the said Chapter VIII.”</p> <p>Article 52 comes under chapter VIII and states that; The archives of the Bank and, in general, all documents belonging to it, or held by it, shall be inviolable, wherever located.</p>
Computer and Information Technology Council of Sri Lanka Act (No. 10 of 1984)	19	<p>Every member of the Council and all officers and servants of the Council, shall, before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all matters connected with the working of the Council, and shall by such declaration pledge himself not to reveal any matter which may come to his knowledge in the discharge of his duties, except -</p> <p>(a) when required to do so by a court of law or by any person or body of persons to whom such matters relate and</p> <p>(b) In order to comply with any of the provisions of this Act.</p>
Animal Feed Act (No. 15 of 1986)	14	Studies and reports of the Committee made under sections 12 and 13 may be made public with the approval of the Minister and the Minister may where he considers it

		appropriate instruct the Director to give effect to such studies and reports.
Fair Trading Commission Act (No. 1 of 1987)	26	The Minister may cause to be published any report made to him under the provisions of this Act, or any recommendations made in such report, in such manner as he thinks fit.
Tax Amnesty Act (No. 5 of 1989)	10	<p>(1) Every officer or employee of the Bank and every officer or employee of the Department of Inland Revenue shall preserve and aid in preserving secrecy with regard to all matters that may come to his knowledge in the operation of this Act: provided, however, that an officer or employee of the Bank may communicate to the Commissioner-General or to any officer of the Department of Inland Revenue or to a court of law for the purpose of complying with provision (vi) this Act, the following particulars relating to any such special account as is referred to in section 3:</p> <ul style="list-style-type: none"> <li>(a) name of the holder of the account and income tax file number;</li> <li>(b) name of business, if any, and income tax file number;</li> <li>(c) date of deposit or withdrawal;</li> <li>(d) amount deposited or withdrawn;</li> <li>(e) such other particulars as are referred to in any declaration made under section 4 (1) (a) in relation to such special account.</li> </ul> <p>(2) Any officer or employee of the Bank or of the Department of Inland Revenue who acts in contravention of the provisions of subsection (1) shall be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees.</p>
Specified Certificate of Deposits (Tax and Other Concessions) Act (No. 45 of 1990)	10	<p>(1) Every officer or employee of the Department of Inland Revenue or of the Bank shall preserve and aid in preserving secrecy with regard to all matters that may come to his knowledge in the implementation of this Act:</p> <p>(2) Any officer or employee of the department of Inland Revenue or of the Bank who acts in contravention of the provisions of subsection (1) shall be guilty of an offence under this Act, and shall, on conviction after summary trial</p>

		before a Magistrate, be liable to a fine not exceeding five thousand rupees.
Tax Amnesty (Housing and Commercial Buildings) Act (No. 30 of 1992)	8	<p>(1) Except in the performance of his duties, under this, every officer/employee of the Department of Inland Revenue or of the Urban Development Authority shall preserve and aid in preserving secrecy with regard to all matters that may come to his knowledge in the administration of this Act.</p> <p>(2) Any officer or employee of the Department of Inland Revenue or of the Urban Development Authority who acts in contravention of the provisions of subsection (1), shall be guilty of an offence, under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees.</p> <p>(3) For the purposes of this section</p> <ul style="list-style-type: none"> <li>(a) any public officer, or</li> <li>(b) any officer of a local authority, who is authorized by the Urban Development Authority to act for, and on behalf of, the Urban Development Authority for the purposes of this Act, shall be deemed to be an officer of the Urban Development Authority.</li> </ul>
Foreign Exchange (Amnesty) Act (No. 32 of 1993)	5	<p>(1) Subject to the provisions of subsection (2), every officer or employee of the Department of Inland Revenue, or of any commercial bank or of the Central Bank of Sri Lanka, shall preserve, and aid in preserving, secrecy with regard to all matters that may come to his knowledge in the administration of this Act and shall not give, divulge or reveal any information whatsoever regarding a foreign currency account referred to in section 2 (1) (b) to any individual, corporation, bank, court, institution, entity, department, official, agent, representative of the Government of Sri Lanka or to any other legal or natural person.</p> <p>(2) Notwithstanding the provisions of subsection (1), the Commissioner-General or the Controller of Exchange, or an officer or employee of a commercial bank, as the case may be, shall if he is required to do so</p> <ul style="list-style-type: none"> <li>(i) by the person to whom such matter or information relates;</li> </ul>

		<p>(ii) by any provision of any law giving effect to an international convention on narcotics or hijacking in any criminal proceedings instituted under that law, in any court;</p> <p>(iii) by an order of the Supreme Court, made on application therefore, on the ground that moneys in any account referred to in section 2 (1) (b) have been or are being used in furtherance of an act which constitutes an offence under the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979; or</p> <p>(iv) by an order of court in any legal proceedings instituted by or against a commercial bank, or by or against the holder of an account referred in section 2 (1) (b) relating to a banking transaction arising from such account, communicate to such person or court any matter or information which has come to his knowledge in the administration of this Act.</p> <p>(3) Any officer or employee of the Department of Inland Revenue, or of the Central Bank of Sri Lanka or of any commercial bank, who acts in contravention of the provisions of subsection (1) shall be guilty of an offence under this Act, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and Imprisonment.</p>
Gem Trading Bank Act (No. 51 of 1993)	21	<p>Every director of the Board and all officers and servants of the Bank, shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy in respect of all matters connected with the affairs of the Bank, and shall by such declaration pledge himself not to reveal any matter which may come to his knowledge in the performance or discharge of his duties and functions except</p> <p>(a) when required to do so by a court of law or by any person or body of persons to whom such matters relate; and</p> <p>(b) in order to comply with any of the provisions of this Act.</p>
Commission to Investigate	17 and 22	(17) Every member of the Commission, the Director-General and every officer or servant, appointed to assist the

Allegations of Bribery or Corruption Act (No. 19 of 1994)		<p>Commission shall, before entering upon the duties of his office, sign a declaration that he will not disclose any information received by him, or coming to his knowledge, in the exercise and the discharge of his powers and functions under this Act, except for the purposes of giving effect to the provisions of this Act.</p> <p>(22) Every person who acts in contravention of the duty imposed on him by section 17 to maintain secrecy shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand rupees or to both such fine and imprisonment.</p>
Sri Lanka Institute of Local Governance Act (No. 31 of 1999)	21	<p>(1) No member of the Council or officer or servant of the Institute shall disclose to any person, except for the purposes of discharging of his functions under this Act or when required to do so by a court or under any law, any information acquired by him in the discharge of his functions under this Act:</p> <p>(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act.</p>
Regulation of Insurance Industry Act (No. 43 of 2000)	58(1)	Every return furnished to the Board under this Act or a certified copy thereof shall be kept at the office of the Board, and shall be open for inspection by any person with the approval of the Board at such hours as it may specify except such information which in the opinion of the Board is confidential, which shall not be open for inspection by any person.
Inland Revenue (Regulation of Amnesty) Act (No. 10 of 2004)	5	The Commissioner-General or any officer of the Department of Inland Revenue shall preserve and aid in preserving absolute secrecy in respect of the identity of the person making the declaration and any matter or thing contained in any declaration referred to in section 3 of this Act, as from the date of receipt of such declaration. All provisions of the Inland Revenue Act, No. 38 of 2000 applicable to the maintenance of official secrecy including punishment for the breach of such secrecy under section 172 of such Act, shall mutatis mutandis be applicable to a declaration made under this Act.

Public Utilities Commission of Sri Lanka Act (No. 35 of 2002)	13	<p>(1) Every member of the Commission, the Secretary the Director-General, Deputy Director-General (if any), and other Staff of the Commission shall, before taking up office, sign a declaration of secrecy in such form, in such manner and before such authority as may be prescribed by the Minister. All agents, consultants and advisors of the Commission shall be required by the commission to adhere to such secrecy requirements.</p> <p>(2) Any person who contravenes the provisions of subsection (1), shall be guilty of an offence and on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.</p>
	15(4) and (5) with (1)	<p>(1) The Commission shall have the following powers as reasonably required to carry out its functions: —</p> <p>(a) to request any person, including a regulated entity, to furnish to the Commission periodically, or as and when required by the Commission, any information, books, accounts or other documents which are required by the Commission and are in the custody or under the control of that person.</p> <p>(b) to summon to attend at a public hearing held under section 18 any person who, in the opinion of the Commission, may be able to give evidence in relation to any matter before the Commission.</p> <p>(4) Subject to the provisions of subsection (5), any information with respect to any particular business which—</p> <p>(a) has been obtained under or by virtue of any of the provisions of this Part;</p> <p>(b) relates to the affairs of any individual or to any particular business; and</p> <p>(c) is stated in writing, at the time of provisions, to be confidential or commercially sensitive, shall not, during the lifetime of that individual or for so long as that business continues to be carried on, be disclosed by the Commission without the written consent of the individual or business.</p>

		<p>(5) Subsection (4) shall not apply to any disclosure of information—</p> <p>(a) which is required by a Court of law; or</p> <p>(b) if the Commission is of the opinion that the disclosure is required for the public benefit; or</p> <p>(c) which is made for the purpose of enabling a licensee to comply with a condition of its license under or by virtue of which it is required to disclose the information to another person.</p> <p>For the purpose of this Act, any information contained in an electronic record, printed on a paper, stored, recorded or copied in optical or magnetic media and produced by whatever means, shall be deemed to be also a document</p>
Inland Revenue Act (No. 10 of 2006)	203	<p>Every person who -</p> <p>(a) being a person required to take an oath of secrecy under subsection (2) of section 209, acts under this Act without taking such oath;</p> <p>(b) acts in contravention of the provisions of subsection (1) of section 209 or an oath taken under subsection (2) of section 209; or</p> <p>(c) aids, abets, or incites another person to act in contravention of any of the provisions of this Act,</p> <p>shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, to a fine not exceeding two thousand rupees, or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.</p>
	209(1) – (13)	<p>(1) Except in the performance of his duties under this Act, every person who has been appointed or is deemed to be appointed under or who has been employed in carrying out or in assisting any person in carrying out the provisions of this Act, shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of any person that may come to his knowledge in the performance of his duties under this Act, and shall not communicate any such matter to any person other than the person to whom such matter relates or his authorized representative or to the Minister or the Secretary to the Ministry of the Minister in charge of the subject of Finance, nor suffer or permit any person to have access to any records in the possession, custody or control of the Commissioner-General.</p>

