

**In the name of god the merciful**

**In the name of the people**

**Parliament of Kurdistan – Iraq**

According to paragraph (1) Article 56 in the amended Law No. (1) for 1992, and after acquiring the legal number of the MPs supporting it, the Kurdistan Parliament-Iraq decided in its ordinary session No (28) held on 5/6/2013 to legislate the following law:

**Law No (11), 2013**

**Right to Access Information Law in Kurdistan Region-Iraq**

**Chapter One**

**Definitions and aims**

**Article One:**

For the purpose of this law, these terms mean the definition assigned to each of them:

First: the Region: Kurdistan Region-Iraq

Second: the Parliament: Kurdistan Parliament-Iraq

Third: the Commission: the Independent Human Rights Commission in Kurdistan Region.

Fourth: Public institutions: all institutions; legislative, executive, judicial, administrative, local and independent commissions.

Fifth: private institutions: public sector companies or any non-governmental organization or commission managing a public facility or funded by the government or a commerce or profession which has legal personality.

Sixth: the specialized employee: the employee or the appointed individual by certain institution to review the requests to access information.

Seventh: Publishing: means having the information available in an apprehensible form to all members of the society and through all known means of dissemination.

Eighth: Information: verbal data, or written, or records, statistics, written documents or photocopied, recorded or saved electronically or in other way.

Ninth: Document: the medium used to record the Information regardless of its shape, form, source, date of issue or legal statute.

## **Article Two: Aims**

This law aims to:

First: all the citizens of the region to practice their right in accessing information held by the public and private institutions in accordance to this law.

Second: supporting the principle of transparency and active participation to strengthen the democratic process.

Third: create an environment supportive of freedom of expression and publication.

## **Chapter Two**

### **The Commission Mandate and Tasks**

#### **Article Three:**

The commission can add to its tasks specified in law No (4) year 2010, in issues related to monitor the implementation of this law, the following mandate and tasks:

First: follow on the implementation of this law and monitor the violations and obstacles facing its implementation to issue the appropriate recommendations.

Second: design an action plan to train the employees specialized in the implementation of this law.

Third: receive complaints, investigate them as soon as possible and take the appropriate measures.

Fourth: inform the institutions to correct the cases that showed evidence of violation the rules of this law.

Fifth: guiding the citizens on the ways they are able to practice their rights guaranteed in this law and issuing publications about this issue.

Sixth: interfere to access information in case it was not possible to access it according to this law after asking the help of the commission, it (the commission) can file legal complaint against parties and individuals who violate this law.

Seventh: the commission has to submit biannual reports to the parliament about its work and it should be made public.

## **Chapter Three**

### **How to access information**

#### **Article four: the right to know and access information**

Every natural or legal person has the right to know and to access information held by the institutions, and to receive a copy of the documents he is asking for unless it is excluded from publishing according to Article (14) of this law.

#### **Article five: the right to submit a request**

Every person has the right to submit a request to receive information, if the institution has the document containing the information requested, it has to present a copy of the document to the person making the request.

#### **Article six: the duty of publishing information**

First: every institution should produce a yearly book and to publish the following kind of information on its website and be updated regularly, or it should be published as a report in one of the media companies, the information includes:

- 1- Its structure, address, website, contact details, its tasks, decisions, recruitment procedures, its officers and their professional addressees.
- 2- Its budgets, allocations and final accounts.
- 3- Finalized projects, the ongoing projects and the project in the pipeline.
- 4- Its services and how it can be acquired.
- 5- The complaints presented to it and how they have been dealt with.

Second: public commissions should publicize their tenders and information on their properties according to the laws and regulations applied in the Region.

#### **Article Seven: procedures of submitting a request to have access to information**

First: Every institution, public or private, should appoint a specialized employee, or more, to receive the requests.

Second: Public or private institutions can prepare its own template for the requests to access information to include clear statement of the requested information and the name and contact details of the person making the request as long as information requested to fill this template do not become a burden on those who are submitting it, the institutions can upload these templates on their websites.

Third: the request to access information has to be written request, unless this was not possible then it is acceptable to make a verbal request.

Fourth: the institution (public and private) should register the request as soon as it is received regardless if the request is accepted or rejected. It is illegal not to register a request to access information.

Fifth: the public or private institution should answer the request within ten days starting from the it was received, if the request asks for big amount of information, or if it was necessary to consult with a third party, then it can extend the time of response for one time only and for a period that does not exceed 15 days.

Sixth: in case the information requested is necessary to protect somebody or his freedom, the public or private institution should answer the request within 48 hours following submitting the request.

### **Article Eight: responding to the requests**

First: if the public or private institution accepts the request, it should give the information directly to the person making the request.

Second: if the information being requested is ready and there is no need to make an effort or additional work to prepare it, then it possible to provide the information to the person requesting on the phone, through the email or orally.

Third: if the request was rejected, partially or fully, then the specialized employee should explain, in a response to the person making the request, the reason for refusal, the reason for refusal cannot differ from the following:

1. The institution does not have the requested information.
2. The information requested is within the range exclusion defined by this law.
3. The information requested has been published with a reference to the date and place of its publication, or if it is available on a website or if it was given to the same person 6 months earlier.
4. Make a reference that the person who made the request has a right to refer the request to the court of first instance.

