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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 Law 5758-1998

Freedom of information

1. Every Israel citizen or resident has the right to obtain information from a public authority in accordance with the provisions of this Law.

Definitions

2. In this Law –
 - "Joint committee" – a joint committee of the Knesset Constitution, Law and Justice Committee and the Knesset Defense and Foreign Affairs Committee;
 - "Information" – any information in the possession of a public authority, whether written, recorded, filmed, photographed or computerized;
 - "Supervisor" – a person appointed under section 3;
 - "Receipt of information" – includes studying, watching, listening, copying, photographing, receiving computer printouts or receiving information in any other manner, in accordance with the type of information and the manner in which it is maintained;
 - "Public authority" –
 - (1) the Government and the Government Ministries, including their units and reference units;
 - (2) the Office of the State President;
 - (3) the Knesset;
 - (4) the State Comptroller, except in respect of information which reached him for the purposes of inspection operations and the investigation of complaints from the public;
 - (5) Courts, tribunals, execution offices and other bodies with powers of adjudication under any law, except in respect of the content of a judicial proceeding;
 - (6) local authority;
 - (7) body corporate controlled by a local authority;
 - (8) body corporate established by Law;
 - (9) Government company and Government subsidiary, as defined in the Government Companies Law 5735-1975, excluding companies designated by the Minister of Justice with the approval of the Knesset Constitution, Law and Justice Committee; a said designation may be for all of a company's activity or for certain activities; (Amendment 2007)
 - (10) any other body that performs a public function and is an audited body as per its meaning in section 9 of the State Comptroller Law 5718-1958 (Consolidated Version), which was designated by the Minister of Justice with approval of the Knesset Constitution, Law and Justice Committee; a said designation may be for all of a said

- body's activity or for certain activities;
- "Head of public authority" – the Director General, and if there is no Director General – the person who holds the corresponding position in that body; in a local authority – the head of the local authority;
- "Body corporate controlled by a local authority" – a municipal body corporate, as per its meaning in section 249A of the Municipalities Ordinance, as well as a body corporate in which a local council, as per its meaning in the Local Councils Ordinance, has at least half the capital or half the voting power;
- "Resident" – as defined in section 1 of the Population Registry Law 5725-1965, and also a body corporate incorporated under Israel Law.

Supervisor

3. The head of a public authority shall appoint, from among the employees of the authority, a supervisor for making information available to the public, for handling requests for the receipt information and for implementing the provisions of this Law.

Publication of list of public authorities

4. (a) The Government shall make the list of public authorities, as said in paragraphs (1) to (8) of the definition of "public authority", available to the public at a place and in the manner to be prescribed by regulations; the list shall include concise information on the responsibilities of each public authority, and also on how to contact the supervisor and on additional ways of receiving information held by the authority, as practiced by that authority.
- (b) A local authority shall make available to the public, at a place and in the manner to be prescribed by regulations, the particulars said in subsection (a) in respect of itself and of the bodies corporate under its control to which this Law applies.

Periodic report

5. (a) A public authority shall publish an annual report, which shall include information about its activity and the sphere of its responsibility and an explanation about its tasks and powers; the report shall also include a report by the supervisor on the implementation of this Law in the public authority, but he may publish that report separately.
- (b) The Minister of Justice may, with the approval of the Knesset Constitution, Law and Justice Committee, prescribe a different reporting period for a certain public authority, as said in paragraphs (1) and (6) to (10) of the definition of "public authority" or for categories of public authorities.
- (c) Provisions on the format and manner of publishing the report shall be prescribed by regulations.

Administrative guidelines and by-laws

6. (a) A public authority shall make its written administrative guidelines, according to which it acts and which are related to or are important for the public available for public scrutiny.
- (b) The provisions of section 9 shall apply, *mutatis mutandis*, to making

administrative guidelines available for public scrutiny under this section.

- (c) A local authority shall make its by-laws available for public scrutiny.

Information about the quality of the environment (Amendment 2005)

- 6A. (a) A public authority shall make available for public scrutiny information in its possession about the quality of the environment, on the public authority's internet site, if such a site exists, and in additional ways that the Minister of Environmental Protection shall prescribe; for this purpose, "information about the quality of the environment" – information about substances that were emitted, spilled, disposed or released to the environment and the results of measurements of noise, odors and radiation, not in the private domain.
- (b) The provisions of sections 9 and 13 shall apply, *mutatis mutandis*, to making the information available for public scrutiny under this section.
- (c) The Minister of Environmental Protection shall – with the consent of the Minister of Finance and in consultation with the Minister of Justice and the Minister concerned, and in respect of local authorities also with the consent of the Minister of the Interior, prescribe the categories of information about the quality of the environment that shall be made available to the public, the ways in which this will be done and the times therefor; said regulations shall be brought before the Knesset Interior and Environment Committee for approval.