Inland Revenue Act (No. 38 of 2000)	172	<p>Every person who</p> <p>(a) being a person required to take an oath of secrecy under subsection (2) of section 178, acts under this Act without taking such oath;</p> <p>(b) acts in contravention of the provisions of subsection (1) of section 178 or an oath taken under subsection (2) of section 178; or</p> <p>(c) aids, abets, or incites another person to act in contravention of any of the provisions of this Act, shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate, to a fine not exceeding two thousand rupees, or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.</p>
	178 (1) – (13)	<p>(1) Except in the performance of his duties under this Act, every person who has been appointed or is deemed to be appointed under or who has been employed in carrying out or in assisting any person in carrying out the provisions of this Act, shall preserve, and aid in preserving, secrecy with regard to all matters relating to the affairs of any person that may come to his knowledge in the performance of his duties under this Act and shall not communicate any such matter to any person other than the person to whom such matter relates or his authorized representative or to the Minister or the Secretary to the Ministry of the Minister in charge of the subject of Finance nor suffer or permit any person to have access to any records in the possession, custody or control of the Commissioner General.</p>
Control of Pesticides	6(3)	<p>Where the information contained in an application made under subsection (1) is given by the applicant in confidence, it shall be treated as confidential by the Registrar:</p> <p>Provided that the preceding provisions of this subsection shall not apply where it is necessary to divulge such information if so required by a court of law.</p>
Co-operative Employees Commission Act	37	<p>No member of the Commission, nor the Secretary of the Commission, nor any member of the staff of the Commission, nor any other person shall publish or disclose to any person, otherwise than in the exercise of his official functions, the contents of any document, communication or</p>

		information whatsoever which has come to his notice in the course of his duties.
	38	No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the Commission or any member, or officer thereof, and any co-operative society or any member of the committee of management of such society or officer thereof, or between any member or officer of the Commission in the exercise of, or in connection with the exercise of, any of the functions of the Commission, unless the Chairman shall consent in writing to such production or disclosure.
Declaration of Assets and Liabilities	8	<p>1) Except in the performance of his duties under this Law or as may "be necessary for the institution proceedings under, or for the purpose carrying into effect the provisions of, <b>this Law a person shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of any person to whom this Law applies</b>, or which may come to his knowledge in the performance of his duties under this Law or in the exercise of his right under subsection (3) of section 5, and shall not communicate any such matter to any person other than the person to whom such matter relates, or suffer any unauthorized person to have access to any papers or records which may have come into his possession in the performance of these duties under this Law or in the exercise of his right under subsection (3) of 'section 5,"; and</p> <p>(2) Every person who is required to preserve and aid in preserving secrecy under the provisions of subsection (1) shall take and subscribe before a Justice of the Peace an oath of secrecy in such form as may be prescribed.</p> <p>(3) Any person required to preserve and aid in preserving secrecy under the provisions of sub-section (1) <b>shall not be required to produce in any court any declaration of assets and liabilities or any other document relating thereto, or to divulge or communicate to any court any matter or thing coming to his notice in the performance of his duties under this Law</b> or in the exercise of his right under subsection (3) of section 5, <b>except as may be necessary for proceedings instituted or to be instituted under or the purpose of</b></p>

		<p>carrying into effect the provisions of this Law or the Bribery Act, the Exercise Act, the Exchange control Act the Inland Revenue Act No. 28 of 1979 or the customs ordinance.</p> <p>(4) Any person who contravenes the provisions of this section shall be guilty of an offence and shall, upon conviction after trial before a Magistrate, be liable to a fine not exceeding two thousand rupees or to a term of imprisonment of either description not exceeding two years or to both such fine and imprisonment.</p>
	7(4) and 7(5)	<p>4) Save as provided in subsection (1) and for the purposes of a proceeding under section 9A <b>it shall be an offence</b> for any person to make a public statement concerning a person to whom this Law applies alleging that such person has made recent acquisitions of wealth or property, or recent financial or business dealings, or incurred recent expenditures not commensurate with the known sources of wealth and income of such person, or as to the contents of any declaration of assets and liabilities of such person, or to make any such public statement in respect of any investigation being made by an appropriate authority upon a written communication made by him under the provisions of subsection (1).</p> <p>(5) Any person who commits an offence under the provisions of subsection (4) shall, upon conviction after trial by a Magistrate, be liable to a fine not exceeding one thousand rupees or to a term of imprisonment of either description not exceeding one year, or to both such fine and imprisonment.</p>
Employees' Holidays Act	8(3) and (4) with (1)	<p>(1) The Commissioner of Labour may direct an employer to furnish to him before a specified date-</p> <p>(a) a return relating to all his employees or any specified class or description of such employees and containing such particulars as the Commissioner may require for the purposes of this Act; or</p> <p>(b) such information or explanation as the Commissioner may require in respect of any particulars stated in any return furnished by such employer; or</p>

		<p>(c) a true copy of the whole or any part of any register or record maintained or deemed to be maintained under this Act by such employer.</p> <p>(3) Any employer furnishing any return or information under subsection (1) may transmit at the same time a written request that such return or information should be treated as confidential and, where such a request is made, the return or information to which the request relates shall not be disclosed without the consent previously obtained of the employer who made the request.</p> <p>(4) No information (whether contained in a return or not) furnished under subsection (1) shall be so arranged, in any report made or publication issued by or with the authority of the Commissioner of Labour, as to facilitate the identification of the information as being information relating to any individual employer or person.</p>
Estate Duty Act (No. 13 of 1980)	66(i) and (ii)	<p>Every person who-</p> <p>(i) being a person required to take an oath of secrecy under section 73 (2), acts under this Act without taking such oath; or</p> <p>(ii) acts in contravention of the provisions of section 73 (1) or to an oath taken under section 73 (2)</p> <p>shall be guilty of an offence and shall for each such offence be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.</p>
	73(1), (2), (3) and (4)	<p>(1) Except in the performance of his duties under this Act, every person who has been appointed under or who is or has been employed in carrying out or in assisting any person to carry out the provisions of this Act, shall preserve and aid in preserving secrecy with regard to all matters relating to the estate of any deceased person that may come to his knowledge in the performance of his duties under this Act, and shall not communicate any such matter to any person other than the executor of such deceased person or the authorized representative of such executor or to the</p>

		<p>Minister or the Secretary to the Ministry nor suffer or permit any person to have access to any records in the possession, custody or control of the Commissioner-General.</p> <p>(2) Every person appointed under or employed in carrying out the provisions of this Act shall before acting under this Act, and the Minister and the Secretary to the Ministry may, before acting under this Act, take and subscribe before a Justice of the Peace an oath of secrecy in the prescribed form.</p> <p>(3) No person appointed under or employed in carrying out the provisions of this Act shall be required to produce in any court any declaration, document or assessment delivered or furnished under this Act or to divulge or communicate to any court any matter or thing coming to his notice in the performance of his duties under this Act, except as may be necessary for the purpose of carrying into effect the provisions of this Act or of any other written law administered by the Commissioner-General.</p> <p>(4) Notwithstanding anything contained in this section, any officer of the Department of Inland Revenue may communicate any matter which comes to his knowledge in the performance of his duties under this Act or under any other written law administered by the Commissioner-General -</p> <p style="padding-left: 40px;">(a) to any other officer of that Department, if the communication is necessary for the performance of any duty under this Act or any such other written law</p>
Evidence Ordinance	123	No one shall be permitted to produce any unpublished official records relating to any affairs of State, or to give any evidence derived there from, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit, subject, however, to the control of the Minister.
	124	No public officer shall be compelled to disclose communications made to him in official confidence when he considers that the public interests would suffer by the disclosure.

Chemical Weapons Convention Act, No.58 of 2007	12(2)(h)	(2) Subject to the provisions of subsection (1), the Authority shall-  (h) ensure confidentiality and maintain secrecy of confidential information and technology collected or received by the Authority under the Act;
	36	(1) Subject to subsection (2), any person who divulges any confidential information obtained by the authority from any declaration or return furnished or any statement made or information supplied to or obtained by, an inspector or an international inspector or a member of the inspection team during the course of any inspection carried out under the provision of this Act or from the OPCW or any State Party, to any other person shall be guilty of an offence under this Act and shall, upon conviction after summary trial before a Magistrate, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred thousand rupees or to both such imprisonment and fine.  (2) Any information specified in subsection (1) may be disclosed only with the written consent of the person to whose affairs it relates or for the purpose of- (a) enabling Sri Lanka to fulfil its obligations under the Convention; or (b) the implementation of these provisions of this Act.
Drug Dependant Persons (Treatment and Rehabilitation) Act, No. 54 of 2007	16 (2)	(2) All records pertaining to a drug dependant person in the custody of a Treatment Centre shall be confidential and shall not be released except on an Order of Court, or in connection with an investigation in respect of the commission of a serious offence within the Centre.
Civil Aviation Act, No. 14 of 2010	57	(1) Every member of the Board shall, before entering upon his duties, sign a declaration pledging himself or herself to observe strict secrecy in respect of all information disclosed at the investigation and shall by such declaration, pledge himself or herself, not to divulge any such information except: (a) when required to do so by a court of law; (b) in the performance of his or her duties as a member of the Board; or

		(c) in order to comply with any provision of this Act or any regulation or rule made thereunder.
	60(3) with (1)	<p>(1) On the conclusion of an investigation, the Board shall prepare a report in such manner as shall be prescribed, stating the circumstances of the case and the conclusion as to the probable cause or causes of the accident or incident, including any observations and recommendations which it thinks fit to make with a view to the preservation of life and the avoidance of similar occurrences in the future. The report shall be submitted to the Authority and the Authority may cause the whole or any part of such report to be published in such manner as it thinks fit.</p> <p>(3) At the time of the submission of the report to the Authority, the Board shall also provide the Authority with any safety information that came to its knowledge during the conduct of the investigation, the confidentiality of which the Board considers should be maintained and the Authority upon receipt of any such safety information, shall record and preserve the same in accordance with the State Safety Programme established under section 116 of this Act.</p>
National Archives Law.	16(1)(e) and (f)	<p>(1) The Minister may make regulations for any one or more of the purposes hereinafter prescribed:</p> <p>(e) prohibition or restriction of the disclosure of information obtained by the public from public archives;</p> <p>(f) maintenance of secrecy by officers of the National Archives in respect of any class or description of public archives in respect of which secrecy is required to be maintained by or under any written law;</p>
National Science Council of Sri Lanka Law.	36(1)(d)	<p>(1) Every person who-</p> <p>(d) being a member or officer or servant of the Council, discloses any information obtained by him in, or in connection with, the exercise of his powers or the performance of his duties under this Law, to any person other than a person to whom such information is necessary for the purpose of the exercise of any power or the performance of any duty under this Law shall be guilty of an offence under this Law.</p>

Goods and Services Tax Act (No. 34 of 1996) <sup>21</sup>	66	<p>Penal provisions relating to breach of secrecy</p> <p>(1) Every person who-</p> <ul style="list-style-type: none"> <li>(a) being a person required to take an oath and fails to take the oath of secrecy when so required under section 72; or</li> <li>(b) acts in contravention of the provisions of section 72; or</li> <li>(c) aids, abets or incites any other person to act in contravention of any of the provisions of this Act,</li> </ul>
	72	<p>(1) Every person who is or has been employed or engaged or Official Secrecy, in carrying out or in assisting any person in carrying out the provisions of this Act shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of any person that may come to his knowledge in the performance of his duties under this Act, and shall not communicate any such matter to any person other than the person to whom such matters relate or to the Minister or to the Secretary to the Ministry of the Minister in charge of the subject of Finance or suffer or permit any person to have access to any records in the possession, custody or control of the Commissioner-General</p> <p>(2) Every person employed in carrying out the provisions of this Act shall, before acting under this Act, and the Minister and the Secretary to the Ministry of the Minister in charge of the subject of Finance shall before acting under this Act take and subscribe before a Justice of the Peace an oath of secrecy in the prescribed form</p> <p>(3) No person employed in carrying out the provisions of this Act <b>shall be required to produce in any court</b> any return, document or to divulge or communicate to any court any matter or thing coming to his notice in the performance of his duties under this Act, except as may be necessary for the purpose of carrying into effect the provisions of this Act or any other written law administered by the Commissioner-General.</p> <p>(4) Notwithstanding anything contained in this section any officer of the Department of Inland Revenue may</p>

<sup>21</sup> Current legal status unclear.

