

Freedom of Information Law, 5758-1998

[Prepared by WIPO, 2014]

[Hebrew Version is controlling]

[Section 1: Freedom of Information](#)

[Section 2: Definitions](#)

[Section 3: General Director](#)

[Section 4: Publication of the List of Public Authorities](#)

[Section 5: Periodic Report](#)

[Section 6: Administrative Guidelines and Bylaws](#)

[Section 6A: Information on the Environment](#)

[Section 7: Procedure for Filing Requests and Handling thereof](#)

[Section 8: Dismissal of Requests in Certain Cases](#)

[Section 9: Information Restricted from or under no Obligation to Provide](#)

[Section 10: Considerations of Authority](#)

[Section 11: Disclosing Partial Information and Conditions for Providing Information](#)

[Section 12: Effect Regarding Person who is not a National or Resident](#)

[Section 13: Protection of Third Parties](#)

[Section 14: Reservations on Effect of Law](#)

[Section 15: Proceedings of the Joint Committee](#)

[Section 16: Correcting Information](#)

[Section 17: Appeal to the Court](#)

[Section 18: Fees](#)

[Section 19: Implementation and Regulations](#)

[Section 20: Saving of Laws](#)

[Section 21: Commencement](#)

Freedom of information

1. Every Israeli citizen and resident has the right to obtain information from a public authority, according to the stipulations of this law.

Definitions

2. In this Law -

“Joint committee” - A joint committee of the Knesset Constitution, Law, and Justice

Committee and the Knesset Foreign Affairs and Defense Committee;

“Urban Company” - an urban company and an urban subsidiary, as defined under section 21 of the Budget Principles Law, 5745-1985;

“Information” - Any information in the possession of a public authority, whether written, recorded, filmed, photographed, or computerized;

“General Director” - a person appointed under Section 3 of the law;

“Obtaining information” - Including reviewing, viewing, listening to, copying, photocopying, receiving computer output, or obtaining information in any other manner, with regards to the type of information and the form in which it is kept;

“Public authority” -

- (1) The government and government ministries, including their units and supporting agencies;
 - (2) The President's Office;
 - (3) The Knesset;
 - (4) The State Comptroller, except for information which reached him for purposes of auditing and inquiries into public complaints;
 - (5) Courts, tribunals, repossession offices, and other agencies with legally derived judicial authority – except for the content of a legal proceeding;
 - (6) municipal authority;
 - (7) urban company;
 - (8) corporation established by law;
 - (9) A government company or government subsidiary, as defined in the Government Companies Law, 5735-1975, except for companies prescribed by the Minister of Justice, with the consent of the ministers. Such ruling may apply to the activities of the company, in whole or in part;
 - (10) Any other agency fulfilling a public function, which is a controlled agency as defined under section 9 of the State Comptroller Law, 5718-1958, as prescribed by the Minister of Justice, with the approval of the Knesset Constitution, Law, and Justice Committee; such ruling may apply to the activities of the agency, in whole or in part;
- “Head of public authority” – The Director General, or in the absence thereof, a comparable official in the same agency; in a municipal authority - the head of the municipal authority;
- “Corporation controlled by a local authority” – Repealed;
- “Resident” – As defined under section 1 of the Population Registration Law, 5725-1965, as well as a corporation incorporated under Israeli law.

General Director

3. The head of a public authority shall appoint an employee of the authority as the Director General in charge of making information available to the public, of handling requests for receiving information, and of application of the provisions of this law.

Publication of the list of public authorities

4. (a) The government shall make available to the public, in a place and manner to be prescribed under the regulations, the list of public authorities, as stated in paragraphs (1) and (8) of the definition of “public authority”; the list shall include a short summary of the functions of each public authority, and the means of contacting the Director General, and other means of obtaining information in the possession of the authority, as customary in that authority.
- (b) A local authority shall make available to the public, in a place and manner to be prescribed under the regulations, the particulars listed in subsection (a) concerning itself and for the corporations 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 activities and responsibilities, and an explanation of its functions and powers; the report shall include a report by the Director General on

the implementation of this law in the public authority; nevertheless, he may publish such report separately.