Procedure for submitting requests and their handling

- 7. (a) A request for information shall be submitted in writing to the supervisor or to the person appointed by him for that purpose; the applicant does not have to state the reason for his request.
- (b) The public authority shall inform the applicant for information of its decision on his request without delay, and not later than 30 days after receipt of the request; the head of the public authority or a person authorized by him for that purpose may, if necessary, extend the said period by another 30 days, on condition that he so informed the applicant in writing and gave reasons why the period needs to be extended.
- (c) The head of the public authority may extend the period said in subsection (b) for an additional period by a reasoned decision, which shall be sent to the applicant within the said period, if it is necessary to extend the period because of the volume or complexity of the requested information; the additional extension shall not exceed the period necessary due to the said reasons and shall, in no instance, exceed 60 days.
- (d) If the public authority decides to make the information available to the applicant, then its decision shall be implemented within a time that is reasonable under the circumstances of the case, but not later than 15 days, unless the supervisor decides, for special reasons, that the decision shall be implemented at a later time; the authority shall inform the applicant where and when the information will be available to him.
- (e) The information shall be made available to the applicant in the form in which it is found in the public authority, and the authority is not

obligated to process the information for the applicant's needs; if the information is computerized, then it shall be produced for the applicant by the means used by the authority.

- (f) If the public authority decides to reject some or all of the applicant's request, then it shall send the applicant written notification, specifying the reasons for the decision, and it shall inform the applicant of his right to appeal against the decision under the Administrative Affairs Courts Law 5760-2000 (Amendment 2005).

Rejection of requests in certain instances

8. A public authority may reject a request for receipt of information in any of the following instances:
- (1) its handling requires unreasonable allocation of resources;
 - (2) the information was produced or was received by it more than seven years prior to the submission of the request and locating it involves substantial difficulty;
 - (3) after taking reasonable measures, it ascertained that the information cannot be located or is not in its possession;
 - (4) the information was published and is available to the public or for its scrutiny, either against payment or gratis; however, when rejecting a request under this paragraph, the authority shall inform the applicant where he can purchase, obtain or view the requested information;
 - (5) the information was produced by another public authority and the applicant's referral to that authority will not make it unreasonably difficult for him to obtain the information; however, when rejecting a request under this paragraph, the public authority shall refer the applicant to the public authority that produced the information.

Information which must not or does not have to be delivered

9. (a) A public authority shall not deliver information that is one of the following:
- (1) information, whose disclosure may raise fear of harm to national security, the State's foreign relations, public security or a person's safety or welfare;
 - (2) information on subjects which the Minister of Defense determined by order with approval of the joint committee for reasons of national security;
 - (3) information, whose disclosure constitutes an invasion of privacy, as per its meaning in the Protection of Privacy Law 5741-1981 (hereafter: Privacy Law), unless the disclosure is permitted by law;
 - (4) information that must not be disclosed under any law.
- (b) A public authority is not under obligation to deliver information that is one of the following:
- (1) information, whose disclosure is liable to interfere with the orderly functioning of the public authority or with its ability to perform its tasks;
 - (2) information about policy in the process of being formulated;
 - (3) information about particulars of negotiations with a body or a person outside the authority;
 - (4) information about internal discussions, records of internal

- consultations between employees of public authorities, their colleagues or advisers, or of things said in the course of an internal investigation, and also about an opinion, draft, advice or recommendation made for the purpose of making a decision, excluding consultations required by law;
- (5) information on the internal administration of the public authority, which does not concern or is not important to the public;
 - (6) information that is a commercial or professional secret or which has economic value, if its publication is liable to reduce its value significantly, as well as information on commercial or professional matters connected with a person's business, whose disclosure is liable to cause substantive harm to a professional, commercial or economic interest; excluding information on one of the following:
 - (a) information on substances emitted, spilled, disposed or released to the environment;
 - (b) results of noise, odor and radiation measurements outside the private domain;
 - (7) information received by the public authority, where non-disclosure was a condition for its delivery, or whose disclosure may interfere with the continuing receipt of the information;
 - (8) information on work methods and procedures of a public authority that deals with enforcement of the Law or has authority of investigation or inspection or investigation of complaints by law, if its disclosure is liable to result in any of the following:
 - (a) interference with the authority's enforcement or inspection activities or investigations of complaints;
 - (b) interference with investigation or trial proceedings or a person's right to a fair trial;
 - (c) disclosure or enabling the possibility to discover the existence or identity of a source of confidential information;
 - (9) information related to disciplinary matters of an employee of the public authority, excluding information on public proceedings under the Law; for purposes of this paragraph, "employee" – includes soldier, policeman, prison guard and office holder in a public authority;
 - (10) information, whose disclosure constitutes an invasion of a deceased person's privacy.
- (c) For the purposes of this section it is immaterial whether the grounds for not disclosing the information are because of the requested information alone or because of its addition to other information.

