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Readers are consequently advised to consult qualified professional counsel before making any decision in connection with the enactment, which is here presented in translation for their general information only.

Freedom of Information Regulations (Public Access to Environmental Information) 5769-2009

By the power vested in me under section 6a of the Freedom of Information Law 5758-1998 (henceforth – the Law), with the consent of the Minister of Finance and in consultation with the Minister of Justice, the Minister of Industry, Trade and Labor, the Minister of Transport and Road Safety, the Minister of Agriculture and Rural Development, the Minister of Health, the Minister of Defense, the Minister of National Infrastructures and the Minister of Communication, and for all matters relating to local authorities also with the consent of the Minister of the Interior, and with the authorization of the Internal Affairs and Environment Committee of the Knesset, I hereby make these regulations:

Definitions:

1. In these regulations –

“Data collection” – measurements taken by a public authority or on its behalf;

“Report” – report to a public authority in accordance with any legislation, decree, plan, business license or any other permit or license, including a report prepared at the request of a public authority employee, in accordance with his powers under the Law;

“Measurement” – including testing, sampling or monitoring;

“Information” – information on the quality of the environment as defined in section 6a (a) of the Law;

“Environmental nuisance” – any of the following:

- 1) Considerable or unreasonable noise and odor, as per their meaning in the Abatement of Nuisances Law, 5721-1961;

- 2) Air pollution, as per its meaning in the Abatement of Nuisances Law, 5721-1961 as well as the presence or emission to the air of a pollutant, as per its meaning in the Clean Air Law 5768-2008;
- 3) Water pollution as defined in section 20a of the Water Law 5719-1959 (henceforth – Water Law);
- 4) Dumping waste, construction and demolition waste and scrap vehicles and littering the public domain, as per their meaning in the Maintenance of Cleanliness Law, 5744-1984;
- 5) Pollution by a hazardous substance as defined in the Hazardous Substances Law, 5753-1993;
- 6) Pollution by ionizing radiation as defined in the Pharmacists Regulations (Radioactive Elements and their Products), 5740-1980, or by non-ionizing radiation as defined in section 2 of the Non-Ionizing Radiation Law, 5766-2005;
- 7) Sea pollution as defined in the Prevention of Sea Pollution from Land Based Sources, 5748-1988, and as per its meaning in the Prevention of Sea-Water Pollution by Oil Ordinance (New Version), 5740-1980, as well as dumping of waste into the sea as per its meaning in the Prevention of Sea Pollution (Dumping of Waste) Law, 5743-1983;
- 8) Damage to the coastal environment as defined in section 2 of the Protection of the Coastal Environment Law, 5764-2004;
- 9) A change in the chemical, biological, bacteriological, radioactive or any other characteristic of the soil, or a change which makes the soil hazardous to public health, or which may damage fauna or flora, or which makes it less worthy for the purpose for which it is used or is designated to be used;
“Emitted” – includes spilled, disposed or released;
“Plan” – as defined in the Planning and Building Law, 5725-1965.

Types of Information

2. A public authority shall make available for public scrutiny information obtained from a report or collection of data, provided such information relates to a substance, noise, odor or radiation measured or emitted into the air, soil, water or sea, and is of a type which is liable to cause an environmental nuisance, including information specified in the First Schedule, even where the emission or measurement results do not exceed the permitted levels under any legislation, decree, plan, business license or any other permit or license.

Content of Information

3. (a) The information that the public authority shall make available for public scrutiny shall include the following details, as available to the public authority, and according to the best of its knowledge:
 - 1) Identity of the source of emission of substances into the environment or of the noise, odor or radiation that is not in the private domain;
 - 2) Name of the substance or group of substances emitted to the environment, their quantity and concentration;
 - 3) Type and level of noise, odor and radiation measured in the environment;
 - 4) Location, time and method of data collection, as well as the agent who collected the data on behalf of the person responsible for the emission or the public authority;
 - 5) Geographical area and time of emission of the substance to the environment or generation of noise, odor or radiation;
 - 6) Whether the substance was emitted into the air, sea, soil or water;
 - 7) Exceedance of the permitted value in the quantity or concentration of the substance emitted into the environment, or in the level of noise, odor or radiation measured in the environment, under any legislation, decree, plan, business license or any other permit or license;
 - 8) Processing of information prepared or obtained by the public authority including periodical reports and summaries of information.

(b) The public authority shall make available for public scrutiny information as reported to it or as collected by it and the public authority is not required to process the information.

(c) Where the public authority decides not to make information available for public scrutiny in accordance with section 9 of the Law, it shall publish a notice of that decision and its rationale, in accordance with the Law and regulation 5.

Manner of Publication

4. (a) Making information available for public scrutiny on the Internet shall be carried out in a manner which will ensure its availability, preservation, information retrieval capacity and extraction of output data.
- (b) The public authority shall publish information as specified in Regulation 3a (8) in a visible and prominent manner which shall testify to the fact that the information is processed information.