(b) The Minister of Justice, with the approval of the Knesset Constitution, Law and Justice Committee, may prescribe a different period for publishing the report for a specific public authority, as aforementioned in paragraphs (1) and (6) to (10) of the definition "public authority", or for certain types of public authority.

(c) The provisions regarding the format of the report and the manner of publication thereof shall be prescribed in the regulations.

Administrative guidelines and bylaws

6. (a) A public authority shall provide for public inspection the written administrative guidelines under which it operates, and which affect, or are of importance, to the public.

(b) The provisions under section 9 shall apply, *mutandis mutandi*, regarding provision of the administrative guidelines for public inspection, in accordance with this section.

(c) A municipal authority shall provide access to its bylaws for public inspection.

Information on the Environment

6A. (a) a public authority shall provide access for public inspection any information available thereto regarding the environment, on the website thereof, if such website exists, and in additional forms as prescribed by the Minister of Environment; for this purpose, "Information on the Environment" – information on substances emitted, spilled, removed or thrown to the environment and the results of measurements of noise, odors and radiation which are not in the private domain.

(b) the provisions of sections 9 and 13 shall apply, *mutandis mutandi*, on providing access for public inspection in accordance with this section.

(c) The minister of Environment, with approval of the minister of Finance and upon consultation with the Minister of Justice and any Minister relevant thereto, and regarding municipalities, with the approval of the Minister of Interior, shall prescribe the types of information on the environment to be provided for public inspection, as well as the manner and dates thereof; Regulations as aforementioned shall be subject to approval of the Knesset Interior and Environment Committee.

Procedure for filing requests and handling thereof

7. (a) A request for information shall be submitted in writing to the Director General, or the person authorized by him; the applicant shall not be required to state the reason for his request.

(b) The public authority shall notify the applicant without delay, and within 30 days of receiving the request, of its decision concerning his request; the head of the public authority, or a person authorized by him to do so, may extend the aforementioned period by 30 additional days, where necessary, provided that he notifies the applicant in writing, explaining the need for the additional period.

(c) The head of the public authority may extend the period aforementioned in subsection (b) by an additional period in a reasoned decision to be sent to the applicant within the provided period, whether the need for extension arose due to

the scope or complexity of the requested information; The additional extension shall not exceed the obligatory period for the aforementioned reasons, and in any event shall not exceed 60 days.

(d) Where the public authority has decided to provide the information to the applicant, the decision shall be carried out within a reasonable time under the circumstances, but no later than 15 days, unless the Director General prescribed, due to extraordinary circumstances, that the decision shall be implemented at a later time; the authority shall notify the applicant where and when the information shall be made available to him.

(e) The information shall be made available to the applicant in the same form as it is available to the public authority, and is shall not be obliged to process the information in accordance to the needs of the applicant; where the information is computerized, it shall be produced for the applicant through the means customarily used by the authority.

(f) Where the public authority decides to dismiss the request of the applicant, in whole or in part, a written notification shall be sent to the applicant specifying the reasons for the decision, and inform the applicant of his right to appeal against the decision in accordance with the Administrative Affairs Courts Law, 5760-2000.

Dismissal of requests in certain cases

8. A public authority may dismiss a request for receiving information in any of the following cases:

(1) Handling thereof requires unreasonable allocation of resources;

(2) The information was created or obtained by the public authority over seven years prior to the filing of the request, and locating it is of substantive difficulty;

(3) After reasonable efforts have been made, the public authority discovers the information cannot be located, or is no longer in its possession;

(4) The information has been published and made available for public inspection, whether for a fee or for free; however, the public authority, upon dismissal of the request under the provisions of this paragraph, shall notify the applicant where he can obtain, receive or inspect the requested information;

(5) The information was created by a different public authority, and referring the applicant to that authority does not unreasonably burden him in receiving information; however, the public authority, upon dismissal of a request under the provisions of this paragraph, shall refer the applicant to where the information was created.