Considerations of the public authority

10. When considering a refusal to give information under this Law by virtue of sections 8 and 9, the public authority shall take into account, *inter alia*, the applicant's interest in the information if stated in his request, as well as the public interest in the disclosure of the information for reasons of maintaining public health or safety, or of protecting the quality of the environment.

Giving partial information and giving information on conditions

11. If the requested information is information which the public authority is

entitled or is obligated not to disclose as said in section 9, and if it is possible to disclose the information without an unreasonable allocation of resources and without considerable hardship on the authority's activity, with particulars omitted, with changes introduced or with conditions stipulated on the manner of receipt and use of the information, then the authority shall deliver the information with the necessary omissions, changes or conditions, as the case may be; if omissions or changes were made as aforesaid, then the authority shall so state, unless that fact must not be disclosed for reasons specified in section 9(a)(1).

Applicability to a person who is not a citizen or resident

12. The provisions of this Law shall also apply to a person who is not a citizen or resident, in respect of information about his rights in Israel.

Protection of third party

13. (a) If the requested information includes particulars about a third party, whose delivery is liable to harm that third party, and if the public authority considers making the information available to the applicant, then the authority shall inform the third party in writing about the submission of the request and about his right to object to the delivery of the information, and it shall so inform the applicant; when a person has received an aforesaid notification, then he may inform the authority within 21 days that he objects to the request, for the reason that some or all of the information must not be given by virtue of the provisions of section 9 or of the provisions of any law; the said 21 days shall not be included in the periods enumerated in section 7.
- (b) If the public authority decides to reject the third party's objection, then it shall deliver to him its written reasoned decision, and shall inform him of his right to appeal against its decision under this Law.
- (c) Notwithstanding the provisions of section 7(b), the public authority shall not make it possible to receive the requested information before the period for the submission of the appeal has passed or before it decided to reject it, as the case may be, unless the objecting third party gave written notice of his waiver of the right to submit it.

Restrictions on applicability of the Law

14. (a) The provisions of this Law shall not apply to the following bodies and to the information produced, gathered or held by them –
- (1) the intelligence system of the Israel Defense Forces and additional military units which the Minister of Defense designated, for reasons of national security, by order with the approval of the joint committee;
 - (2) the General Security Service and also the security units in public authorities in respect of matters directed by or on behalf of the General Security Service;
 - (3) the Institute for Intelligence and Special Assignments;
 - (4) the unit of the security inspector of the defense system;
 - (5) units in the Prime Minister's Office and in the Ministry of Defense, whose major activity is national security or foreign relations, which the Prime Minister or the Minister of Defense designated

- by order with the approval of the joint committee;
 - (6) the Atomic Energy Commission and the nuclear research centers under its responsibility;
 - (7) the Political Research Center, the Disarmament Division and the Political Planning Division in the Ministry of Foreign Affairs and additional units of the Ministry of Foreign Affairs, which the Minister of Foreign Affairs designated, by order with the approval of the joint committee, for reasons of national security or of foreign relations;
 - (8) any body or authority that has investigative powers under any law, in respect of information gathered or produced for purposes of an investigation or in respect of intelligence information;
 - (9) the intelligence and investigation systems of the Israel Police, as well as additional units which the Minister of Internal Security designated by order with the approval of the joint committee;
 - (10) the Prisons Service, in respect of the intelligence system and security system;
 - (11) any quasi-judicial authority, whose function is to discuss a person's medical condition - in respect of proceedings before it;
 - (12) the Commissioner of Complaints from the Public against Judges – in respect of investigations of complaints against judges under the Commissioner of Complaints from the Public against Judges Law 5762-2002; (Amendment 2002)
 - (13) the Witness Protection Authority. (Amendment 2008)
- (b) The Minister of Justice may, by order, in consultation with the Minister concerned and with approval of the Knesset Constitution, Law and Justice Committee or of a subcommittee thereof – add any body or subject to the list of bodies enumerated in subsection (a); the validity of a said order shall be for the period prescribed in it and not for more than six months, unless it was cancelled earlier; if an order prescribes a validity period shorter than six months, then the Minister may extend the validity of the order for an additional period, on condition that the total period does not exceed six months.
 - (c) The Minister of Justice may, by order with the approval of the Knesset Constitution, Law and Justice Committee, determine that this Law not apply to a body corporate as said in paragraphs (7) or (8) of the definition of "public authority" in section 2, taking into consideration the degree of harm that is liable to be caused to the economic or business activity of the body corporate; a said order in respect of a body corporate controlled by a local authority shall be issued after consultation with the Minister of the Interior, and in respect of any other body corporate after consultation with the Minister in charge of the Law by virtue of which the body corporate was set up.
 - (d) The provisions of this Law shall not apply to information transferred by a public authority to the State Archives in accordance with the Archives Law 5715-1955.

