

## The Law on Publication and Free Access to Information

### **Chapter 1-Definitions and Generalities:**

#### *Section 1-Definitions:*

Article 1- In this law, the below terms will be defined in the following ways:

A-Information: Any data that has been recorded as document or saved in a software format or restored in any other setup.

B-Personal Information: Information such as name, surname, residence and work address, family status, personal habits, physical illness, bank account number and password.

C-Public Information: Non-personal information such as regulations and bylaws, national and official statistics and numbers, office documents and correspondence that are not covered under the exceptions mentioned in chapter 4 of this law.

D-Public Institutions: Generally speaking, institutions and entities affiliated to the state that include all their components and constituents that have been mentioned in the laws of Islamic Republic of Iran.

E-Private Institutions: Private institutions in this law, include all the for-profit and non-profit intuitions except public institutions.

#### *Section two-Freedom of Information:*

Article 2- every Iranian citizen has the right to have access to public information, unless otherwise prohibited by law . The use of public information shall be consistent with related laws and regulations.

Article 3-every person can prevent the publication or distribution of the information which is produced by him/herself ,in case it has been altered through the process of publication, on condition that this information has not been collected and prepared as the result of someone else's order. If so, the [process] must follow the terms of the contract between them.

Article 4-Compulsing people who prepare and publish information to disclose their sources is prohibited, unless competent judicial authority authorizes. This however does not override the responsibility of the preparers and publishers of information.

#### *Section three: Right to have access to Information:*

Article 5-The public shall promptly present to public the information [requested under this law] without any discrimination.

Note- Beside the existing means [in the law for publication of information], the information containing public rights and duties shall be presented to public through publication and public announcements and media.

## **Chapter 2- Regulation on Access to Information**

### *Section 1-Request of access to information and grace time to respond to it:*

Article 6- Requests to have access to personal information are only granted to real persons to whom the information is related or to their legal representatives.

Article 7-Public institution shall not demand justification or reasons from the applicant for the submitted requests.

Article 8-The public institution shall grant requests for access to information in a prompt way and this duration must not exceed 10 days. The executive regulations of this article will be approved by the cabinet in six months from the time this law is enacted considering the recommendations of the commission on publication and free access to information.

### *Section 2-Manners of responding to requests:*

Article 9-The responses issued to the requests to access to information shall be in written or electronic format.

## **Chapter 3-Promoting Transparency**

### *Section 1-Duty to publish:*

Article 10-Except in cases of classified information, each public institution shall publish its [own] public information including [the institution's] outcomes and performance for the public interest and promoting citizens' rights. At least once a year, using computer facilities or in a guide book if possible and it shall deliver to the citizens who requested the information charging them the [service] fee and it must include the following:

- A) Goals, duties, policies and guidelines and structure.
- B) Ways and methods of the all the services it directly provides to public.
- C) Citizens' complaint system regarding the decisions and actions taken by the institution.
- D) Authorities and duties of their superior staff.
- E) All the processes or bylaws in which real and legal persons and non-state institutions can participate in the enforcement of the authorities or can be effective in any other way.

Note-The application of this article in regards to the institutions that directly fall under the supervision of the supreme leader is contingent upon nonexistence of his disapproval.

Article 11-Any legislation or decision that includes the right or duty of the public shall not be classified as state secret and its publication is mandatory.

*Section 2-Report of information unit to the commission on publication and free access to information:*

Article 12-Public institutions shall present an annual report about their activities and application of this law to the commission on publication and free access to information.

#### **Chapter 4-Exceptions in Access to Information**

*Section 1-State secrets:*

Article 13-in case the requester requests classified information and documents (State secrets), public bodies shall refrain provision of it. Access to classified information shall be subjected to specific laws and regulation.

*Section 2-Protecting privacy:*

Article 14-The request must be turned down if the requested information targets data related to the privacy of individuals or the information has been obtained through violation of privacy laws.

Article 15-The intuitions that fall under the purview of this law must refrain from providing information if the request involves illegal disclosure of third party private information unless:

A-The third party clearly and in writing consents to the disclosure of personal information.

B-The applicant is guardian, custodian or attorney of the third party and acts within the given authority.

C-The applicant is a public institution and the requested information directly pertains to the duties of that institution as a public institution within [related] legal framework.

*Section 3-Protecting the [integrity] of commercial information:*

Article 16-If it is evidently clear for the institutions that fall under the purview of this law that providing requested information would endanger life and health of individuals or will impose financial or commercial burdens on them, the institutions must refuse to provide information.

*Section 4-Miscellaneous:*

Article 17-Instituion that fall under the purview of this law shall refrain from providing the requested information if providing information will impose hardship on the following items:

A-Security and public welfare.