Information restricted from or under no obligation to provide

9. (a) A public authority shall not provide information in any of the following:

(1) Information, the disclosure of which may harm state security, foreign relations thereof, public safety, or the safety or well-being of a person;

(2) Information on matters regarding which the Minister of Defense, for reasons of protecting state security, has enacted in an order, with the approval of the joint committee;

(3) Information, the disclosure of which constitutes an invasion of privacy, as defined in the Protection of Privacy Law, 5741-1981 (hereafter – the Privacy Law), unless such disclosure is permissible under the law;

(4) Information, the disclosure of which is barred by any law.

(b) A public authority shall be not required to provide information in any of the following:

(1) Information, the disclosure of which may disrupt the proper functioning of the public authority, or its ability to carry out its duties;

(2) Information concerning policy still being formulated;

(3) Information concerning negotiations with an agency or person external to the authority;

(4) Information concerning internal discussions, notes of internal consultations among public authority employees, members, or advisors, or words spoken in the course of an internal inquiry as well as an opinion, draft, advice, or recommendation provided for purposes of decision-making, except for consultations established by law;

(5) Information concerning internal management of the public authority, which does not concern and is of no importance to the public;

(6) Information which constitutes a trade or professional secret, or which is of economic value, where publication thereof may cause actual damage to its value, as well as information concerning commercial or professional matters which relate to a person's business, the disclosure of which may cause real harm to his professional, commercial, or economic interests, except for information which is one of the following

-

(a) Information about substances emitted, spilled, removed, or discharged into the environment;

(b) Results of measurements of noise, odor, or radiation which are not of the private domain.

(7) Information obtained by the public authority, which non-disclosure thereof constituted a condition for its delivery, or that the disclosure thereof may jeopardize the obtaining of further information;

(8) Information concerning the work methods and procedures of a public authority engaged in enforcing the law, or which has power to investigate or audit or inspect complaints in accordance with the law, if disclosure thereof may cause one of the following:

(a) Damage to acts of enforcement or auditing or inspection of complaints lodged to the authority;

(b) Damage to procedures of investigation or trial, or to the right of a person to a fair trial;

(c) Disclosure or the possibility of disclosure of the existence or identity of a confidential information source;

(9) Information concerning the disciplinary affairs of a public authority employee, excepting information involving public processes stipulated by law; for purposes of this paragraph, "employee" includes a soldier, policeman, prison guard, or jobholder in the public authority;

(10) Information, the disclosure of which will affect the privacy of a deceased person.

(c) For purposes of this section, it is immaterial whether the reason for not disclosing the information relates solely to the information requested, or whether it is due to its' compilation with other information.

Considerations of Authority

10. In considering a refusal to provide information under this law, pursuant to the provisions of sections 8 and 9, the public authority shall take into consideration, among other things, the interest of the applicant in the information, if so cited in the request, and public interest in the disclosure of such information for reasons of maintaining the health or safety of the public, or protecting the environment.

Disclosing partial information and Conditions for providing information

11. Where the public authority may or is under obligation to not disclose the requested information, as aforementioned under section 9, and the information may be disclosed, with no unreasonable allocation of resources or substantially burdening the activity of the authority, by omitting particulars, and through editing the information, or imposing conditions on how such information is received and used, then the authority shall provide such information with the appropriate omissions, changes, or compulsory conditions; where such omissions or changes have been made as stated, the authority shall make note thereof, unless such fact must not be disclosed for reasons listed in section 9(a)(1).

Effect regarding person who not a national or resident

12. The provisions of this law shall also apply to an applicant who is not a national or a resident, with regards to information concerning his rights in Israel.

Protection of Third Parties

13. (a) Where the information requested includes particulars about a third party, the disclosure of which may damage such party, and the authority is considering allowing the applicant to receive such information, then the authority shall notify the third party, in writing, that such a request has been filed, and of the their right to oppose the disclosure of information, and shall inform the applicant to this effect; where a person has received notification thereof, he may notify the authority, within 21 days, of his opposition to the request, on the grounds that such information shall not be provided, in whole or in part, under the provisions of section 9, or under the provisions of any law; the aforementioned 21 days shall not be counted as a part of the time periods enumerated in section 7.

(b) Where the public authority has decided to dismiss the opposition of a third party, it shall provide him with its annotated decision in writing, and inform him of his right to appeal the decision under this law.