		<p>communicate any matter which comes to his knowledge in the performance of his duties under this Act to any other officer of the Department if the communication is necessary for the performance of any duty under this Act or under any other written law administered by the Commissioner-General and the Commissioner-General may, notwithstanding anything in the Evidence Ordinance relating to the proof of documents, produce or cause to be produced in any Court, in any proceedings under this Act, a copy of any return or document received by him or in his possession under this Act or under any other written law administered by him and certified by him or on his behalf to be a correct copy:</p> <p>(5) Notwithstanding anything contained in this section the Commissioner-General may permit the Auditor-General or any officer of the Department of the Auditor-General duly authorized by him in that behalf to have access to any records or documents as may be necessary for the performance of his official duties. The Auditor-General or any officer authorized by him under this section shall be deemed to be a person employed in carrying out the provision of this Act for the purposes of subsection (2) of this section.</p> <p>(6) Notwithstanding anything contained in this section where it appears to the Commissioner-General from any matter which comes to his knowledge in the performance of his duties under this Act, that any person has committed an offence under the Customs Ordinance or the Excise Ordinance or Excise (Special Provisions) Act, No. 13 of 1989, he may communicate with or deliver to the Commissioner of Excise or the Director-General of Customs as the case may be, any information relating to the commission of the offence or any articles, books of accounts or any other documents necessary or useful for the purpose of proving the commission of such offence.</p>
Fertilizers Act (No. 21 of 1961)	18	If a Fertilizer Inspector discloses any information obtained by him in or in connection with the exercise of his powers under this Act, except to a person acting in the execution of

		this Act and so far as such information may be necessary for such execution, such Inspector shall be guilty of an offence.
Institute of Valuers of Sri Lanka Law (No. 33 of 1975)	22(1)(c) read with Schedule B item 9	<p>22(1)(c) The Council shall have the power to dis-enrol any person who is a member of the Institute, if he-(c) has been found guilty of professional misconduct after an inquiry by the Council or committee of the Council.</p> <p>Schedule B</p> <p>(9) disclosing information acquired in the performance of any professional work except when required so to do by the person who entrusted him with that work or his agent or by a court of law or by a board or commission of arbitration appointed under this Law.</p>
National Planning Council Act No 40 of 1956	12(3) with (1)	<p>(1) The chairman of the Council or any officer of the Planning Secretariat authorized for the purpose by the chairman may -</p> <p>(a) require any person to furnish to him such information as he may consider it necessary to obtain for the purposes of the proper discharge of the functions of the Council, or</p> <p>(b) require any person to produce for inspection, any books or records in his possession containing or likely to contain any such information.</p> <p>(3) Where any information which is prohibited by any written law from being disclosed is disclosed in compliance with a requirement made under subsection (1), such disclosure shall not be deemed to be a contravention of such written law.</p>
	13	<p>(1) No information supplied by any person in compliance with any requirement made under subsection (1) and section 12 shall be published without the consent in writing of the owner for the time being of the land, business or undertaking to which such information relates, nor shall such information be communicated to any person except in the discharge of the functions of the Council or the Planning Secretariat.</p> <p>(2) Any person who-</p> <p>(a) contravenes the provisions of subsection (1), or</p>

		<p>(b) being in possession of any information which to his knowledge is disclosed in contravention of the provisions of subsection (1), publishes or communicates that information to any other person, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to the same punishment as is prescribed by section 12 for an offence under that section</p>
Public Contracts (No. 3 of 1987)	19(3) and (4) with (1)	<p>Duty to report</p> <p>(1) It shall be the duty of -</p> <p>(a) the Registrar or any member, officer or an employee of a public body, technical committee, tender board or evaluation board of such body;</p> <p>(b) any State officer; or</p> <p>(c) any other person</p> <p>(5) No person shall print or publish any report or statement which directly or indirectly refers to the contents of any report made under subsection (1), except with the written approval of the President.</p> <p>(6) A person who contravenes the provisions of subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine of one hundred thousand rupees or to imprisonment for a term not exceeding two years.</p>
	23	<p>(1) Any person while being employed in any capacity by any public body has occasion to acquire or obtain cognizance of any classified information, and communicates such information to any person other than to a person to whom he has a duty to disclose such information, whether in Sri Lanka or elsewhere, and before or after the award of any tender relating to a public contract, then such person shall be guilty of an offence, and on conviction be liable to a fine of one hundred thousand rupees or to imprisonment for a term not exceeding two years.</p> <p>(2) In this section "classified information" means any facts, information or knowledge, documents or objects that relate to any public contract.</p>

Category 2		
Sri Lanka Institute of Development Administration Act No. 9 of 1982	24	<p>(1) No member of the Institute or an officer or servant of the Institute shall disclose to any person except to the Minister, or for the purposes of the performance of his duties, or the discharge of his functions or when required to do so before a court or under any law, any information acquired by him in the performance of his duties or the discharge of his functions:</p> <p>(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.</p>
Public Contracts (No. 3 of 1987)	29	<p>Every member of the Panel, a Tribunal and the Registrar, and every member of the staff of such Tribunal or of the Registrar shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting his duties and shall by such declaration pledge himself <b>not to reveal any matter except-</b></p> <p>(a) when required to do so by the Tribunal, a court, or the person to whom the transaction or matter relates;</p> <p>(b) in the performance of his duties; and</p> <p>(c) <b>in order to comply with any of the provisions of this Act or any other written law.</b></p>
Sri Lanka Atomic Energy Act No. 40 of 2014	4(d)	<p>The duties and functions of the Board shall be to: -</p> <p>(d) provide on request and where it considers it appropriate, to any relevant government institution or any non-governmental institution whether national or international, and to the general public, information relating to the utilization of nuclear technology or other radioactive materials, where available;</p>
	12(f)	<p>In addition to any powers that are expressly conferred on the Council by this Act, the Council shall for the effective discharge and performance of its functions have the power to –</p> <p>(f) make where available to any person both national and international and to the public, as determined by the Council, information relating to the utilization of sources and incidents and abnormal occurrences, which may cause an impact on human life or the environment;</p>

	43	The Council shall take all necessary measures to protect the information contained in the national register on sources maintained under section 11(d), in order to ensure the safety and security of such sources.
	49(2) with (1)	<p>(1) The Council shall in compliance with international obligations and commitments of Sri Lanka including those under the Safeguards Agreement, prepare a list of nuclear material, equipment and technologies (hereinafter referred to as the “controlled items”) the import into and export from Sri Lanka, which shall be subject to control under this Act.</p> <p>(2) The Council shall give adequate publicity to the list so prepared, in such manner as shall be determined by the Council.</p>
	82	<p>82. (1) Every member, of the relevant authority, every committee, Advisory Committee and Appeals Committee established under this Act, and every expert, Authorized Inspector and all officers of the relevant authority, shall, before entering upon his duties, sign a declaration pledging himself, to observe strict secrecy respecting all matters connected with the working of the relevant authority, and shall by such declaration pledge himself not to reveal any information which may come to his knowledge in the performance or discharge of his duties or functions under this Act, except:</p> <ul style="list-style-type: none"> <li>(a) in order to comply with any provision of this Act or any rule or regulation made thereunder or any <b>other written law</b>; or</li> <li>(b) when ordered by a court of law.</li> </ul> <p>(2) Nothing in the preceding provisions of this section shall be read and construed as authorizing a member, of the relevant authority, a committee, an Advisory Committee or an Appeals Committee established under this Act, or an expert, Authorized Inspector or any officer of the relevant authority, to reveal any information or to do any act in contravention of the rights conferred on any person, by or under the Intellectual Property Act, No. 36 of 2003.</p>

National Dangerous Drugs Control Board Act (No. 11 of 1984)	11	<p>All officers and servants of the Board shall, before entering upon their duties sign a declaration pledging themselves to observe strict secrecy respecting all activities and information received and all matters relating thereto and shall by such declaration pledge themselves not to reveal any matter which may come to their knowledge in the discharge of their duties except -</p> <ul style="list-style-type: none"> <li>(a) when required to do so - <ul style="list-style-type: none"> <li>(i) by the Board, or</li> <li>(ii) by a court of law, or</li> <li>(iii) by the person to whom such matters relate;</li> </ul> </li> <li>(b) in the performance of their duties; or</li> <li>(c) in order to comply with any other provisions of this Act, or any other law.</li> </ul>
Sri Lanka Standards Institution Act (No. 6 of 1984)	39	<p>(1) Every member of the Council or of a committee thereof, or an officer or servant of the Institution or an inspector, shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy in the performance of his duties or discharge of his functions, and shall by such declaration pledge himself not to reveal any information, except</p> <ul style="list-style-type: none"> <li>(a) when required so to do by the Minister or before a court of law;</li> <li>(b) in order to comply with any provisions of this Act, or any other written law; or</li> <li>(c) in the performance of his duties or the exercise of his functions.</li> </ul> <p>(2) The disclosure by any person of any information to the Minister, or to the Council, or any committee or representative thereof, or to an inspector, or any other person for purposes connected with the administration of this Act, shall not prejudice any application subsequently made for a patent.</p>
Banking Act (No. 30 of 1988)	77	<p>Every director manager, officer or other person employed in the business of any licensed commercial bank shall, before entering upon his duties sign a declaration pledging himself to observe strict secrecy in respect of all transactions of the bank, its customers and the state of accounts of any person; and all matters relating thereto, and shall by such</p>

		<p>declaration pledge himself not to reveal any other matters which may come to his knowledge in the discharge of his duties except</p> <p>(a) when required to do so</p> <p>(i) by a court of law;</p> <p>(ii) by the person to whom such matters relate;</p> <p>(b) in the performance of his duties; and</p> <p>(c) in order to comply with any of the provisions of this Act or any other law.</p>
Credit Information Bureau of Sri Lanka Act (No. 18 of 1990)	21(3) with (1)	<p>(1) The Bureau or any person authorized on that behalf by the Bureau may, by notice in writing, require any lending institution to furnish to the Bureau or to any person authorized by the Bureau, within such period as shall be specified in the notice, all such returns and information relating to the borrowers from such lending institution as shall be specified in such notice.</p> <p>(3) No information contained in a return furnished under subsection (1) in compliance with the requirements of a notice issued under this section shall be published or communicated by the Bureau to any other person except to a lending institution which is a shareholder of the Bureau at the report of such shareholder or in the course of the discharge of the functions of the Bureau.</p>
	22	<p>(1) No Director or other officer or servant of the Bureau, shall, except for the purposes of this Act or when required to do so by any law, disclose any information furnished to the Bureau under this Act or produce before any Court or other institution, any return or other information furnished to the Bureau under this Act.</p> <p>(2) No director, officer or servant employed in the business of any lending institution which is a shareholder of the Bureau shall, except for the purposes of this Act or when required to do so by any law, disclose any information furnished to the Bureau under this Act or produce before any Court or other institution any return or other information furnished to the Bureau under this Act.</p>

	23(1)	<p>(1) "Every Director of the Bureau and all officers and servants of the Bureau, shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting all matters connected with the affairs of the Bureau, and shall by such declaration pledge himself not to reveal any matters which may come to his knowledge in the performance or discharge of his duties and functions except:</p> <p>(a) when required to do so by a court of law or by any person or body of persons to whom' such matters relate; and</p> <p>(b) in order to comply with any of the provisions of this Act.</p>
	23(2)	<p>(2) Every director, officer or servant employed in the business of any lending institution which is a shareholder of the Bureau shall sign a declaration pledging himself to observe strict secrecy in respect of credit or financial information obtained by such lending institution sum the Bureau and all matters relating thereto, and shall by such declaration pledge himself not to reveal any such information or matter except</p> <p>(a) when required to do so</p> <p>(i) by a court of law;</p> <p>(ii) by the person to whom such information relates;</p> <p>(b) in order to comply with any provisions of this Act or any other law.</p>
Science and Technology Development Act (No. 11 of 1994)	28 and 29	<p>(28 (1) Every member of the Board or of a committee thereof, and every officer of the Corporation shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting all matters connected with the working, of the Corporation and shall by such declaration pledge himself not to reveal any information, which may come to his knowledge in the performance of his duties or the discharge of his functions, except:</p> <p>(a) in order to comply with any provision of this Act or any other written law; or</p> <p>(b) in the performance of his duties or the discharge of his functions, under this Act.</p>