Additional way to make information available for public scrutiny

5. (a) A public authority shall make information available for public scrutiny also in its offices.
- (b) A public authority shall publicly publish, at least once every six months, the address of its Internet site if such exists, the address of its offices and the times when the information may be scrutinized, provided such times are not less than twice a week, during acceptable work hours.
- (c) In this regulation, "public publication" – advertising in a wide circulation daily newspaper in Hebrew in accordance with a list published by the Minister of the Interior under section 1a(b) of the Planning and Building Law, 5725-1965 as well as in a newspaper published in Arabic; but, a local authority and a corporation working under a local authority –
 - 1) May publicly publish only by publishing in a local newspaper in their area, which is published at least once a week;
 - 2) Where the Arabic speaking population in their area is less than ten percent of the general population – are exempt from advertising in

Arabic, except if the public authority is a regional council in whose bounds localities exist in which most of the population is Arabic speaking.

Times for making information available for public scrutiny

6. (a) A public authority shall advertise information as soon as possible and no later than three months from the day of receiving the report or from the day of data collection.

(b) In calculating the time period specified in subregulation (a), the time periods specified in section 13 of the Law shall not be taken into account.

Time period for making information on quality of the environment available for public scrutiny

7. The information shall be made available for public scrutiny for a period not less than that specified below:

- 1) In relation to information advertised on the Website – one year;
- 2) In relation to information made available for public scrutiny in the offices – seven years.

Commencement

8. These regulations shall enter into force 18 months from the day of their publication, and in relation to the local authorities not listed in the Second Schedule – 36 months from the day of their publication.

First Schedule

(Regulation 2)

- 1) Results of environmental measurements of air quality;
- 2) Results of environmental measurements of pollutants emitted into the air, including from smokestacks;
- 3) Report or information obtained from collection of data, relating to a hazardous substances event as defined in the Hazardous Substances Law, 5753-1993, or the dumping of hazardous substances waste in the environment;
- 4) Results of measurements of the marine environment;
- 5) Results of measurements in wastewater or effluents, including industrial wastewater;
- 6) Results of measurements of waste dumped into the sea;
- 7) Results of measurements of a source of water, as per its meaning in the Water Law;
- 8) Data on the flow of wastewater and effluents to the environment;
- 9) Data on the quantity and quality of sludge, disposed from wastewater treatment facilities and from sludge treatment plants;
- 10) Results of measurements of sludge application on soil for fertilization and improvement;
- 11) Application of pesticides to the environment;
- 12) Data on biogas emissions in waste disposal sites;
- 13) Data on emissions of waste leachates outside the bounds of waste disposal sites;
- 14) Waste dumped in the public domain; for this purpose, "dumped" as defined in the Maintenance of Cleanliness Law, 5744-1984;
- 15) Results of measurements of ionizing and non-ionizing radiation;
- 16) Results of measurements of radon gas concentrations;
- 17) Results of emanation measurements of radon gas in soil and building materials;

- 18) Results of noise measurements;
- 19) Results of odor measurements;
- 20) Results of measurements conducted in soil;
- 21) Flows or leakages of industrial wastewater, including fuels, oils and their products, to the environment, including to public sewage systems;
- 22) Disposal of brine, including source, quantity and quality of brine and disposal destinations.

Second Schedule

(Regulation 7)

- 1) Municipality of Ashdod
- 2) Municipality of Ashkelon
- 3) Municipality of Herzliya
- 4) Municipality of Holon
- 5) Municipality of Haifa
- 6) Municipality of Tirat Hacarmel
- 7) Municipality of Yavne
- 8) Municipality of Jerusalem
- 9) Municipality of Kfar Sava
- 10) Municipality of Karmiel
- 11) Municipality of Nes Ziona
- 12) Municipality of Nazareth Illit
- 13) Municipality of Nesher
- 14) Municipality of Netanya
- 15) Municipality of Kiryat Motzkin
- 16) Municipality of Rosh Ha'ayin
- 17) Municipality of Ramat Gan

- 18) Municipality of Ramat
- 19) Municipality of Ra'anana
- 20) Municipality of Tel Aviv-Yafo
- 21) Even Yehuda local council
- 22) Azur local council
- 23) Gan Yavne local council
- 24) Yokne'am Illit local council
- 25) Kokhav Yair local council
- 26) Kfar Yona local council
- 27) Kfar Tavor local council
- 28) Lehavim local council
- 29) Savion local council
- 30) Omer local council
- 31) Pardesia local council
- 32) Katzrin local council
- 33) Rosh Pina local council
- 34) Ramat Hovav industrial council
- 35) Shoham local council
- 36) Be'er Tuvya regional council
- 37) Bnei Shimon regional council
- 38) Brenner regional council
- 39) Golan regional council
- 40) Gezer regional council
- 41) Gan Rave regional council
- 42) Drom Hasharon regional council
- 43) Upper Galilee regional council
- 44) Central Arava regional council
- 45) Zvulun regional council
- 46) Hevel Yavne regional council

- 47) Hevel Modi'in regional council
- 48) Hof Ashkelon regional council
- 49) Hof Hacarmel regional council
- 50) Megido regional council
- 51) Menashe regional council
- 52) Misgav regional council
- 53) Nahal Soreq regional council
- 54) Emek Hefer regional council
- 55) Emek Jezreel regional council
- 56) Emek Lod regional council
- 57) Ramat Hanegev regional council
- 58) Tamar regional council