

# **Right to Access Information Law**

## **Section One: General Provisions**

### **Article 1: The beneficiaries of this law:**

Every person, natural or legal, shall have the right to access and view the information and documents in the administration in accordance with the provisions of this law, bearing in mind that the right should not be abused.

### **Article 2: Definition of the administration:**

For the purposes of this law, “the administration” is:

- 1 - The state and its public administrations.
- 2 - Public institutions.
- 3 - Independent administrative bodies.
- 4 - The courts and the bodies and councils of a judicial or arbitral nature, both regular and exceptional, including the judicial, administrative, and financial courts but not the denominational courts.
- 5 - The municipalities and municipality federations.
- 6 - Private establishments and companies tasked with administering a public utility or property.
- 7 - Mixed companies.
- 8 - Public benefit institutions.
- 9 - All public law persons.
- 10 - Bodies that regulate sectors, particularly the Petroleum Administration, the Sovereign Fund, and other funds.

### **Article 3: Administrative documents:**

A - For the purposes of this law, “administrative documents” are written documents, electronic documents, audio and visual recordings, images, and all machine-readable documents, whatever their form or specifications may be, held by the administration.

B - Administrative documents include but are not limited to:

- 1 - Files, reports, studies, records, and statistics.
- 2 - Orders, instructions, directives, circulars, memorandums, correspondences, opinions, and decisions issued by the administration.
- 3 - Contracts concluded by the administration.
- 4 - National Archives documents.

### **Article 4: Administrative documents pertaining to personal information:**

A - The person concerned shall have the exclusive right to access personal files and any evaluation report pertaining to a natural person referred to by name, identification number, code or symbol, or any other identifying descriptor such as fingerprints, iris or voice signatures, or images.

- “Personal files” means:

Personal status records and files that contain all types of information pertaining to the natural person either directly or indirectly. Including IP address, via comparison or collation of information from multiple sources.\*

B - The person concerned shall have the right to request the correction, completion, update, or erasure of personal information pertaining to him that is incorrect, incomplete, ambiguous, or outdated or whose collection, use, exchange, or retention is prohibited.

#### **Article 5: Documents that may not be accessed:**

A - There shall be no access to information pertaining to:

- 1 - National defense, national security, or general security secrets.
- 2 - The management of the state’s confidential foreign relations.
- 3 - Anything that undermines the state’s financial or economic interests or the security of the national currency.
- 4 - Individuals’ private lives or their mental and physical health.
- 5 - Secrets protected by law, such as professional or trade secrets.

B - The following documents shall not be accessible:

- 1 - The facts of investigations before their recital in a public hearing and the facts of secret trials and juvenile and personal status trials.
- 2 - The minutes of confidential sittings of Parliament or its committees, unless otherwise decided.
- 3 - The Council of Ministers’ deliberations and the decisions that it renders confidential.
- 4 - Preparatory documents and unfinished administrative documents.
- 5 - Opinions issued by the State Shura Council, except by the persons concerned in the context of a judicial review.

## **Section Two: The Duty to Publish as a Matter of Course**

#### **Article 6: The mandating reasons of laws and administrative decisions:**

The mandating reasons shall be published with laws and decrees of all kinds in the Official Gazette by the body vested with the power to promulgate or issue.

#### **Article 7: Documents that must be published as a matter of course:**

The administration shall as a matter of course publish on its websites the following:

- Decisions, instructions, circulars, and memoranda that include an interpretation of laws and regulations or that are of a regulatory nature. This publication shall occur within fifteen days of the date of their issuance.

Publication shall occur in the Official Gazette as well as on the administration's website.

Without prejudice to Article 5 of this law, all transactions involving payment of more than LBP 5,000,000 of public funds. This publication shall occur within one month of the date they or one of their installments are executed. The publication shall include the value of the disbursement, the means of payment, the purpose of the payment, the beneficiary, and the legal basis of the disbursement (such as a tender, a contract by mutual consent, or the implementation of a judicial ruling).

The salaries and compensation of employees shall be exempt from this article.

#### **Article 8: Annual reports:**

A - The competent hierarchical head in each administration shall produce an annual report on its activities.

B - Regarding the judiciary, the annual report shall be developed by the body responsible for overseeing each of the juridical, administrative, financial, doctrinal, spiritual, and Sharia branches (such as the Supreme Judicial Council or the Bureau of the State Shura Council). The juridical judiciary's report shall include the situation of the exceptional courts.

C - The annual reports shall include at least the following:

- 1 - Information about the administration's working mechanism, including expenses, objectives, rules, accomplishments, difficulties that faced workflow, and audited accounts.
- 2 - The general policy and the projects of the administration concerned, both those that were implemented and those that were not and the reasons why, and any proposals that help improve the administration's work.

#### **Article 9: Means of publication:**

All the documents mentioned in the previous article shall be published on the websites of the relevant administrations.

## **Section Three: The Duty to Explain Administrative Decisions**

### **Article 10: The right to access the reasons for administrative decisions:**

Natural or legal persons shall have the right to access the reasons that prompted the administration to take non-regulatory administrative decisions that affect their rights.

### **Article 11: Explanation conditions:**

The administration shall explain non-regulatory administrative decisions, under pain of invalidation, in the following manner:

- 1 - The explanation shall be in writing.
- 2 - It shall include the legal and factual grounds for the decision.
- 3 - It shall be signed by the authority that issued it and it shall include the signer's name and the date of signature.

### **Article 12: Exemption from explanation:**

A - The administration is exempt from the duty to explain non-regulatory administrative decisions in the following cases:

- 1 - During a state of emergency.
- 2 - Exceptional circumstances wherein there is a constant threat to the functioning of the institutions.
- 3 - National defense, national security, or general security secrets.
- 4 - The management of the state's confidential foreign relations.
- 5 - Anything that undermines the state's financial or economic interests or the security of the national currency.
- 6 - Individuals' private lives or their mental and physical health.
- 7 - Secrets protected by law, such as professional or trade secrets.