		<p>(2) Nothing in the preceding provisions of this section shall be read and construed as authorizing a member of the Board or an officer of the Corporation to reveal any information or to do any Act, in contravention of the rights conferred on any person, by, or under, the Code of Intellectual Property Act, No. 52 of 1979.</p> <p>(29) Every person who being a member of the Board or officer or servant of the Corporation contravenes the provision of section 28, shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding twenty thousand rupees.</p>
Housing Development Finance Corporation of Sri Lanka Act (No. 7 of 1997)		<p>(1) Every director, officer or auditor of the Corporation shall before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting all transactions, of the Corporation and all matters relating to such transactions and shall by such declaration pledge himself not to reveal any such transaction or matter except:</p> <ul style="list-style-type: none"> <li>(a) when required so to do by the Board, a court of law, or the person to whom that transaction or matter relates;</li> <li>(b) in the performance of his duties under this Act; and</li> <li>(c) in order to comply with any of the provisions of this Act or any other law</li> </ul> <p>(2) Every director, officer or auditor of the Corporation shall decline to answer any question concerning the business of the Corporation if he cannot answer the question without infringing his pledge of secrecy under subsection (1).</p>
Finance Leasing Act (No. 56 of 2000)	37	The Director or any officer authorised by the Director shall not disclose any information or matter acquired in the discharge of his duties under this Act, except- (a) when required to do so- (i) by a court of law: (ii) by the person to whom such information or matter relates; (b) in the performance of his duties under this Act; or (c) in order to comply with any of the provisions of this Act or any other law.
Civil Aviation Authority of Sri	29	Every member of the Authority and all officers and servants of the Authority shall, before entering upon his duties sign a declaration pledging to observe strict secrecy in respect of

Lanka Act (No. 34 of 2002)		all matters connected with the affairs of the Authority, which has come to his knowledge in the performance or exercise of his duties and powers and shall by such declaration pledge himself not to disclose any such matter, except: <ul style="list-style-type: none"> <li>(a) when required to do so by a court of law; or</li> <li>(b) for the purpose of exercising or discharging the powers and duties under this Act or any other written law.</li> </ul>
	32(3) with (1)	<p>(1) For the purpose of enabling the Authority to exercise perform and discharge its powers, functions and duties under this Act, the Authority or any person authorized in that behalf by the Authority may by notice in writing require any person to furnish to the Authority or to the person authorized within such period as shall be specified in such notice, all such returns or information as shall be specified in such notice</p> <p>(3) The Authority or any member thereof, the Director-General or any officer or servant of the Authority shall not disclose to any person or use any returns or information acquired under subsection (1), except when required to do so by a court of law or for the purpose of exercising, performing or discharging the powers, functions or duties under this Act, or any other written law.</p>
Value Added Tax Act (No. 14 of 2002)	65	<p>Every person who:</p> <ul style="list-style-type: none"> <li>(a) being a person required to take an oath fails to take an oath of secrecy required under section 73: or</li> <li>(b) acts in contravention of the provisions of section 73; or</li> <li>(c) aids, abets or incites any other person to act in contravention of any of the provisions of this Act.</li> </ul> <p>shall be guilty of an offence under this Act and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.</p>
	73	(1) Every person, who is or has been employed or engaged in carrying out or in assisting any person in carrying out the provisions of this Act shall preserve, and aid in preserving

		<p>secrecy with regard to all matters relating to the affairs of any person that may come to his knowledge in the performance of his duties under this Act, and shall not communicate any such matter to any person other than the person to whom such matter relates or to the Minister or to the Secretary to the Ministry of the Minister in-charge of the subject of Finance or suffer or permit any person to have access to any records in the possession, custody or control of the Commissioner-General.</p> <p>(2) Every person employed in carrying out the provisions of this Act shall, before acting under this Act and the Minister and the Secretary to the Ministry of the Minister in-charge of the subject of Finance shall, before acting under this Act, take and subscribe before a Justice of the Peace an oath of secrecy in the prescribed form</p> <p>(3) No person employed in carrying out the provisions of this Act shall be required to produce in any Court any return, document or to divulge or communicate to any Court any matter or thing coming to his notice in the performance of his duties under this Act, except as may be necessary for the purpose of carrying into effect the provisions of this Act or any other written law administered by the Commissioner-General.</p> <p>(4) Notwithstanding anything contained in this section any officer of the Department of Inland Revenue may communicate any matter which comes to his knowledge in the performance of his duties under this Act to any other officer of the Department if the communication is necessary for the performance of any duty under this Act or under any other written law administered by the Commissioner-General and the Commissioner-General may, notwithstanding anything in the Evidence Ordinance relating to the proof of documents, produce or cause to be produced in any court, in any proceedings under this Act, a copy of any return or document received by him or in his possession under this Act or under any other written law administered by him and certified by him or on his behalf to be a correct copy</p>
--	--	---

		<p>(5) Notwithstanding anything contained in this section the Commissioner-General may permit the Auditor-General or any officer of the Department of the Auditor-General duly authorised by him in that behalf to have such access to any records or documents as may be necessary for the performance of his official duties. The auditor-general or any other officer authorised by him under this section shall be deemed to be a person employed in carrying out the provisions of this Act for the purposes of subsection (2)</p> <p>(6) Notwithstanding anything contained in this section where it appears to the Commissioner-General from any matter which comes to his knowledge in the performance of his duties under this Act, that any person has committed an offence under the Customs Ordinance or the Excise Ordinance or Excise (special provisions) Act, No. 13 of 1989, he may communicate with or deliver to the Commissioner of Excise or the Director-General of Excise or the Director-General of Customs as the case may be, any information relating to the commission of offence or any articles, books of accounts or any other documents necessary or useful for the purpose of proving the commission of such offence.</p>
Finance Business Act, No. 42 of 2011	61	<p>(1) Every director, manager, officer, employee and agent of any finance company and of any body corporate authorized in terms of paragraph (a) of subsection (2) of section 38 shall observe strict secrecy in respect of all transactions of the finance company, its customers and the state of accounts of any person and all matters relating thereto and shall not reveal any such matter except:</p> <ul style="list-style-type: none"> <li>(a) when required to do so by a court of law or by the person to whom such matter relates, in the performance of the duties of such director, manager, officer, employee and agent; or</li> <li>(b) in order to comply with any of the provisions of this Act or any other written law</li> </ul> <p>(2) Every director, manager, officer, employee and agent of any finance company and of any body corporate authorized in terms of paragraph (a) of subsection (2) of section 38 shall sign a declaration pledging himself to observe strict secrecy in accordance with subsection (1).</p>

		(3) The provisions of subsections (1) and (2) shall not prohibit a finance company from providing in good faith to another finance company or request an opinion or reference relating to a customer in accordance with customary practices in the finance industry.
Divineguma Act, No 1 of 2013	39	The Director-General, Additional Directors-General, every Director, Deputy Director, Assistant Director and officers and servants of the Department, shall before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all matters connected with the working of the Department and shall by such declaration pledge himself not to disclose any matters which may come to his knowledge in the discharge of his functions, except: <ul style="list-style-type: none"> <li>(a) when required to do so by a court of law; or</li> <li>(b) in order to comply with any of the provisions of this Act or any other written law.</li> </ul>
National Medicines Regulatory Authority Act, No. 5 of 2015	24	Every member of the Authority and all officers and employees of the Authority shall, before entering upon duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the Authority, which has come to his knowledge in the performance or exercise of his powers and functions under this Act and shall by such declaration pledge himself not to disclose any such matter, except: <ul style="list-style-type: none"> <li>(a) when required to do so by a court of law; or</li> <li>(b) for the purpose of exercising or performing the powers and functions under this Act or any other written law.</li> </ul>
	46	Every member of the MR Division and the MEC and all officers and employees of the MR Division and the MEC shall, before entering upon duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the MR Division and the MEC, which has come to his knowledge in the performance or exercise of his powers and functions under this Act and shall by such declaration pledge himself not to disclose any such matter, except: <ul style="list-style-type: none"> <li>(a) when required to do so by a court of law; or</li> </ul>

		(b) for the purpose of exercising or performing the powers and functions under this Act or any other written law.
	71	<p>Every member of the MDR Division and the MDEC and all officers and employees of the MDR Division and the MDEC shall, before entering upon duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the MDR division and the MDEC, which has come to his knowledge in the performance or exercise of his powers and functions under this Act and shall by such declaration pledge himself not to disclose any such matter, except:</p> <p>(a) when required to do so by a court of law; or</p> <p>(b) for the purpose of exercising or performing the powers and functions under this Act or any other written law.</p>
	92	<p>Every member of the BPR division and the BPEC and all officers and employees of the BPR division and the BPEC shall, before entering upon duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the BPR division and the BPEC, which has come to his knowledge in the performance or exercise of his powers and functions under this Act and shall by such declaration pledge himself not to disclose any such matter, except:</p> <p>(a) when required to do so by a court of law; or</p> <p>(b) for the purpose of exercising or performing the powers and functions under this Act or any other written law.</p>
National Housing Development Authority Act	74	<p>(1) Every officer or servant of the Authority shall, before, on or after entering upon his duties under this Act, sign a declaration pledging himself to observe strict secrecy respecting all transactions of the Authority or the General Manager and all matters relating to such transactions, and shall, by such declaration, pledge himself not to reveal any matter which may come to his knowledge in the discharge of his duties except:</p> <p>(a) when required to do so by the General Manager; or</p> <p>(b) in the performance of his duties; or</p>

		<p>(c) in order to comply with the provisions of this Act or any other law.</p> <p>(2) Every officer or servant of the Authority shall decline to answer any question concerning the business of the Authority if he cannot answer the question without infringing his pledge of secrecy under subsection (1).</p> <p>(3) Every officer or servant who fails or refuses to sign the declaration, or to observe the pledge, referred to in subsection (1) shall be guilty of an offence and shall, on conviction after summary inquiry before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.</p>
National Institute of Business Management Law	27	<p>(1) No member of the Board or an officer or servant of the Institute shall disclose to any person except to the Minister, or for the purposes of the performance of his duties, or the exercise of his functions or when required to do so before a court or under any law, any information acquired by him in the performance of his duties or the exercise of his functions:</p> <p>Provided, however, that no information in relation to matters which the Institute is bound to treat as confidential by any agreement with another party other than the Government shall be disclosed under the preceding provisions of this section.</p> <p>(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.</p>
National Savings Bank Act	33	<p>Every director, general manager, auditor, officer, servant, member of agency, accountant or other person employed in the business of the Bank shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting all transactions of the Bank, its customers and the state of accounts with any person and all matters relating thereto and shall by such declaration pledge himself not to reveal any matters which may come to his knowledge in the discharge of his duties except -</p> <p>(a) when required so to do-</p>

		<p>(i) by the Board, or (ii) by a court of law, or (iii) by the person to whom such matters relate; (b) in the performance of his duties; and (c) in order to comply with any of the provisions of this Act or any other law.</p> <p>Provided that the signing of such a declaration by a person so employed shall not be obligatory if such person is also employed in the business of a post office, but such person shall be deemed to have signed such a declaration.</p>
	34	Every director, general manager, auditor, secretary, advisor, or other officer or servant of the Bank shall, except when required to do so by a court or by any law, decline to answer any question concerning the business of the Bank which may be put to him on any occasion whatsoever, if he considers that the answer to such question would disclose or tend to disclose the secrets of the Bank or the business or affairs of any customer of the Bank.
Sri Lanka Export Development Act	28	<p>Every member, officer, servant, agent or auditor of the Board shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting all transactions of the Board and all matters relating to such transactions and shall by such declaration pledge himself not to reveal any such transaction or matter except:</p> <p>(a) when required so to do by the Board, a court of law, or the person to whom the transaction or matter relates; (b) in the performance of his duties; and (c) in order to comply with any of the provisions of this Act or any other written law.</p>
Sri Lanka Export Credit Insurance Corporation Act	29	<p>Every Director, employee or auditor of the Corporation shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting all transactions of the Corporation and all matters relating to such transactions and shall by such declaration pledge himself not to reveal any such transaction or matter except:</p> <p>(a) when required so to do by the Board of Directors, a court of law, or the person to whom the transaction or matter relates;</p>

