

## **Freedom of Information Law, 5758-1998**

### 1. Freedom of information

Every Israeli citizen and resident has the right to obtain information from a public authority, according to the stipulations of this law.

### 2. Definitions

The following definitions apply to this law:

“Joint committee” – A joint committee of the Knesset Constitution, Law, and Justice Committee and the Knesset Foreign Affairs and Defense Committee;

“Information” – Any information in the possession of a public authority, whether written, recorded, filmed, photographed, or computerized;

“Responsible for” – Responsible under Section 3 of the law;

“Obtaining information” – Includes reading, viewing, listening to, copying, photocopying, receiving computer printout, or obtaining information in any other manner, according to the type of information and the form in which it is kept;

“Public authority” –

- A. The government and government ministries, including their units and supporting agencies;
- B. The President’s Office;
- C. The Knesset;
- D. The State Comptroller, except for information reaching him for purposes of auditing and inquiries into public complaints;
- E. Courts, religious courts, bailiff offices, and other agencies with legally derived judicial authority – except for the content of a legal proceeding;
- F. A local authority;
- G. A corporation controlled by a local authority;
- H. A legally founded corporation;
- I. A government company or government subsidiary, as defined in the Government Companies Law (5735-1975), as determined by the Minister of Justice, with the consent of the ministers, as defined in that law. This ruling may apply either to all the activities of the company, or only to certain activities;
- J. Any other agency fulfilling a public function, which is a controlled agency as defined in Section 9 of the State Comptroller Law (5718-1958), as determined by the Minister of Justice, with the approval of the Knesset Constitution, Law, and Justice Committee; such a ruling may apply either to all the activities of the agency, or only to certain activities;

“Head of a public authority” – The director general, or in the absence of a director general, a comparable official in the same agency; in a local authority, the head of the local authority;

“Corporation controlled by a local authority” – A municipal corporation, as defined in Section 249a of the Municipalities Ordinance (New Version – 5724-1964), or a corporation in which a local council, as defined in the Local Councils Ordinance (New Version – 5725-1965), owns at least half of the capital, or half of the voting rights in the corporation;

“Resident” – As defined in Section 1 of the Population Registration Law (5725-1965), or a corporation incorporated under Israeli law.

3. The person responsible

The head of a public authority shall appoint an employee of the authority to be responsible for providing information to the public, for handling requests for information, and for applying the instructions of this law.

4. Publication of the list of public authorities

- A. The government shall make available to the public, in a place and manner to be determined under the regulations, the list of public authorities, as stated in paragraphs (1) and (8) of the definition of “public authority”; the list shall include a summary of the functions of each public authority, and the means of contacting the person responsible, and other means of obtaining information in the possession of the authority, as used by that authority.
- B. A local authority shall make available to the public, in a place and manner to be determined under the regulations, the particulars listed in sub-section (A) concerning itself and for the corporations under its control to which this law applies.

5. Periodic report

- A. A public authority shall publish an annual report, which shall include information about its activities and responsibilities, and an explanation of its functions and domain of responsibility; the report shall include a report by the person responsible on the implementation of this law in the public authority; he is entitled, however, to publish this report separately.
- B. The Minister of Justice, with the approval of the Knesset Constitution, Law, and Justice Committee, is entitled to determine for a specific public authority, as stated in paragraphs (1) and (6)-(10) defining a “public authority”, or for certain types of public authority, a different period for publishing the report.

- C. The regulation governing the format of the report and the manner of its publication shall be determined in the regulations.

6. Administrative guidelines and bylaws

- A. A public authority shall provide for public perusal the written administrative guidelines under which it operates, and which affect, or are of importance to, the public.
- B. The instructions in Section 9 shall apply, with the necessary changes, to the providing for public perusal of the administrative guidelines, according to this section.
- C. A local authority shall provide access to its bylaws for public perusal.