### **Article Nine: delivering the information**

First: the person requesting the information should explain the easiest way for him to receive the information requested, the public or private institution should fulfill his request.

Second: the public or private institutions should answer the following demands when they are made:

- 1- An original version of the document in the form it is available at the institution.

- 2- The right, when it is necessary, to examine the document using equipment owned by the institution itself.
- 3- The right to copy the document inside the institution using equipment owned by the person.
- 4- A copy of the document, printed or recorded, audio or video, if it was possible to make these copies using the equipment available at the institution.
- 5- Prepare an accurate summarized version from the original document or another format of the original document.

Third: the institution has the right to refuse providing the information in the forms stated in the previous paragraph if this harms the document.

Fourth: if the document is available in different languages, it should be provided to the person in the language/languages requested.

#### **Article Ten: the document is at another institution**

First: with the specialized employee receives the request, he should enquire if the institution has the requested document or not, if the institution does not have the documents and he thought it exist with another relevant public institution, he should either transfer the request to this institution or inform the person making the request and help him to reach this organization.

Second: the period to respond to the request is calculated from the date the request is transferred to the relevant institution.

#### **Article Eleven: Keeping archive of the documents and records**

Every public or privet institution should keep an archive that could be easily accessed according to the articles of this law.

#### **Article Twelve: Training of employees**

Every public or privet institution should provide appropriate training to its specialized employees about the implementation of this law

#### **Article Thirteen: presenting the reports to the commission**

Every institution should submit a report to the commission every four months, the report should include:

The received requests, the fully or partially approved requests and those that were rejected, the injection and court cases, the reports that have been published according to Article Six of this law and the training courses for its employees.

#### **Article Fourteen: (The Exclusions)**

First: it is not permitted for a public or private institution to refuse to give information to protect an interest included in paragraph (Second) of this Article if the public interest required the revelation of this information.

Second: the public or private institution has the right to decline providing information in the following circumstances:

- 1- Secrets related to the defense of the Region and its security (details of the weaponry and military equipment, secret military and security missions, the tactical and defensive maneuvers and intelligence information).
- 2- Information that if it revealed could influence the course of negotiation conducted by the Region with any other party, or if both parties agreed to its secrecy until it is officially announced.
- 3- Information that if it is to be revealed will influence the course of investigations or the court.
- 4- Information if it is revealed will undermine the legitimate competition, author's right or intellectual property.
- 5- Personal records and data; educational, medical, employment, bank details or professional secrets without the consent of the individual and all other information that could endanger the health and safety of a citizen and put him at risk.
- 6- If the revelation of the information could cause the penetration of protected internet networks and endanger its content of theft or manipulation.

Third: other exclusions included in other laws applied in the Region as long as they do not contradict this law.

Fourth: the information excluded from revelation in points 1, 2 and 3 paragraph Two of this Article will be made public after 20 years.

## **Chapter Four**

### **General Rules**

#### **Article Fifteen: the cost**

The person making the request is to carry the cost of accessing the requested information

#### **Article Sixteen: (protecting the employee)**

It is not permitted to punish any employee who provides information about misconduct or violations of the law.

### **Article Seventeen: Appeals**

First: each person whose request to access information has been refused has the right to appeal the decisions of the public or private institution and its procedures to a higher management, to the commission and the specialized court of first instance within 7 days of the date of issuing the appealed decision, and in the following cases:

- 1- Rejecting the request, fully or partially.
- 2- Exceeding the legal period of response defined in Article Eight paragraph Five.
- 3- Imposing unnecessary cost on the person making the request.
- 4- Referring the person to more than one organization with the aim of misleading the individual or hiding the information from him.

Second: the ruling of the court of first instance can be appealed to the appeal court within 15 days from the date of being informed of the ruling; the decision of the appeal court is final.

### **Article Eighteen: Civil and Criminal Liability**

First: a minimum fine of 250 000 Iraqi Dinar and maximum of 5 000 000 Iraqi Dinar should be imposed on the following:

- 1- Anybody refuses to provide documents or access information of provided falls information in violation of the articles of this law.
- 2- Disrupts the work of the commission and its monitoring for the implementation of this law.

Second: every person destroys documents intentionally and outside what is provided by law is punished according to the applied laws.

## **Chapter Five**

### **Closing Rules**

#### **Article Nineteen:**

The council of ministers and the relevant parties are obliged to implement this law.

#### **Article Twenty:**

Any legal text or decision contradicting this law is suspended.

#### **Article Twenty One:**

The council of ministers and in coordination with the independent commission of human rights should issue the necessary guidelines to help implementing this law.

**Article Twenty Two:**

This law will be applied after 90 days from publishing it in the official newspaper

Arselan Bayez Ismael

President of Kurdistan Parliament-Iraq

**Justifications**

To strengthen the principle of transparency and to organize the process of providing correct information, and the right of citizens to receive the information,, this law has been legislated.

Note/ the law have been issued through degree number 16, year 2013 by the president of the Kurdistan Region.