		<p>(b) in the performance of his duties; and</p> <p>(c) in order to comply with any of the provisions of this Act or any other written law.</p>
State Mortgage and Investment Bank Law	29	<p>Every Director, General Manager, Secretary, advisor, employee, secrecy member of agency, accountant or other person employed in the business of the Bank shall, before entering upon his duties, sign a declaration pledging himself to observe strict secrecy respecting all transactions of the Bank, its customers, and the state of accounts with any person and all matters relating thereto and shall by such declaration pledge himself not to reveal any matters which may come to his knowledge in the discharge of his duties except:</p> <p>(a) when required so to do: -</p> <p style="padding-left: 40px;">(i) by the Board, or</p> <p style="padding-left: 40px;">(ii) by a court of law, or</p> <p style="padding-left: 40px;">(iii) by the person to whom such matters relate;</p> <p>(b) in the performance of his duties; and</p> <p>(c) in order to comply with any of the provisions of this Law or any other law.</p>
	30	<p>Every director, General Manager, auditor, secretary, advisor, and other employee of the Bank shall decline to answer any questions concerning the business of the Bank which may be put to him on any occasion whatsoever, if he considers that the answer to such question would disclose or tend to disclose the secrets of the Bank or the business or affairs of any customer of the Bank, except in circumstances specified in the preceding section.</p>
Sri Lanka Accreditation Board for Conformity Assessment Act (No. 32 of 2005)	30	<p>Every member of the Council or any Committee thereof, every officer and servant of the Board and every Assessor appointed under this Act shall, before entering upon his duties sign a declaration pledging not to disclose any matter which may come to his knowledge in the exercise and performance of his powers and duties under this Act except:</p> <p style="padding-left: 40px;">(a) when required to do so by a court of law;</p> <p style="padding-left: 40px;">(b) in order to comply with any of the provisions of this Act or other written law.</p>
Statistics Ordinance	5(4) with (1)	<p>(1) The Director may at any time by notice in writing require any person to supply, substantially in the prescribed form and before a specified date, any information relating to any matter to which this Ordinance applies.</p>

		<p>(4) Nothing in this section contained shall affect or be deemed to affect any written or other law relating to the disclosure or nondisclosure of any official, secret, or confidential information, evidence, or document; and any person required by the Director or by an officer authorized by the Director to supply any information, to give any evidence, or to produce any document, shall be entitled in respect of such information, evidence, or document to plead the same privilege before the Director or such officer as before a court of law.</p>
	7	<p>(1) No information supplied by any one person under the provisions of this Ordinance shall be published without the consent in writing of the owner for the time being of the land, business, or undertaking to which that information relates; nor, except for the purposes of a prosecution under this Ordinance, shall that information be divulged or communicated to any person not engaged in the collection and preparation of statistics under this Ordinance.</p> <p>(2) Every person engaged in the collection and preparation of statistics under this Ordinance shall make a declaration in the prescribed form that he will not, except for the purposes of this Ordinance, disclose or make use of any information supplied under this</p>
	8	<p>Any person who-</p> <p>(a) knowingly acts in contravention of a declaration made by him under section 7; or</p> <p>(b) being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of section 7, publishes or communicates that information to any other person, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding one year or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.</p>
Bank of Ceylon (No.60 of 1980)	61	<p>Every director, manager, auditor, officer, servant, agent, accountant, or other person employed in the business of the bank, shall, before entering upon his duties sign a</p>

		<p>declaration pledging himself to observe strict secrecy respecting all transactions of the bank, its customers, and the state of accounts with any person and all matters relating thereto and shall by such declaration pledge himself not to reveal any other matters which may come to his knowledge in the discharge of his duties except-</p> <p>(a) when required to do so-</p> <p>(i) by the directors, or</p> <p>(ii) by a court of law, or</p> <p>(iii) by the person to whom such matters relate;</p> <p>(b) in the performance of his duties; and</p> <p>(c) in order to comply with any of the provisions of this Ordinance or any other law. Declarations of secrecy made before 24th March, 1952. Every declaration made under this section before the 24th day of March, 1952, shall, for all purposes, have effect and be deemed to have had effect as though the reference in such declaration to "accounts with individuals" were a reference to "accounts with any person".</p>
	62	<p>Every director, auditor, manager, secretary, or other officer of the bank shall, except when required to do so by a court or by any law, decline to answer any question concerning the business of the bank which may be put to him on any occasion whatsoever, if he considers that the answer to such question would disclose or tend to disclose the secrets of the bank or the business or affairs of any customer of the bank.</p>
National Development Bank of Sri Lanka. Act (No. 2 of 2005) <sup>22</sup>	69	<p>Every Director, manager, auditor, officer, servant, agent, accountant, or other person employed in the business of the Bank, shall before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all transactions of the Bank, its customers, and the state of accounts with any person and all matters relating thereto and shall by such declaration pledge himself not to reveal any other matters which may come to his knowledge in the discharge of his duties except</p> <p>(a) when required so to do</p> <p>(i) by the Board of Directors, or</p>

<sup>22</sup> It is unclear if this institution comes within the definition of a public authority in the RTI act  
[http://ndbbank2013.annualreports.lk/inner\\_pagers/04bm\\_organizational\\_profile.html](http://ndbbank2013.annualreports.lk/inner_pagers/04bm_organizational_profile.html) ;  
[http://www.ndbbank.com/pages/english/investor\\_relations/pdf/sdi/NDB\\_Share\\_History.pdf](http://www.ndbbank.com/pages/english/investor_relations/pdf/sdi/NDB_Share_History.pdf)

		<p>(ii) by a court of law, or</p> <p>(iii) by the persons to whom such matters relate;</p> <p>(b) in the performance of his duties; and</p> <p>(c) in order to comply with any of the provisions of this Act.</p>
	70	<p>Every Director, auditor, manager, secretary or other officer of the Bank shall, <b><u>except when required to do so by a court or by any law</u></b>, decline to answer any question concerning the business of the Bank which may be put to him on any occasion whatsoever, if he considers that the answer to such question would disclose or tend to disclose the secrets of the Bank or the business or affairs of any customer of the Bank.</p>

### Category 3

Adoption of Children Ordinance	11(1)	The Adoption Register and Index kept under section 10 shall not be open for public inspection or search.
	12	<p>The Registrar-General shall, in addition to the Adoption Register and the index thereof, keep such other books and registers and make such entries therein as may be necessary to record and make traceable the connection between any entry in any register of births which has been marked "Adopted" in accordance with the provisions of section 10, and any corresponding entry in the Adoption Register:</p> <p>Provided that no books and registers kept under this section shall be open to public inspection or search, and that the Registrar-General shall not, except under an order of a court of competent jurisdiction, furnish any person with any information contained in, or with any copy or extract from, any such register or book.</p>
Clothing Industry Training Institute Act (No. 3 of 1984)	32(4) with (1)	<p>(1) For the purpose of enabling the Institute to exercise, perform and discharge any of its powers, functions and duties under section 4 the Chairman of the Board, a member, the Director of the Institute or any employee authorized in that behalf by the Board, may, by notice in writing, require any person to furnish within such period as shall be specified in the notice all such information as may be specified in such notice.</p>

		(4) The Chairman or a member of the Board, the Director of the Institute or any officer or employee of the Institute shall not disclose to any person or use any information acquired under the provisions of subsection (1) except when required to do so by a court of law or for the purposes of achieving the objects of the Institute.
	25(3) with (1)	<p>(1) For the purpose of enabling the Council to exercise, perform and discharge any of its powers, duties and functions, under sections 5 and 6 of this Act, the Council or any person authorized in that behalf by the Council may, by notice in writing, require any person to furnish to the Council or to the person authorized by the Council, within such period as shall be specified in the notice, all such returns and information as shall be specified in such notice.</p> <p>(3) No information contained in a return furnished under subsection (1) in compliance with the terms of a notice issued under this section shall be published or communicated by the Council to any other person except with the consent of the person furnishing such return or information or in the course of the discharge of the functions of the Council.</p>
Business Names Act (No. 7 of 1987)	30	The Registrar may, if in his opinion it is no longer necessary or desirable to retain them, destroy or give to the Department of National Archives, after giving one month's notice in the Gazette of his intention to do so, any document which has been lodged, filed or registered for not less than seven years.
Rehabilitation of Persons, Properties and Industries Authority Act (No. 29 of 1987)	13	<p>(1) The Chairman may, by a notice in writing, require any person to furnish any such information or to produce any such book, register or document as the Chairman may consider necessary for the proper exercise or his powers or the discharge of his functions, and it shall be the duty of any person who receives such notice to comply with the terms of such notice, unless he is prohibited by the provisions of any written law from furnishing such information or producing such book, register or document.</p> <p>(2) No information furnished or the contents of a book, register or document produced in compliance with terms of</p>

		a notice issued under this section shall be published or communicated by the Chairman to any other person, except with the consent of the person furnishing such information or producing such book, register or document, as the case may be, or in the course of the discharge of his functions under this Act.
Securities Council Act (No. 36 of 1987)	45(3) with (1)	<p>(1) For the purpose of enabling the Council to exercise, perform and discharge any of its powers, functions and duties under section 13 of this Act, the Council or any, person authorized in that behalf by the Council may by notice in writing require any person to furnish to the Council or to the person authorized, within such period as shall be specified in the notice, all such returns or information as shall be specified in such notice.</p> <p>(3) The Council or any member thereof, or any officer or servant of the Council, shall not disclose to any person or use any returns or information acquired under subsection (1), except when required to do so by a court of law or for the purposes of achieving, the objects of the Council.</p>
Sri Lanka Council for Agricultural Research Policy Act (No. 47 of 1987)	28(3) with (1)	<p>(1) For the purpose of enabling the Council to exercise, perform and discharge any of its powers, duties and functions under this Act, the Council or any person authorized in that behalf by the Council may by notice in writing, require any person engaged in agricultural research to furnish to the Council or to the person authorized by the Council, within such period as shall be specified in 'the notice, all such returns and information as shall be specified in such notice.</p> <p>(3) No information contained in a return furnished under subsection (1) in compliance with the requirements of a notice issued under this section shall be published or communicated by the Council to any 'other person except with the consent of the person furnishing such return or information or in the course of the discharge of the functions of the Council.</p>
Transplantation of Human Tissues Act (No. 48 of 1987)	18(a)	Except where legally required to do so, no person shall disclose or give to any other person any information or document whereby identity of any person