B - If the grounds for exempting the administration from providing explanation cease to exist or in the case of a tacit decision to deny, the person concerned shall have the right to, within the timeframe for judicial review, request to view the grounds for the decision. The authority concerned shall inform him of them in writing and without delay.

- If the administration remains silent about the request for two months, said silence shall be considered a tacit decision to deny appealable before the State Shura Council.

## **Section Four: The Employee Appointed to Handle Information**

### **Article 13: Facilitating the process of accessing registers:**

The administration shall keep the information it possesses organized and in an arrangement that allows the appointed employee to retrieve it easily. The administration shall store the information electronically wherever possible.

### **Article 14: Submitting the request:**

A - The request to obtain information shall be submitted in writing to the administration possessing the information. Said request shall include sufficient details to enable the appointed employee to retrieve the information with little effort.

B - The person submitting the request shall adopt an elected place of residence of which he shall inform the administration upon submitting the request.

C - The appointed employee shall develop a registry of the requests submitted and shall, upon receiving the request, give the person who submitted the request a notification stating the date that the request was submitted, the type of information requested, and the timeframe needed to respond to the request.

D - If the request was not sufficiently precise, the appointed employee shall ask the person who submitted it for the necessary clarifications and shall assist him by all means available.

### **Article 15: The information employee:**

In each administration, an employee shall be appointed to examine the requests to obtain information. He shall have the necessary powers to find and access the information requested and deliver it to citizens.

### **Article 16: Timeframes for responding:**

The appointed employee shall respond to the request within fifteen days of its submission. This period may be extended once for a period not exceeding fifteen days if the request encompasses a large amount of information or if accessing the information requires consulting a third party or another administration. A lack of response during said period shall be considered a tacit denial of the request.

### **Article 17: Acceptance of the request for access:\*\***

If the request is approved, the appointed employee shall enable the requester to obtain the information that he specified in his request. In the case that the request asked for access to more than one piece of information, the appointed employee may allow the requester to access part of the information if the rest falls within the scope of the

exceptions stipulated in this law, without prejudice to intellectual property rights.

**Article 18: The means of accessing administrative documents:**

A - Access to administrative documents shall occur for free at their location unless that is not possible for reasons related to the physical preservation of the document.

B - Acquisition of a copy of the requested document by the person concerned shall occur at his own expense. However, the expense shall not exceed the cost of reproduction or photocopying or the cost stipulated by law. If the document is electronic or an audio or visual recording, the person concerned may request, at his own expense, a printed copy or an audio, visual, or electronic recording of it. The electronic document may be emailed for free to the person concerned.

**Article 19: Denying access to information:**

A - Decisions to deny access to information shall be in writing and explained.

B - The administration shall convey the explicit decision to deny access to information to the person concerned. Said person may, within a two-month timeframe, have recourse to the independent administrative body stipulated in the law establishing the National Anti-Corruption Body.

C - Tacit denial of access to a certain document shall be appealable in accordance with the procedures mentioned in the previous paragraph.

**Article 20: Reusing information:**

The right to access information does not entitle its beneficiaries or other persons to convey, publish, or use the accessed documents for commercial purposes unless said documents are compiled into collections of information whose content selection or arrangement constitutes an innovation under Article 3 of Law no. 75 of 3/4/1999 (On the Protection of Literary and Artistic Property), provided that said documents contain no personal information and without prejudice to intellectual property rights.

The above shall be under pain of halting the infringer's activity and fining him no less than double the material gain obtained.

**Article 21: National Archives documents:**

The deposit of administrative documents accessible under this law in the National Archives shall not prevent access to them at any time.

As for the documents that under this law are inaccessible, access to them shall become

possible after the elapse of the timeframes legally stipulated for them and in accordance with the procedures stipulated in Law no. 162 of 27/12/1999 (On the National Archives).

## **Section Five: The Powers of the National Anti-Corruption Body**

### **Article 22: Functions of the National Anti-Corruption Body (“the body”):**

The body shall:

- 1 - Receive complaints pertaining to the application of this law, investigate them, and issue decisions on them in accordance with Article 23 of this law.
- 2 - Provide advice to the relevant authorities regarding any issue related to the application of this law.
- 3 - Produce an annual report including, in particular, the significant difficulties facing people’s access to information with respect to the various categories of documents, as well as specific reports on important topics where necessary. Said reports shall be published in accordance with Article 9 of this law.
- 4 - Help educate citizens and raise their awareness of the importance of the right to access information and the procedures for exercising it, and contribute to the training of employees and officials in the administration on the means and importance of enabling individuals to obtain information.

### **Article 23: The body’s decisions:**

A - The administrative body shall, within two months of the submission of the complaint, issue a binding decision either approving the delivery of the document or denying it. It shall immediately convey said decision to the administration concerned.

B - The body’s decisions shall be appealable before the State Shura Council, which shall apply summary procedures in this regard.

## **Section Six: Concluding Provisions**

### **Article 24: Texts that contradict this law:**

All texts that contradict this law or are incompatible with its content are repealed.

### **Article 25: The details of the implementation of this law:**

The details of the implementation of this law shall, when necessary, be determined via decrees adopted by the Council of Ministers based on the Minister of Justice’s proposal.

**Article 26: Effective date of this law:**

This law shall come into effect upon publication in the Official Gazette.

*This document is an unofficial translation from Arabic.*

*Translator's notes:*

*\* Sic.*

*\*\* The promulgated version of the law reads "Before the request for access", an apparent misprint (the words "acceptance" and "before" differ by one letter in Arabic).*