7. The procedure for filing requests, and for handling them

- A. A request for information shall submitted in writing to the person responsible, or to the person authorized by the person responsible; the applicant (person making the request) shall not be required to state the reason for his request.
- B. The public authority shall notify the applicant without delay, and within 30 days of receiving the request, of its decision concerning his request; the head of the public authority, or a person authorized by him for the purpose, is entitled to extend this period by a further 30 days, if necessary, provided that he notifies the applicant in writing, explaining the need for the additional period.
- C. The head of the public authority is entitled to further extend the period mentioned in sub-section (B), in a fully annotated decision sent to the applicant within the above-mentioned period, whether because of the extent or complexity of the requested information. The additional extension shall not exceed the obligatory period for the above-mentioned reasons, and in any event shall not exceed 60 days.
- D. If the public authority has decided to provide the information to the applicant, the decision shall be carried out within a reasonable time under the circumstances, but no later than 15 days, unless the person responsible determines, due to extraordinary circumstances, that the decision shall be implemented at a later time; the authority shall notify the applicant where and when the information shall be made available to him.
- E. The information shall be made available to the applicant in the form it is kept by the public authority. The public authority is not obliged to process the information according to the needs of the applicant; if the information is computerized, it shall be produced for the applicant through the means customarily used by the authority.
- F. In the event that the public authority decides to reject the request, whether completely or partially, the applicant shall be notified in writing, including an

explanation listing the reasons for the decision, and shall inform the applicant of his right to appeal the decision, under the instructions of Section 17.

8. Rejection of requests in certain cases

A public authority is entitled to reject a request for information in any of the following cases:

- A. Fulfilling the request requires an unreasonable allocation of resources;
- B. The information was created or obtained by the public authority more than seven years before the request was filed, and locating the information is materially difficult;
- C. After a reasonable effort has been made, the public authority discovers that the information cannot be located, or is no longer in its possession;
- D. The information has already been published and made public knowledge, or is already available to the public, whether for payment or for free;  
In rejecting the request under the stipulations of this paragraph, the public authority shall notify the applicant where he can obtain or gain access to the requested information;
- E. The information was created by a different public authority, and referring the applicant to that public authority does not make obtaining the information an unreasonable burden; in rejecting a request under the stipulations of this paragraph, the public authority shall refer the applicant to the public authority where the information was created.

9. Information which must not be provided, or which there is no obligation to provide

- A. A public authority shall not provide information in any of the following cases:
  - i. Information, the disclosure of which may harm state security, its foreign relations, public safety, or the safety or well-being of a person;
  - ii. Information on matters regarding which the Minister of Defense, for reasons of preserving state security, has specified in an order, with the approval of the joint committee;
  - iii. Information, the disclosure of which constitutes an invasion of privacy, as defined in the Protection of Privacy Law (5741-1981) (hereafter – “the Privacy Law”), unless such disclosure is legally permissible;
  - iv. Information, the disclosure of which is barred by any law.
- B. A public authority is not obliged to provide information in any of the following categories:
  - 1. Information, the disclosure of which is liable to disrupt the proper functioning of the public authority, or its ability to carry out its duties;
  - 2. Information concerning policy still being formed;

3. Information concerning negotiations with a concern or person outside the authority;
4. Information concerning internal discussions; notes of internal consultations between public authority employees, members, or advisors; words spoken in the course of an internal inquiry; opinions, drafts, advice, and recommendations given for purposes of decision-making, except for consultations established by law;
5. Information concerning internal management of the public authority, which does not concern the public, and is not importance to it;
6. Information to which commercial or professional confidentiality applies, or which has economic value, when the publication of the information is liable to cause real harm to its value; information concerning commercial or professional matters linked with a person's business, the disclosure of which is liable to cause real harm to his professional, commercial, or economic interests, except for information that is (a) information about materials emitted, spilled, removed, or discharged into the environment, or (b) results of noise, odor, or radioactive measurements not conducted on private property.
7. Information obtained by the public authority on condition of confidentiality, or that the disclosure of which is liable to jeopardize the obtaining of further information;
8. Information concerning the work methods and procedures of a public authority engaged in enforcing the law, or which has legal authority to investigate, supervise, or clarify complaints, if disclosure of the information is liable to (a) harm action to enforce, supervise, or clarify complaints made to the authority, or (b) harm investigative or legal processes, or the right of a person to a fair trial, or (c) cause the disclosure, or possibly lead to the disclosure, of the existence or identity of a confidential information source;
9. Information concerning the disciplinary affairs of a public authority employee, excepting information involving public processes stipulated by law; for purposes of this paragraph, "employee" includes a soldier, policeman, prison guard, or jobholder in the public authority;
10. Information, the disclosure of which will affect the privacy of a deceased person.

