

Dated 10th April, 2013

CIRCULAR

Subject: Decision of Central Information Commission on Data Dissemination Policy of Foreign Trade data-regarding

Foreign Trade data is being compiled and disseminated by DGCI&S in accordance with the Data Dissemination Policy (DDP), mentioned at Para 2.45.1, page 31 of Foreign Trade Policy (FTP) which states as follows:

2.45.1 DGCI &S Commercial Trade Data	<i>Transaction level data would not be made publically available to protect privacy. DGCI&S trade data shall be made available at aggregate level with a minimum possible time lag in a query based structured format on commercial criteria.</i>
---	--

2. The Import & Export data is made available to user in the format – ITC code, Description of Commodity, Country of Import/Export, quantity, Value (in Rupees and Dollars) after hiding the identity of Importers & Exporters to protect privacy as per DDP. Recently one appellant has sought the amount and value of cigarettes imported in the country brand-wise and company wise under RTI Act which was refused by this department as per DDP besides this also attracts Section 8(1)(d) of the RTI Act. The appellant has filed an appeal challenging this decision and DDP before **Central Information Commission(CIC)**. Statistical Adviser in DGFT appeared in person before CIC on 19th February, 2013. Hon'ble Information Commissioner gave a speaking order upholding our views on Data Dissemination Policy. The detailed Order No. CIUC/SS/A/2012/002372 dated 7.3.2013 can be viewed on the website of Central Information Commission www.CIC.Gov.in. The relevant extract of the order is given below for information of all:

Having considered the submissions of the parties, the Commission is of the view that since the import data is maintained by the public authority as per International Trade Classification (Harmonized System) codes (ITC (HS) wise and brand-wise/company-wise data is not maintained by DGCI&S, information regarding brands of cigarettes containing tobacco cannot be provided to the appellant. The respondent can only provide such information as is available in their record. Moreover, the transaction level data attracts the provisions of Section 8(1) (d) of the RTI Act since disclosure of such information may harm the competitive position of the third party and the appellant has not established any larger public interest in the disclosure of such information.”

3. It is gratifying to note that CIC has concurred with our views and the extant procedures. This is for the information and necessary action of all concerned.

(AJAY MISHRA)
Statistical Adviser
amishra-ub@nic.in
Ph 011-23061215

To All Concerned