

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2021/647180**

Ms. Anushka Jain ... अपीलकर्ता / Appellant
Through: Ms. Shreya Munoth, Ms. Amala
Dasarathi and Ms. Anandita Mishra- Advocates

VERSUS/बनाम

PIO, Chief Administrative Officer, BARC ... प्रतिवादीगण / Respondent
Through: Shri B V Balaji and Shri Y S Sivakumar

Date of Hearing : 29.06.2022
Date of Decision : 29.06.2022
Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 19.05.2021
PIO replied on : 18.06.2021
First Appeal filed on : 19.05.2021
First Appellate Order on : 06.08.2021
2nd Appeal/complaint received on : 06.10.2021

Information sought and background of the case:

The Appellant filed an RTI application dated 19.05.2021 seeking information on following on 13 points related to the use of Face Recognition Technology System by the Bhabha Atomic Research Centre:-

1. Please state the legislation or rule which authorizes the Bhabha Atomic Research Centre to use facial recognition technology.
2. Please state whether any legal opinion was sought by the Bhabha Atomic Research Centre prior to procurement of facial recognition technology. If yes, please provide a copy of the legal opinion.
3. Please state whether any cost-benefit analysis, feasibility study or privacy impact assessment was conducted prior to deployment of facial recognition technology. If yes, please provide a copy of the same.
4. Please state whether there are any guidelines, policies, rules or standard operating procedure governing the use of facial recognition technology by Bhabha Atomic Research Centre. If yes, please provide a copy of the same.
5. Please state the specific purposes for which facial recognition technology is being used by the Bhabha Atomic Research Centre.

6. Please state the total expenditure incurred (in rupees) on procurement and maintenance of facial recognition technology with an annual breakdown.

7. Please provide a copy of the following documents relating to tender issued by Bhabha Atomic Research Centre for procurement of facial recognition technology:

a. All tender documents including Request for Proposals, Request for Quotations and Scope of Work

b. List of bidders who applied for the tender

c. Work Order issued to the selected and the Conditions of the Contract.

8. Please provide an exhaustive list of persons and/or organizations authorised to operate and use facial recognition technology.

9. Please provide details of the software and hardware being used for facial recognition.

10. Please provide details of the database(s) in which images are stored for the purpose of facial recognition including:

a. Where these images are sourced from

b. Where is this database located

c. Which persons and/or organizations who have access to this database

11. Please provide information whether any third party assessments have been made of the facial recognition technology being used. If yes, please provide a copy of the report of such assessment.

12. Please provide an exhaustive list of databases with which the facial recognition technology will be linked in order to identify individuals.

13. Please provide information with regard to the accuracy rate of the facial recognition technology being used.

The PIO/Chief Administrative Officer(A) vide letter dated 18.06.2021 replied as under:-

Date of receipt of Application fee	: 19.05.2021	Draft/Cash/IPO Receipt No:	Online
The information sought herein relates to the use of Face Recognition Technology System by the Bhabha Atomic Research Centre. Please provide information in response to the following queries :			
Query Nos.(1) to (13) of the RTI Application	The proposed system of Face recognition with thermal camera is for the purpose of enhancing the security of Nuclear recycle Group (NRG) Facilities, which are High Security Zone (HSZ) facilities. Also the system has got thermal camera for the purpose of fever detection in this pandemic situation. This being a part of security system divulging details of system will compromise safety and security interests of facility which are strategic in nature. Hence, information sought by the applicant is exempt from disclosure under section 8(1)(a) of the RTI Act, 2005		

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 19.05.2021. The FAA/Controller, BARC vide order dated 06.08.2021 directed the PIO to once again look into the matter and provide point wise response to the appellant within 10 working days.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

A written submission has been received from CPIO vide letter dated 22.06.2022, providing a comprehensive reply. The Respondent had stated that in compliance of the FAA's order, a detailed, comprehensive and point-wise reply was sent to the Appellant vide letter dated 13.08.2021.

Hearing was scheduled through virtual means after giving prior notice to both the parties. Both parties are heard through video conference and at the very beginning, the Advocate representing the Appellant sought to withdraw the case.

Decision:

Considering the fact that a detailed and self explanatory written submission dated 22.06.2022 has been submitted by the Respondent-BARC, it is imperative that a copy of the same should be sent to the Appellant. Therefore, it is hereby directed that a copy of the written submission dated 22.06.2022 filed by the Respondent should be sent by the Respondent at the email address provided by the Advocate appearing on behalf of the Appellant, within two weeks of receipt of this order.

In view of the fact that the Appellant's counsel sought withdrawal of the appeal, no further direction is issued in this case.

The appeal is dismissed as withdrawn.

Y. K. Sinha (वाई. के. सिन्हा)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
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