		<p>(a) who has given or refused to give consent under this Act; or</p> <p>(b) with respect to whom, consent has been given under this Act; or</p> <p>(c) into whose body a tissue has been, is being or may be transplanted, may become publicly known.</p>
Industrial Promotion Act (No. 46 of 1990)	28	The Registrar, Deputy Registrar, Assistant Registrar and any other officer discharging any functions under this Act shall before entering upon his duties sign a declaration pledging himself to observe strict secrecy regarding all matters relating to an industrial undertaking which may come to his knowledge in the discharge of his functions and by such declaration pledge himself not to reveal any such matters except when required to do so by a court of law.
National Education Commission Act (No. 19 of 1991)	14	<p>Every member of the Commission and all officers and servants of the Commission, shall before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all matters connected with the working of the Commission, and shall by such declaration pledge himself not to disclose any matters which may come to his knowledge in the discharge of his functions, except"</p> <p>(a) when required to do so by a court of law, or</p> <p>(b) in order to comply with any of the provisions of this Act.</p>
	15 (3) with (1)	<p>(1) For the purpose of enabling the Commission to exercise and discharge any of its powers and functions, under this Act, the Commission or any person authorised in that behalf by the Commission may, by notice in writing, require any person to furnish to the Commission or to the person authorised by the Commission, within such period as shall be specified in the notice, such returns and information as shall be specified in such notice or require any person to be present at any hearing to be conducted by the Commission.</p> <p>(3) No information contained in a return furnished under subsection (1) in compliance with the requirements of a notice issued under this section shall be published or communicated by the Commission to any other person except with the consent of the person furnishing such return or information or in the course of the discharge of the functions of the Commission.</p>

Sri Lanka Telecommunications Act (No. 25 of 1991)	54	<p>(1) Subject to the provisions contained in subsection (3) every telecommunication officer or any person having official duties in connection with a telecommunication system who otherwise than in the course of his duty.</p> <p>(a) intentionally intercepts a message sent by means of that system or its usage information; or</p> <p>(b) disclose to any person the contents of a message sent by means of that system which he had intentionally intercepted</p> <p>(2) Subject to the provisions contained in subsection (3) every telecommunication officer or any person having official duties in connection with the running of a telecommunication system who otherwise than in the course of his duty intentionally discloses to any person the contents of any statement of account specifying the telecommunication services provided to any other person by means of that system, shall be guilty of an offence.</p> <p>(3) The provisions of paragraph (a) of subsection (1) shall not apply to anything done in obedience to any direction given under the hand of the Minister under this Act, and paragraph (b) of that subsection and subsection (2) shall not apply to any disclosure in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings.</p> <p>(4) Every officer or person guilty of an offence under this section shall be liable on conviction to a fine not exceeding ten thousand rupees, or imprisonment of either description for a term not exceeding six months.</p>
Promotion of Export Agriculture Act (No. 46 of 1992)	7	<p>(1) The Director too may, by notice, require any person to furnish any such information or to produce any such document as the Director may consider necessary for the exercise of his powers or the discharge of his functions under this Act, and it shall be the duty of any " person who receives such notice to comply with the terms of any such notice.</p> <p>(2) No information contained in a return furnished under section 6 and no information furnished or the contents of a</p>

		document produced in compliance with the terms of a notice issued under this section shall be published or communicated by the Director to any other person except with the consent of the person furnishing such return or information, or producing such document, as the case may be, or in the course of the discharge of the functions of the Director.
Public Enterprises Reform Commission of Sri Lanka Act (No. 1 of 1996)	12	<p>(1) For the purpose of enabling the Commission to exercise, perform and discharge any of its powers, duties and functions under section 5 of this Act, the Commission or any person authorized in that behalf by the Commission may by notice in writing require any person to furnish to the Commission or to the person authorized, within such period as shall be specified, in the notice, all such returns or information pertaining to any business affairs or transactions of any public enterprise as are known to or in the possession of any person as shall be specified in such notice.</p> <p>(3) The Commission or any member thereof or any officer or servant of the Commission, shall not disclose to any person or use any returns or information furnished under subsection (1), except when required to do so by a court of law or for the purposes of achieving the objects of the Commission.</p>
National Human Resources Development Council of Sri Lanka Act (No. 18 of 1997)	25	Every member of the Council and all officers and servants of the Council shall before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all matters connected with the working of the Council, and shall by such declaration pledge himself not to disclose any matters which may come to his knowledge in the discharge of his duties and functions, except - <ul style="list-style-type: none"> <li>(a) when required to do so by a court of law, or</li> <li>(b) in order to comply with any of the provisions of this Act.</li> </ul>
	26(3) with (1)	(1) For the purpose of enabling the Council to exercise and discharge any of its powers and functions under this Act, the Council or any person authorized in that behalf by the Council may, by notice in writing require any person to furnish to the Council or to the person authorized by the Council, within such period as may be specified in the

		<p>notice, such returns or information as shall be specified in such notice or require any person to be present at any hearing to be conducted by the Council or any person authorized in that behalf by the Council, and to furnish such information as may be required, by the Council or such person;</p> <p>(3) No information contained in a return furnished under subsection (1) of this section, in compliance with the requirements of a notice issued under this section shall be published or communicated by the Council to any other person except with the consent of the person furnishing such return or information or in the course of the exercise and discharge of the powers or functions of the Council.</p>
Tax and Foreign Exchange Amnesty Act (No. 4 of 1997)	10	<p>(1) Subject to the provisions of subsection (2), every officer or employee of the Department of Inland Revenue or of the Department of Exchange Control or of the Bank shall preserve, and aid in preserving, secrecy with regard to all matters that may come to his knowledge in the administration of this Act and shall not give, divulge or reveal, any information whatsoever regarding any such special accounts as is referred to in section 3 to any individual, corporation, bank, court, institution, entity, department, official, agent, representative of the Government of Sri Lanka or to any other or natural person.</p> <p>(2) Notwithstanding the provisions of subsection (1), the Commissioner-General or the Controller of Exchange, or an officer or employee of the Bank, as the case may be, shall, if he is required to do so -</p> <ul style="list-style-type: none"> <li>(i) by the person to whom such matter or information relates;</li> <li>(ii) by a provision of any law giving effect to an international convention on narcotics or hijacking, in any criminal proceedings instituted under that law, in any court;</li> <li>(iii) by an order of the Supreme Court, made on application there, on the ground that moneys in any special account referred to in section 3 have been, or are being used, in furtherance of an act which constitutes an offence under the Prevention of</li> </ul>

		<p>Terrorism (Temporary Provisions) Act, No. 48 of 1979; or</p> <p>(iv) by an order of any legal proceedings instituted by or against the Bank or by or against the holder of a special account referred in section 3, relating to a banking transaction arising from such special account, communicate to such person or court in so far as a such communication is strictly necessary for the purposes of complying with such requirement or order of court, any matter or information which has come to his knowledge in the administration of this Act.</p> <p>(3) Any officer or employee of the Department of Inland Revenue or of the Department of Exchange Control or of the Bank who acts in contravention of the provisions of subsection (1) shall, be guilty of an offence under this Act, and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.</p>
Tax and Foreign Exchange Amnesty Act (No. 47 of 1998)	8	<p>(1) Except in the performance of his duties under this Act and subject to the provisions of subsection (2), every officer or employee of, the Department of Inland Revenue, the Department of Exchange Control and every Bank shall preserve, and aid in preserving, secrecy with regard to all matters that may come to his knowledge in the administration of this Act and shall not give, divulge or reveal, any information whatsoever regarding any such investment or deposit as is referred to in section 3, to any individual, corporation, bank, court, institution, entity, department, official, agent, representative of the Government of Sri Lanka or to any other legal or natural person.</p> <p>(2) Notwithstanding the provisions of subsection (1), the Commissioner-General, the Controller of Exchange, or any Bank, as the case may be, shall, if required to do so-</p> <p>(i) by the person to whom such matter or information relates;</p>

		<p>(ii) by any provision of any law giving effect to an international convention on narcotics or hijacking, in any criminal proceedings instituted under that law in any court;</p> <p>(iii) by the competent authority of any country with which Sri Lanka has, under the law for the time being applicable to the imposition of income tax, entered into any agreement for the avoidance of double taxation on income, in accordance with that agreement; or</p> <p>(iv) by an order of the Supreme Court, made on application therefore, on the ground that moneys represented by any investment or deposit referred to in section 3 have been, or are being used, in furtherance of an act which constituted an offence under the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979</p> <p>(3) Any officer or employee of, the Department of Inland Revenue, or the Department of Exchange Control or any Bank who acts in contravention of the provisions of subsection (1) shall be guilty of an offence under this Act and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.</p>
Sri Lanka Institute of Strategic Studies Act (No. 45 of 2000)	14	<p>(1) Every member of the - Board and all officers and servants of the Institute shall before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all matters connected with the working of the Institute, and shall by such declaration pledge himself not to reveal any matter which may come to his knowledge in the discharge of his functions, except:</p> <p>(a) when required to do so by a court of law; and</p> <p>(b) in order to comply with any of the provisions of this Act.</p> <p>(2) A member of the Board or officer or servant of the Institute who discloses any information obtained by him in connection with the discharge of his functions under this Act. to any person for any purpose other than for a purpose</p>

		authorized by subsection (1) shall be guilty of an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding ten thousand rupees.
Electricity Reform Act (No. 28 of 2002)	64	<p>(1) The Commission may, for the purposes of discharging and performing its functions and duties under this Act, by notice in writing, require any persons to furnish to the Commission or any person authorized by the Commission, and within such period as may be specified in the notice, all such returns and information as may be specified in such notice.</p> <p>(2) It shall be the duty of every person who is required to furnish any returns or information by a notice under subsection (1), to comply with the requirement of the notice within the period specified in the notice, except where he or she is prohibited from furnishing returns or information by the provisions of any law.</p> <p>(3) No information furnished in compliance with the requirements on a notice sent under this section shall be published or disclosed by the Commission to any other person except with the consent of the person furnishing such information</p> <p>(4) The disclosure by the Commission of any information referred to in subsection (3) without the consent of the person furnishing such information -</p> <ul style="list-style-type: none"> <li>(a) to a court of law when required to do so by such court;</li> <li>(b) for the purposes of discharging any function assigned to it by this Act; or</li> <li>(c) for the purposes of enabling compliance with a condition of a licence granted under this Act</li> </ul>
Survey Act (No. 17 of 2002)	58(3) with (1)	<p>(1) For the purpose of enabling the Council to exercise and discharge any of the powers and functions under this Act, the Council or any person authorised in that behalf by the Council may by notice in writing require any registered surveyor to furnish to the Council or to the person authorised within such period as shall be specified in the notice, all such returns and information pertaining" to the practice by him, of land surveying as are known to or in the</p>

		<p>possession of such surveyor including original field notes and plans or maps.</p> <p>(3) The Council or any member thereof or any officer or servant of the Council, shall not disclose to any person or use any return or information furnished under subsection (1) except when required to do so by a court of law or for the purpose of discharging its functions.</p>
Consumer Affairs Authority Act (No. 9 of 2003)	57	<p>(1) The Authority or any person authorized in that behalf by the Authority may, by notice in writing require any person within such period as shall be specified in the notice, to furnish any information or to produce any document as shall be specified in such notice, which the Authority may consider necessary for the proper discharge of its functions under this Act, and it shall be the duty of any person who receives such notice to comply with such requirement within the time 'specified in such notice, notwithstanding the provisions of any written law which may prohibit such person from disclosing such information or from producing such document :</p> <p>(2) No information contained in a return furnished under section 56 and no information furnished or the contents of a document produced in compliance with the terms of a notice issued under this section, shall be published or communicated by the Authority to any other person except with the consent of the person furnishing such return or information, or producing such document, as the case may be, or in the course of the discharge of its functions by the Authority.</p>
Payment and Settlement Systems Act (No. 28 of 2005)	40	<p>(1) Any information or documents obtained under this Act by the Central Bank shall be treated as confidential.</p> <p>(2) Nothing in subsection (1) precludes the Central Bank from disclosing any information or documents to any government agency or regulatory body charged with the regulation of financial institutions, provided that the Central Bank is satisfied that the information or documents shall be treated as confidential by the agency, body or person to whom they are disclosed.</p>