C. For purposes of this section, it is immaterial whether the reason for not disclosing the information involves only the requested information, or whether the addition of the information to other information is concerned.

#### 10. The public authority's discretion

In considering a refusal to provide information under this law, based on the provisions of Section 8 and 9, the public authority will take into account, among other things, the interest of the applicant in the information, if cited in the request, and the public interest in the disclosure of the information, for reasons of maintaining public health, security, or the environment.

#### 11. Disclosing partial information, and providing information under restrictive conditions

If the public authority is entitled or obliged not to provide the requested information under Section 9 above, and omitting particulars, changing the information, or imposing conditions on how it is received and used, make it possible to disclose the information without an unreasonable allocation of resources, or placing a heavy burden on the authority's activity, the authority shall provide the information with such omissions, changes, or compulsory conditions, as are required; if such omissions or changes have been made, the authority shall make note of them to the applicant, unless this fact must not be disclosed for reasons listed in Section 9 (A) (1).

#### 12. Applying the law to a person who is neither a citizen, nor a resident

The stipulations of this law shall also apply to a person requesting information who is neither a citizen, nor a resident, with regards to information concerning his rights in Israel.

#### 13. Protection of third parties

- A. If the information requested includes particulars about a third party, the disclosure of which is liable to harm the third party, and the authority is considering providing the requested information to the applicant, the authority shall notify the third party in writing that such a request has been filed, and of the third party's right to oppose the disclosure of the information, and will also inform the applicant that this has been done; if a person has received this notification, he is entitled within 21 days to notify the authority of his opposition to the request, giving as his grounds that under the stipulations of Section 9, or under the stipulations of any law, the information should not be provided. These 21 days shall not be counted as a part of the time periods mentioned in Section 7.
- B. If the public authority decides to reject the third party's objection, it will provide him with its annotated decision in writing, and inform him of his right under this law to appeal this decision.
- C. Regardless of the provisions in Section 7 (B), the authority shall not provide the information to the applicant before the period for filing an appeal has passed, or before it is decided to reject the appeal, whichever is relevant, unless the objecting third party provides written notification of a waiver of his right to file such an appeal.

#### 14. Exceptions in implementing the law

- A. The stipulations of this law shall not apply to the following agencies, or to information created, accumulated, or collected by them:
0. The intelligence agencies of the Israel Defense Forces, and other military units, which the Minister of Defense, with the approval of the joint committee, have listed in an order, for reasons of state security;
  1. The Israel Security Agency and security units in public authorities, in matters directed by the Israel Security Agency, or on its behalf;
  2. The Institute for Intelligence and Special Tasks;
  3. The Unit in Charge of Security in the Ministry of Defense;
  4. Units in the Prime Minister's Office and the Ministry of Defense dealing primarily with state security or foreign relations, which the Prime Minister or the Minister of Defense has listed in an order, with the approval of the joint committee;
  5. The Israel Atomic Energy Commission, and the nuclear research centers for which it is responsible;
  6. The Ministry of Foreign Affairs Center for Political Research, disarmament affairs division, policy planning division, and other Ministry of Foreign Affairs units, which the Minister of Foreign Affairs, with the approval of the joint committee, has listed in an order, for reasons involving state security or foreign relations;
  7. Any agency or authority with legally delegated investigative authority, regarding information collected or accumulated for investigative purposes, and regarding intelligence information;
  8. The Israel Police intelligence and investigative apparatuses, and additional units which the Minister of Internal Security, with the approval of the joint committee, has listed in an order;
  9. The Israel Prison Service – regarding its intelligence and security apparatuses;
  10. Any quasi-judicial authority whose function is to discuss the medical situation of a person – regarding its internal processes.
- B. The Minister of Justice is entitled, in consultation with the minister involved in the matter, and with the approval of the Knesset Constitution, Law, and Justice Committee or its subcommittee, to issue an order adding an agency or topic to the list of agencies in sub-section (A); the validity of this order shall be for a period to be determined, which shall not exceed six months, unless the order was previously canceled; if the order specifies a period of less than six months, the Minister of Justice is entitled to extend the order, provided that the total period does not exceed six months.
- C. The Minister of Justice is entitled, with the approval of the Knesset Constitution, Law, and Justice Committee, to determine by order that this law shall not apply to a corporation, as delineated in sub-paragraphs (7) and (8) of the definition of a public authority in this section, while taking due notice of the degree of harm liable to be caused to the economic or business activity of the corporation; such an

order shall be given for a corporation controlled by a local authority, following consultation with the Minister of the Interior, or for another corporation, after consultation with the minister responsible for the law under which the corporation was founded.