B-Efforts to prevent or discover crimes, arrest or pursuit of criminals.

C-Tax audit or legal tolls or their collection.

D-Overseeing immigration to the country.

Note 1-The subjects covered under article 13 to article 17 do not apply to information regarding the existence or emergence of environmental hazards and threatening public health.

Note 2-The subjects covered under article 15 and 16 do not apply to the information that would cause embarrassment or threatens the reputation of individuals or in violation of public chastity or promoting vice.

## **Chapter 5-Commission on publication and free access to information**

### *Section 1-Establishment of the commission:*

Article 18-In order to support the freedom of information and public access to the existing information in public and private institutions that provide public service, a commission on publication and free access to information is established by the order of the president to formulate necessary executive plans for public notification, overall overseeing over the performance of duties and resolution of conflicts in the ways the information related to this law are presented, considering consistency in action and providing guidance and consultation in the following:

A-Minister of Culture and Islamic guidance (head of the commission)

B-Minister of communication and information technology or related deputy.

C-Minister of Information or related deputy.

D-Minister of Defense or related deputy.

E-Head of institution for management and planning or related deputy.

F-Head of administrative justice department.

G-Head of cultural commission in the parliament of Islamic Republic of Iran.

D-Secretary general of High Council of information technology.

Note 1-The secretariat of the mentioned commission should be established in the ministry of culture and Islamic guidance. The manners the meetings should be held in addition to its management and duties of secretariat will be recommended by the commission and will be approved by cabinet.

Note 2-Resolutions passed by the commission on publication and free access to information and approved by the president are binding.

Article 19-The related institution are required to collaborate with the commission.

*Section 2-Commission report:*

Article 20-The commission shall deliver a report annually, to the parliament of Islamic Republic and president, reflecting the activities and compliance of the institutions (that fall under the purview of this law) with the law [on Publication and Free Access to Information].

**Chapter 6-Civil and Criminal liabilities**

Article 21-Any person, either natural or legal, whose physical and intellectual interests have been damaged as a result of the publication of false information related to this individual has the right to deny the published information or provide explanation about it or demand remedy for the damages the person sustained according to general rules of civil liability.

Note-In case, true information is published contrary to the articles of this law, real and legal individuals are entitled to demand remedy for the incurred damages, subject to the general rules of civil liability.

Article 22-The following acts are crimes if done deliberately and perpetrator will be fined in cash in the amount between 300,000 to 100,000,000 Rials depending on the level of harm, the number of committing of crime and the status of perpetrator:

A-Blocking access to information contrary to the regulation of this law.

B-Any action or non-action that hinders the duties of commission on publication and free access to information or duties of public institutions to inform, in violation of this law.

C-Trivial or general destruction of the information without having the authority.

D-Not following the deadlines of this law in regards to designated deadlines and [due dates].

In case for each of the mentioned crimes a more severe punishment has been designated [under the law], the more severe punishment should be considered in penalizing the perpetrator.

Article 23-The executive regulation of this law will be drafted by ministry of culture and Islamic guidance and with collaboration of related state bodies and will be approved by the cabinet in maximum 3 months from the date of its approval.

The above mentioned law includes twenty three articles and seven notes and was approved in public session in Parliament of Islamic Republic on Sunday six of Bahman of the year 1387 and in 31 of Mordad of 1388 was passed in accordance to the state interest by expediency council adding one note that falls under article 10.

**Executive Regulation on Publication and Free Access to Information Law**

Article 1: In this executive regulation, the below terms will be defined in the following ways:

A-Any data including voice, visuals, written, signs, maps, numbers or combination of them that have been recorded as documents or stored in software format or saved in any other setup.

B-Personal Information: Any information related to identity, personal status, individual situation, beliefs and opinions, electronic post, photograph and video and voice and visual and behavioral habits and individual characteristics such as name and surname, date and place of birth, marriage, divorce, spouse information, parents and children, family relation, physical and mental illnesses, bank account and password, place of work and residence and also personal information regarding to commercial affairs, job, academic, financial, educational, administrative, medical and legal.

C-Privacy Limits: [is] the domain of one's personal life that expects not to be violated unless there is consent or prior notification or in compliance with law or judicial authorities, including body integrity, entrance, observation, surveillance and access to one's personal information via computer, cell-phone, letter, place of residence, vehicle and the areas that are personally rented such as hotel and ship, and also whatever is considered private professional activity of a real or legal person according to law; including trade and invention and discovery documents.

D-Classified Information (State Secrets): Includes state secret and confidential documents that are subject of law on penalty for publication and disclosure of state secret and confidential information-passed in 1353- and its executive regulation-passed in 1354-.

E-Law: Law on publication and free access to information-passed in 1388-.

F-Publication of Information: Disclosure of information for public access.