		(3) Nothing contained in the provisions of subsection (1) shall preclude the Central Bank from disclosing any information if required to do so by a Court of law.
National Authority on Tobacco and Alcohol Act (No. 27 of 2006)	24(3) with (1)	<p>(1) For the purpose of enabling the Authority to exercise, and discharge any of the powers, and functions under section 14 and section 15 of this Act, the Authority, or any person authorized in that behalf by the Authority may by notice in writing require any manufacturer or trader to furnish to the Authority or to the person authorized, within such period as shall be specified in the notice, all such returns or information relating to any tobacco product or alcohol product, as are known to be, or are, in the possession of such person.</p> <p>(3) The Authority or any member thereof or any officer or servant of the Authority, shall not disclose to any person any information in the possession of the Authority or use any returns or information furnished under subsection (1), unless required to do so by a court of law or for the purposes of discharging the functions of the Authority as the case may be.</p>
Payment Devices Frauds Act (No. 30 of 2006)	12	<p>(1) Every person engaged in an investigation under this Act shall maintain strict confidentiality with regard to all information as may come to his knowledge in the course of such investigation and he shall not, other than in the discharge of his duties under this Act, disclose to any person or utilize for any purpose whatsoever any information so obtained.</p> <p>(2) Every person from whom any information has been requested or obtained and any person to whom a written notice has been issued for the preservation of any information, shall maintain strict confidentiality in relation to such information and the fact that such information has been requested, obtained or required to be preserved, and shall not make any disclosure in regard to such matters other than when required to do so in compliance with the provisions of any written law.</p> <p>(3) A person referred to in this section shall not be held liable under the civil or criminal law for the disclosure of any</p>

		<p>data or other information for the purposes of an investigation under this Act.</p> <p>(4) Any person who contravenes the provisions of subsections (1) and (2) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three hundred thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.</p>
Air Force Act	75(1) and (2)	<p>(1) Any person tried by a court martial for an offence shall be entitled to obtain from the person having the custody of the record of the proceedings of that court martial a copy thereof, upon payment for it at such rate not exceeding ten cents for every folio of seventy-two words as may be prescribed.</p> <p>(2) The right conferred by subsection (1) of this section shall be subject to the condition that the demand for the copy of the proceedings of the court martial by the person referred to in that subsection is made</p> <p style="padding-left: 40px;">(a) where the court martial is a general court martial, at any time within seven years, and</p> <p style="padding-left: 40px;">(b) where the court martial is a field general court martial or a district court martial, at any time within three years, after the confirmation of his conviction and the sentence passed on him by the court martial or after his acquittal.</p>
	96(e)	Every person subject to this Act who while on active service- (e) by word of mouth, or in writing, or by signals, or otherwise spreads reports calculated to create unnecessary alarm or despondency
	125	Every person subject to this Act who, orally or in writing, or by signal or otherwise, discloses the numbers or position of any forces in Sri Lanka, or any magazines or stock of such forces, or any preparations for, or orders relating to, operations or movements of such forces, at such time and in such manner as, in the opinion of the court martial, to have produced effects injurious to such forces, shall be guilty of an air-force offence and shall, on conviction by a court martial, be liable, if he is an officer, to be cashiered or to suffer any less severe punishment in the scale set out in

		section 133, and, if he is an airman, to suffer simple or rigorous imprisonment for a term not exceeding three years or any less severe punishment in the scale set out in section 133.
Army Act	75(1) and (2)	<p>(1) Any person tried by a court martial for an offence shall be entitled to obtain from the person having the custody of the record of the proceedings of that court martial a copy thereof, upon payment for it at such rate not exceeding ten cents for every folio of seventy-two words as may be prescribed.</p> <p>(2) The right conferred by subsection (1) of this section shall be subject to the condition that the demand for the copy of the proceedings of the court martial by the person referred to in that subsection is made-</p> <p style="padding-left: 40px;">(a) where the court martial is a general court martial, at any time within seven years, and</p> <p style="padding-left: 40px;">(b) where the court martial is a field general court martial or a district court martial, at any time within three years, after the confirmation of his conviction and the sentence passed on him by the court martial or after his acquittal.</p>
	96(e)	<p>Every person subject to this Act who while on active service-</p> <p>(e) by word of mouth, or in writing, or by signals, or otherwise spreads reports calculated to create unnecessary alarm or despondency</p>
	125	<p>Every person subject to military law who, orally or in writing, or by signal or otherwise, discloses the numbers or position of any forces in Sri Lanka, or any magazines or stock of such forces, or any preparations for, or orders relating to, operations or movements of such forces, at such time and in such manner as, in the opinion of the court martial, to have produced effects injurious to such forces, shall be guilty of a military offence and shall, on conviction by a court martial, be liable, if he is an officer, to be cashiered or to suffer any less severe punishment in the scale set out in section 133, and, if he is a soldier, to suffer simple or rigorous imprisonment for a term not exceeding three years or any less severe punishment in the scale set out in section 133.</p>

Bribery Act	4(2)	The Bribery Commissioner shall treat all information obtained by him under subsection (1) with the strictest secrecy and shall not divulge such information to any person other than a court, a commission of inquiry, an accused person, any attorney-at-law or other person defending an accused person, or an officer engaged in an investigation under this Act or in any prosecution for bribery.
	34(3)	(3) A commission of inquiry shall treat all information obtained by it under paragraph (d) of subsection (1) with the strictest secrecy and shall not divulge such information to any person other than the Bribery Commissioner, the person in respect of whom the inquiry is held, or any attorney-at-law appearing for that person.
	38	<p>(1) The President shall order the publication of the report of a commission of inquiry if in his opinion the public interest will not suffer by such publication.</p> <p>(2) Where the President decides not to publish the report of a commission of inquiry on the ground that the public interest will suffer by its publication, he shall, on being requested so to do by a resolution passed by Parliament, order the publication of such report.</p>
	77	<p>(1) Where the public and the press have been excluded from any proceedings of a commission of inquiry, no person shall print or publish those proceedings or any part thereof except with the permission of the commission given in writing under the hand of the chairman of the commission or, if the commission consists of a sole commissioner, under the hand of such commissioner.</p> <p>(3) No person shall, before the publication of the report of a commission of inquiry under the order of the President print or publish any part of such report or what purports to be a part or an excerpt of such report.</p> <p>(4) A person who contravenes the provisions of any of the preceding subsections of this section shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees and, upon a second or subsequent conviction of an offence under this</p>

		<p>subsection, shall, in addition to such fine, be liable to rigorous imprisonment for a term not exceeding one year.</p> <p>(*Section 76 is repealed by Ad No. 2 of 1965. Subsection (2) is repealed by Act No. 2 of 1965.)</p>
Central Environmental Authority Act	24	<p>(1) For the purpose of giving effect to the principles and objects of this Act, the Authority may, by notice in writing served on the occupier of any premises, require that occupier to furnish to the Authority within fourteen days or such longer period as is specified in the notice such information as to any manufacturing, industrial, or trade process carried on in such premises or as to any wastes discharged or likely to be discharged from the said premises as is specified in the notice.</p> <p>(2) The Authority shall treat all information furnished to it pursuant to any requirement made under subsection (1) with the strictest secrecy and shall not divulge such information to any person other than to a court, subject to subsection (3) for the purpose of any prosecution for an offence under this Act.</p> <p>(3) Any information furnished or statement made to the Authority pursuant to any requirement made under subsection (1) shall not if the person furnishing the information of making the statement, objects, at the time of furnishing the information or statement, to doing so on the ground that it might tend to incriminate him, be admissible in evidence upon any proceedings against that person for an offence under this Act.</p>
Children and Young Persons Ordinance	11	<p>No report of any proceedings before a Juvenile Court shall be published in any newspaper, magazine, or other journal:</p> <p>Provided that nothing in this section shall affect the bona fide publication of any report of any such proceedings in any scientific journal or other publication devoted exclusively to the protection or welfare of children or young persons;</p> <p>Provided further that no report in any such journal or publication shall reveal the name, address, or school, or any other particulars calculated to lead to; the identification of, any child or young person concerned in such proceedings.</p>

	20	<p>(1) In relation to any proceedings in any court, other than a Juvenile Court, which arise out of any offence against, or conduct contrary to, decency or morality-</p> <p>(a) no report of the proceedings in any newspaper, magazine, or other journal shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein; and</p> <p>(b) no picture shall be published in any newspaper, magazine or other journal, as being or including a picture of any child or young person so concerned in the proceedings as aforesaid.</p> <p>(2) Any person who publishes any matter in contravention of subsection (1) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees</p>
Coconut Development Act	22(4)	<p>(4) Any particulars obtained by the Board under the provisions of sub- paragraphs (ii), (iii), (iv) and (v) of paragraph (m) of subsection (2) shall be treated as confidential by the Board and by every member, officer or servant thereof, except where the person furnishing such particulars otherwise agrees, or when the disclosing or publishing of such particulars is necessary for the purposes of this Act or of any legal proceedings thereunder; and any person who knowingly discloses or publishes any such particulars shall be guilty of an offence:</p> <p>Provided that nothing in this subsection shall be deemed to prohibit the disclosure or publication for statistical purposes of facts and figures which make no reference to any particular individual or business.</p>
Foreign Employment Agency Act	15(5)	<p>(5) The Commissioner shall not disclose to any person other than the officers of the Department of Labour for the purposes of the discharge of their functions under this Act, or to any court of law, any information furnished to him under subsections (2) and (3) except with the consent of the licensee.</p>

Water Resources Board Act	15(4) with (1)	<p>(1) The Chairman of the Board or an officer of the Board authorized for the purpose by the Chairman, may by notice require any person to furnish any such information as the Chairman or such officer may consider necessary for the proper discharge of the duties of the Board, and it shall be the duty of the person who receives such notice to comply with the request contained therein before such date as may be specified in such notice, notwithstanding the provisions of any written law which prohibit him from disclosing such information.</p> <p>(4) No information furnished by any person to the Board or an officer of the Board in compliance with the requirements of a notice issued under subsection (1), shall be published or communicated, except in the course of the discharge of the duties and functions of the Board, to any other person without the consent in writing of the person who furnished such information. Any contravention of the provisions of this subsection shall be an offence under this Act.</p>
National Institute of Language Education and Training Act, No. 26 of 2007.	20	<p>(1) Every member of the Board and all officers and servants of the Institute shall, before entering upon his duties sign a declaration pledging himself to observe secrecy respecting all matters connected with the working of the Institute, and shall by such declaration pledge himself not to reveal any matter which may come to his knowledge in the discharge of his functions, except-</p> <ul style="list-style-type: none"> <li>(a) when required to do so by a court of law; and</li> <li>(b) in order to comply with any provisions of this Act.</li> </ul> <p>(2) A member of the Board or officer or servant of the Institute who discloses any information obtained by him in connection with the discharge of his functions under this Act, to any person for any purpose other than for a purpose authorized by subsection (1), shall be guilty of an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding ten thousand rupees.</p>
Companies Act, No. 07 of 2007	180(9)	<p>(1) Where it appears to the Registrar that there is good reason so to do, he may appoint one or more inspectors to investigate and report on the ownership of the shares of the company and otherwise with respect to the company, for</p>

		<p>the purpose of determining the true persons who are or have been financially interested in the success or failure (real or apparent) of the company or able to control or materially to influence its policy.</p> <p>(9) Where the Registrar considers that there is good reason not to divulge any part of a report made under this section, he may disclose the report under section 176 with the omission of that part.</p>
Computer Crime Act, No.24 of 2007	20	<p>(1) Every person engaged in an investigation under this Act shall maintain strict confidentiality with regard to all information as may come to his knowledge in the course of such investigations and he shall not disclose to any person or utilize for any purpose whatsoever any information so obtained other than in the discharge of his duties under this Act.</p> <p>(2) Every service provider from whom any information has been requested or obtained and any person to whom a written notice has been issued for the preservation of any information shall maintain strict confidentiality in relation to such information and the fact that such information has been requested, obtained or required to be preserved, and shall not make any disclosure in regard to such matters other than with lawful authority.</p> <p>(3) A service provider shall not be held liable under the civil or criminal law for the disclosure of any data or other information for the purposes of an investigation under this Act.</p> <p>(4) Any person who contravenes the provisions of subsections (1) and (2) shall commit an offence and shall on conviction be liable to a fine not exceeding three hundred thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.</p>
Sri Lanka Sustainable Energy Authority	60	<p>(1) Any officer of the Authority authorized in that behalf by the Board may by notice in writing, require any person within such period as shall be specified in the notice, to furnish information on the acquisition, storage, transport,</p>