Proceedings of joint committee

- 15. (a) Meetings of the joint committee shall be confidential, unless it decided differently for this purpose.

- (b) The joint committee may prescribe that part or all of an order approved by it under sections 9 or 14 not be published in *Reshumot*.

Correction of information

- 16. If a person receives information under this Law about himself and finds that the information is not correct, complete, clear or up-to-date, then he may apply to the public authority and request that it correct it, and the provisions of sections 14 and 15 of the Protection of Privacy Law shall apply to this matter, *mutatis mutandis*.

Petition to the Court (Amendment 2005)

- 17. (a) A petition under this Law against a decision of a public authority shall be heard by the Administrative Affairs Court, except when a certificate of privilege was issued under section 44 of the Evidence Ordinance [New Version] 5731-1971 in respect of the information that is the subject of the petition; when a said certificate is issued, then the petition shall be heard by the Supreme Court.
- (b) When it deliberates on a petition under this Law, excluding a petition on the rejection of a request under section 8, the Court may receive and study all the requested information; for reasons enumerated in section 9, the Court may hear arguments by the representative of the public authority in camera, and not in the presence of the petitioner or of his representative.
- (c) The Court shall order delivery of information that is liable to harm a third party's rights only after it has given the third party an opportunity to present his arguments in the manner in which the Court shall prescribe.
- (d) Notwithstanding the provisions of section 9, the Court may order that all or part of the requested information be given, and under the conditions which it shall prescribe, if it is satisfied that the public interest in the information's disclosure is greater than the reasons for rejecting the request, on condition that disclosure of the information is not prohibited by law.
- (e) If the Court decides as said in subsections (b) or (d), then it shall record the reasons for its decision.

Fees

- 18. (a) The Minister of Justice shall make regulations with the approval of the Knesset Constitution, Law and Justice Committee, prescribing fees for requests to receive information and for the activities connected with locating the requested information and its delivery under this Law; the fees shall be set taking into consideration the different categories of information and the applicants for it.
- (b) Regulations on fees shall prescribe circumstances under which exemption from fees will be granted.
- (c) No fee shall be set for a request for information that must be made available to the public under section 6, but a fee or payment may be prescribed for copying or printing the information and for sending the information to the applicant.
- (d) No fee shall be set for a person's request to receive information about

himself, but a fee or payment may be prescribed for copying or printing the information and for sending the information to the applicant, and also for the activity involved in locating the information, if the scope or complexity of the information require special efforts for the purpose of handling the request.

- (e) An appeal may be submitted to a Magistrates Court against a supervisor's decision on the payment of fees for a certain request, in a manner to be prescribed by regulations.
- (f) The Minister of Justice may prescribe that the time prescribed in this Law for the delivery of information shall only begin after the applicant has paid the fee, and that information be delivered to an applicant only after the fee has been paid.

Implementation and regulations

- 19. The Minister of Justice is responsible for the implementation of this Law, and he may make regulations for its implementation with approval of the Knesset Constitution, Law and Justice Committee.

Saving of laws

- 20. The provisions of this Law shall not derogate from the validity of any law, which in some other manner obligates, permits, prohibits or regulates the disclosure or delivery of information held by a public authority.

Commencement

- 21. (a) This Law shall enter into force one year after its publication.
- (b) Notwithstanding the provision of subsection (a), the Government may prescribe by order with approval of the Knesset Constitution, Law and Justice Committee, public authorities or categories of public authorities to which the Law shall apply from different dates, all as it shall prescribe, on condition that a commencement date that will be set shall not be later than three years after the commencement date set in subsection (a).