G-Private Institutions: Legal entities that have been established or are established pursuant to the law or by recommendation of the law and they have for-profit or non-profit activities; including companies, non-commercial institutions, parties and NGOs.

H-Public Institutions: Institutions and organizations affiliate to state in general including executive bodies subject to article (5) of law on country's public service, revolutionary establishments, armed forces, and legislative and institutions, companies, institutions, dependent establishments and foundations and institutions that are managed under the supervision of the supreme leader complying with the note under article (10) of the law and also each institution, company or foundation whose whole share or more than 50 percent of its share belong to the state or government that have been defined in the laws of Islamic republic of Iran.

I-Private Institution that Provide Public Services: The category of non-state institutions that provide public service to people including professional or guild institutions, banks and stock exchange.

J-Commission: Commission on article (18) of law.

K-Institutions liable under the law: Private institutions, public institutions and private institutions providing public service.

L-: Portal: Including portal, website, or media following the institutions liable under the law.

Article 2-The institutions liable under this law are required to gradually and in three years transform the mentioned information restored under article (7) of this executive regulation to numeric form, starting the first year this executive regulation is promulgated and present it to public in different level, in compliance with law.

Article 3- The institutions liable under this law are required to present in their portal, the titles of their public and unclassified information and the instruction to access to them.

Note- The institutions liable under this law are required to place the electronic form and printing version of it on their portal. After filling out the form and send it to the institution, a tracking number is assigned to the applicant in order to follow up his/her case.

Article 4- The institutions liable under this law are obliged to provide the possibility of secure communication for processing the legal procedure in order to enable the users to communicate with the institution via means of access and communication such as telephone, computer or their cellphones. Obtaining information or presenting documents or paper credentials, receiving or filling out administrative forms shall not be contingent to physical presence of the citizens and officials of public bodies that fall under this law.

Note-If the public key infrastructure is secured , there is no need for physical presence for the purpose of signature.

Article 5-Instituions that receive high number of requests are authorized to deliver the service in paper or electronically, in compliance with level of access, with full supervision and providing a method to assess public satisfaction according to related regulation and level of access. The traffic data regarding access to this information must be kept in record for six months.

Article 6- The institutions liable under this law are required to present a statistical report about the publication of information and their performances in [providing] access to information and their report shall include the followings:

A-Statistics on requested information and the number of granted and rejected requests.

B-The average on the extent the information was presented and the time for providing information for each title of information.

C-Report on the published information and the number of their visits.

Article 7- The institutions liable under this law are required to design, list and provide 24/7 access for the applicants to below information in their portal in compliance with regulations and standards listed in the resolution number ?????? dated 3 of Khordad of 1391:

A-Description of duties and legal requirements.

B-Laws and regulations governing the activities of the institution.

C-Organizational structure and description of each position including the lowest organizational level.

D-List of all the institution's mangers along with the number of their land lines and their work-electronic mails.

E-List and the possibility to access to all the subordinate and superior entities.

F-A page dedicated to publishing the complaints about the activities of the institution, their dependent units or staff (establishment of a system to receive phone calls or text messages or internal emails is necessary to record the complaint).

G-Organization's assets ownership plans accompanying the most recent report about their progress.

H-A page announcing tenders and auctions and report on their latest status

I-Information about all the service the institution can provide accompanying the person in charge of providing the service.

J-The process of providing service, accompanying all the related needs

K-Time for providing service and list and method of access to the staff who are in charge of providing service.

L-In case of outsourcing the services to Pishkhan [Government office which provides Internet], the government shall publish how these offices offer the services, their responsibilities, and their commitment.

M-Establishment of guide to Pishkhan [Government office which provides Internet]and frequently asked question [page] and related responses.

N-Establishment of a page for tracking cases or requesting information, accompanying the processed information for providing service.

O-Report on the dates in which Pishkhan [Government office which provides Internet]has not been accessible due to site maintenance or updates.

P-Information related to the duties of public institutions that are liable under this law that shall present the information according to the laws and regulations of the country.

Article 8-The publishers of information will not be liable for accuracy of published information that are provided for them by the institutions covered under this law and if the publication of this information does not violate the law.

Article 9- The institutions liable under this law are required to immediately publish on their portal the information they are obligated to publish.

Note- The institutions liable under this law do not have the right to publish or present information covering privacy and other prohibited areas under the law unless laws and regulations have made their publication mandatory.

Article 10- The institutions liable under this law are required to take action through public media in regards the information that involves public rights and duties.

Article 11-The highest position in the institution bears the responsibilities and duties in application of this law and [its] executive regulation.



Note- The highest position in the institution can delegate, within the framework of legal authorities, the whole or portion of the responsibility in presentation and publication of information to other subordinate individuals