Act, No. 35 of 2007		<p>transmission and use of energy in any form and cost incurred in doing so and to produce such document as shall be specified in the notice. It shall be the duty of the person who receives a notice under this subsection, to comply with such requirement within the time specified in such notice:</p> <p>Provided however, nothing in this subsection shall be read and construed as enabling the Board or any person authorized in that behalf by the Board, to require any person to furnish such information or to produce such document, if the disclosure of such information or the production of such document is prohibited by any provision in any law.</p> <p>(2) The information contained in a return furnished under section 59 and any information furnished or the contents of a document produced in compliance with the terms of a notice issued under this section, shall not be published or communicated by the Board to any other person, except with the consent of the person furnishing such return or information or producing such document, as the case may be, or in the course of the exercise, performance and discharge of its powers, duties and functions under this Act.</p>
Clothing Industry Training Institute Act, No. 3 of 1984	18	<p>(1) For the purpose of enabling the Institute to exercise, perform and discharge any of its powers, duties and functions under this Act, the Director-General, a Director or any officer or employee authorized in writing in that behalf by the Board, may by notice in writing, require any person to furnish such information pertaining to any matter within his knowledge relating to the textile and apparel industry and which is specified in the notice issued or to produce any document as shall be specified therein, within such period as shall be specified in the notice.</p> <p>(2) It shall be the duty of any person who is required by notice to furnish any information or to produce any document under subsection (1), to comply with those requirements within the time specified in such notice, except where such person is precluded from divulging such information under the provisions of any law or where such information is not within his knowledge or possession.</p>

			<p>(3) Any information furnished or the contents of any document produced in compliance with a notice issued under subsection (1), shall not be published or communicated by the Board to any other person, except with the consent of the person furnishing such information or producing such document, as the case may be, or in the course of the exercise, performance and discharge of its powers, duties and functions under this Act.</p>
Sri Lanka Electricity Act, No. 20 of 2009	59(3), (4) and (5) with (1)		<p>(1) The Commission may for the purposes of discharging and performing its functions and duties under this Act, by notice in writing require any person to furnish to the Commission or any person authorized by the Commission, and within such period as may be specified in the notice, all such returns and information as may be specified in such notice.</p> <p>(3) Every person who acts in contravention of the provisions of subsection (2) shall be guilty of an offence and be liable on conviction after summary trial before a Magistrate to a fine not exceeding one million rupees and to an additional fine of fifty thousand rupees for each day during which such offence is continued to be committed after such conviction.</p> <p>(4) No information furnished in compliance with the requirements of a notice sent under this section shall be published or disclosed by the Commission to any other person, except with the consent of the person furnishing such information.</p> <p>(5) The disclosure by the Commission of any information referred to in subsection (4) without the consent of the person furnishing such information-</p> <ul style="list-style-type: none"> <li>(a) to a court of law, when required to do so by such court;</li> <li>(b) for the purposes of discharging any function assigned to it by this Act; or</li> <li>(c) for the purposes of enabling compliance with a condition of a licence granted under this Act, shall be deemed not to be a contravention of the provisions of subsection (3).</li> </ul>
Default Taxes (Special	14		<p>Every members of the Committee shall, before entering upon his duties as such member, sign a declaration pledging to observe strict secrecy in respect of all matters which has</p>

Provisions) Act, No. 16 of 2010		<p>come to his knowledge in the discharge of the functions of the Committee under section 4 of this Act and shall by such declaration, pledge himself not to disclose any such matter to anyone, except: -</p> <p>(a) when required or called upon to do so by any court of law; or</p> <p>(b) for the purpose of discharging his functions under this Act.</p>
	40(3) with (1)	<p>(1) For the purposes of enabling the Department to exercise and discharge any of its powers and functions under this Act, the Department or any person authorized in that behalf by the Department may, by notice in writing require any person to furnish to the Department or to the person authorized by the Department, within such period as shall be specified in the notice, such returns and information as shall be specified in such notice and require any person to be present before the Department.</p> <p>(3) No information contained in a return furnished in compliance with a notice issued under subsection (1) shall be published or communicated by the Department or any officer, servant or agent of the Department to any other person except with the consent of the person furnishing such return or information or in the course of the discharge of the functions of the Department.</p>
Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015	36	<p>(1) Unless it becomes necessary for the purposes of giving effect to the provisions of this Act, no person shall in any judicial or quasi-judicial proceedings, be compelled to divulge whether a victim of crime or a witness is receiving or has received assistance or protection under this Act.</p> <p>(2) No person shall otherwise than for the purpose of giving effect to the provisions of this Act or in compliance with the provisions of any other law, divulge to any other person whether a victim of crime or a witness is receiving or has received assistance or protection under this Act.</p>
	130(a)	<p>(a) being a person acting under the authority of this Act, discloses any information obtained by him in or in connection with the exercise of his powers or the discharging of his functions under this Act, to any person for any purpose other than a purpose for which he is authorized to disclose such information;</p>

National Metric Conversion Law	16(3) and (4) with (1)	<p>(1) The Authority may at any time request in writing any public officer, any director, manager or other officer of a body corporate, any member of an unincorporated body of persons or any officer of a local authority to furnish within a specified period of time any information which the Authority considers necessary relating to or connected with the metrication programme of the State and it shall be the duty of the person who receives such a request to supply the information required within the time specified.</p> <p>(3) All information obtained by the Authority under subsection (2) shall be treated as confidential by the members of the Authority and by every officer and servant thereof, except where the disclosure or publication of such information is made with the consent in writing of the person from whom such information is obtained: Provided, however, that nothing in this subsection shall be deemed to prohibit the disclosure or publication of any such information for the purposes of this Law or any legal proceedings thereunder or for the purposes of statistics of facts and figures which makes no reference to any particular individual or business.</p> <p>(4) Any person who fails to comply with the provisions of subsection (1) or subsection (3) or who furnishes information under subsection (2) knowing such information to be false shall be guilty of an offence under this Law.</p>
	13	<p>(1) No information supplied by any person in compliance with any requirement made under subsection (1) and section 12 shall be published without the consent in writing of the owner for the time being of the land, business or undertaking to which such information relates, nor shall such information be communicated to any person except in the discharge of the functions of the Council or the Planning Secretariat.</p> <p>(2) Any person who-</p> <ul style="list-style-type: none"> <li>(a) contravenes the provisions of subsection (1), or</li> <li>(b) being in possession of any information which to his knowledge is disclosed in contravention of the provisions of subsection (1), publishes or</li> </ul>

		communicates that information to any other person, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to the same punishment as is prescribed by section 12 for an offence under that section.
Post Office Ordinance	75	Whoever reveals, discloses, or in any way makes known the contents of any postal article opened under the authority of this Ordinance, except so far as may be necessary for the purpose of returning the same or so far as may be authorized by the Postmaster-General in writing, shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description not exceeding twelve months, or to both.
Public Examinations Act	21	Except in the performance of any duty or function or the exercise of any power under this Act or any regulation made thereunder, every person entrusted with any power, duty or function in connection with any public examination shall preserve and aid in preserving secrecy with regard to all matters relating to such examination that may come to his knowledge, and shall not communicate any such matter to any person other than the person to whom he is authorized to communicate it, or offer or permit any unauthorized person to have access to any secret document or other document in his possession, custody, or control. Every such person employed in the performance of any duty or function or the exercise of any power under this Act or any regulation made thereunder relating to any public examination shall, before acting in such capacity, take and subscribe before a Justice of the Peace or a Commissioner for Oaths an oath of secrecy in a form prescribed by the Commissioner. The Commissioner may prescribe different forms of oaths of secrecy for different persons in accordance with the functions that are to be performed by such persons.
Sri Lanka Fruit Board Law	20(3), (4) and (5) with (1)	(1) The Board may at any time request in writing any grower, collector, dealer, manufacturer, processor, canner, wholesaler or retailer of fruit or any fruit product to furnish within a specified period of time all or any of the following information: - (a) any information relating to the varieties of fruit that are being cultivated, the extent of land used for

		<p>such cultivation and the methods of cultivation, harvesting or grading of such fruit;</p> <p>(b) any information relating to the transportation of fruit or to the rates or charges levied or leviable for such transportation;</p> <p>(c) any information relating to the machinery used in any plant or factory where any fruit or fruit product is being manufactured, processed or canned or any information relating to the operational costs, finances, sales or the employment of labour in such plant or factory; and</p> <p>(d) any information relating to the purchase, sale, marketing, storage, import or export of any fruit product or the use of any raw material employed in the manufacture of such fruit product.</p> <p>(4) All information obtained by the Board under subsection (2) shall be treated as confidential by the members of the Board and by every officer and servant thereof, except where the disclosure or publication of any such information is made with the consent in writing of the person from whom such information was obtained:</p> <p>Provided, however, that nothing in this subsection shall be deemed to prohibit the disclosure or publication of any such information for the purposes of this Law or of any legal proceedings thereunder or for the purposes of statistics of facts and figures which makes no reference to any particular individual or business.</p> <p>(5) Any person who fails to comply with the provisions of subsection (4) shall be guilty of an offence under this Law.</p>
Shop and Office Employees (Regulation of Employment and Remuneration) Act	47(3) and (4) with (1)	<p>(1) The Commissioner may at any time direct Commissioner any employer to furnish to him before a specified date-</p> <p>(a) a return in relation to his shop or office containing such particulars as the Commissioner may require for the purposes of this Act;</p> <p>(b) such information or explanation as the Commissioner may require in respect of any particulars stated in any return so furnished;</p> <p>(c) a true copy of any register, record or other document, or any part of a register, record or other</p>

		<p>document required to be kept under this Act by the employer.</p> <p>(3) Any employer furnishing any return, copy, part of a copy or other information under subsection (1) may transmit at the same time a written request that such return, copy, part of a copy or other information so furnished should be treated as confidential and, where such request is made, the material to which the request relates shall not be disclosed by any person without the consent previously obtained of the employer who made the request.</p> <p>(4) Nothing in the preceding provisions of this section shall be deemed to require or permit any person to disclose any information or to produce any document in any case where the disclosure or production by that person of the information or document is prohibited by or under the provisions of any written law other than this Act.</p>
	56	<p>Every person who discloses any information or document in contravention of the provisions of section 47 (3) or section 49 (2) shall be guilty of an offence and shall be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a period not exceeding three months or to both such fine and imprisonment.</p>
Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016	15	<p>(1) Notwithstanding anything to the contrary in any written law, except in the performance of his duties under this Act, every member, officer, servant and consultant of the OMP shall preserve and aid in preserving confidentiality with regard to matters communicated to them in confidence. The provisions of the Right to Information Act, No. 12 of 2016, shall not apply with regard to such information.</p> <p>(2) No member, officer, servant or consultant of the OMP shall be required to produce, whether in any court or otherwise, any material communicated to him in confidence in the performance of his duties under this Act, except as may be necessary for the purpose of carrying out or giving effect to, the provisions of this Act.</p>

		(3) The OMP shall take all necessary steps including technical safeguards to ensure the security of all its databases and data.
--	--	---