- D. The stipulations of this law shall not apply to information given by the public authority to the State Archives, under the Archives Law (5715-1955).

#### 15. Discussions of the joint committee

- A. Meetings of the joint committee shall be classified, unless decided otherwise.
- B. The joint committee is entitled to determine that an order approved by it under Sections 9 or 14 shall not be published in the Official Gazette of the Israeli government, either all or in part.

#### 16. Correcting information

If a person receives information about himself under this law, and finds that the information is incorrect, incomplete, unclear, or out of date, he is entitled to ask the public authority to correct it; the stipulations of Sections 14 and 15 of the Protection of Privacy Law shall apply in this matter, with the necessary changes.

#### 17. A court appeal

- A. When a request for information under this law is rejected, or when a public authority has rejected the objection by a third party under Section 13, the person making the request or the third party, whichever is relevant, is entitled to file an appeal to the Administrative Court within 30 days of being notified of the decision; however, if the requested information has been certified as classified under Section 44 of the Evidence Ordinance (New Version – 5731-1971), the Supreme Court shall hear the appeal.
- B. In hearing the appeal, except for an appeal of a rejected request under Section 8, the court is entitled to obtain access and read all the requested information; the court is entitled, for reasons listed in Section 9, to hear pleading from the public authority's legal representative behind closed doors, without the presence of the appellant or his legal representative.
- C. The court shall not order giving information that is liable to harm the rights of a third party, unless the third party has been given an opportunity to voice his objections, in a manner to be determined.
- D. Despite the stipulations of Section 9, the court is entitled to order that all or part of the information be provided, under terms to be determined, when, in the court's opinion, there is a public interest in the disclosure of the information that takes precedence over the grounds for rejecting the request, provided that disclosure of the information is not forbidden by law.
- E. If the court decides as stipulated in sub-sections (B) or (D) above, it shall state the grounds for its decision.



## 18. Fees

- A. The Minister of Justice, with the approval of the Knesset Constitution, Law, and Justice Committee, shall institute regulations setting fees for information requests, and for the actions involved in locating the requested information, and providing it under this law; the various types of information and requesting parties shall be taken into account in setting the fees.
- B. The fee regulations shall establish the circumstances in which a fee exemption shall be granted.
- C. No fee shall be charged for a request for information that must be provided to the public under Section 6, but a fee or payment may be charged for copying, typing, and delivering the requested information.
- D. No fee shall be charged for a person's request for information about himself, but a fee or payment may be charged for copying, typing, and delivering the information to the applicant, and for actions involved in locating the information, in cases where the extent or complexity of the requested information requires a special effort in order to fulfill the request.
- E. The decision of the party responsible concerning the fee for a given request can be appealed to the Magistrates Court, in a manner to be determined in the regulations.
- F. The Minister of Justice is entitled to rule that the date stipulated in this law for providing the information shall apply only after the applicant pays a fee, and that the information shall be provided to the applicant only after the fee is paid.

## 19. Implementation and regulations

The Minister of Justice is responsible for implementing this law, and is entitled to institute regulations for its implementation, with the approval of the Knesset Constitution, Law, and Justice Committee.

## 20. Observing the law

Nothing in the stipulations of this law shall detract from the validity of a statute requiring, permitting, forbidding, or otherwise arranging the dis.

## 21. Inception

- A. This law comes into force one year after it is published.

Despite the stipulation of sub-section (A), the government is entitled, with the approval of the Knesset Constitution, Law, and Justice Committee, to determine by order different dates for public authorities, or types of public authorities, for inception of the law,

provided that the dates determined shall be no later than three years from the inception of the law, under the preceding sub-section (A)