(c) Notwithstanding the provisions in section 7(b), the authority shall not provide the information to the applicant prior to the passing of the period for filing an appeal, or prior to the decision of dismissal thereof, as the case may be, unless the third party in opposition notifies, in writing, that he waives his right to file such appeal.

Reservations on Effect of Law

14. (a) The provisions of this law shall not apply to the following agencies, or to information created, collected or stored by them:

- (1) The intelligence agencies of the Israel Defense Forces, and other military units, which the Minister of Defense, with the approval of the joint committee, has stipulated in an order, for reasons of state security;
- (2) The General Security Agency as well as the security units of the public authorities, in matters directed by the General Security Agency, or on the behalf thereof;
- (3) The Institute for Intelligence and Special Tasks;
- (4) The Unit of the Security Director General in the Ministry of Defense;
- (5) Units in the Prime Minister's Office and the Ministry of Defense of which their primary dealings concerns state security or foreign relations, which the Prime Minister or the Minister of Defense has provided them in an order, with the approval of the joint committee;
- (6) The Atomic Energy Commission and centers for nuclear research under its responsibility;
- (7) The Center for Political Research, the division for disarmament affairs, and the division for policy planning in the Ministry of Foreign Affairs, as well as other unit thereof, which the Minister of Foreign Affairs, with the approval of the joint committee, has provided for in an order, for reasons of state security or foreign relations;
- (8) Any agency or authority who have power to investigate by law, regarding information collected or accumulated for investigative purposes and regarding intelligence information;
- (9) The intelligence and investigation systems of the Israel Police, as well as other units which the Minister of Interior, with the approval of the joint committee, has provided for in an order;
- (10) The Prison Service - regarding the intelligence and security systems;
- (11) Any quasi-judicial authority whose function is to discuss the medical state of a person - regarding ongoing internal processes.
- (12) The ombudsperson on Judges - regarding the investigation of a complaint about a judge in accordance with the Ombudsperson for Public Complaints Law, 5762-2002;
- (13) The authority for witness protection;
- (14) the authority as defined in the Law of Inclusion of Biometric Identification measures and Biometric Identification data in Identification documents and Information databases, 5770-2009;

(b) The Minister of Justice may, in consultation with the minister involved in the matter and with the approval of the Knesset Constitution, Law and Justice Committee or the subcommittee thereof, by force of an order, add an agency or topic to the list of enumerated agencies in subsection (a); the effect of this order shall be for such period prescribed therein, and shall not exceed six months, unless the order had been previously revoked; where the order specifies a period of less than six months, the Minister of Justice may extend the order, provided that the total period shall not exceed six months.

(c) The Minister of Justice may, with the approval of the Knesset Constitution, Law and Justice Committee, prescribe by order that this law shall not apply to a corporation, as aforementioned in sub-paragraphs (7) or (8) of the definition of a "public authority" in section 2, while taking due notice of the degree of harm that

might be caused to the economic or business activity of such corporation; such an order shall be granted with regards to an urban company, upon consultation with the Minister of Interior, and for any another corporation, upon consultation with the minister responsible for the law under which the corporation was established.

(d) The provisions of this law shall not apply to information transmitted by the public authority to the State Archives, pursuant to the Archives Law, 5715-1955.

Proceedings of the joint committee

15. (a) Meetings of the joint committee shall be classified, unless decided otherwise.

(b) The joint committee may determine that an order approved by it under sections 9 or 14 shall not be published in the Official Gazette, in whole or in part.

Correcting information

16. Where a person has received information about himself under this law, and finds that the information is not true, complete, clear, or updated, he may contact the public authority in order to correct it; the provisions of sections 14 and 15 of the Protection of Privacy Law shall apply to this matter, *mutandis mutandi*.

Appeal to the Court

17. (a) An appeal on the decision of a public authority under this law shall be heard in the court of administrative matters, unless a certificate of classification has been issued in regards to the information at the center of the proceeding, pursuant to section 44 of the Evidence Ordinance [New Version], 5731-1971; Where a certificate of classification has been issued as such, the appeal shall be heard before the Supreme Court.

(b) In hearing the appeal under this law, except for an appeal dealing with dismissal of a request under section 8, the court may obtain access and review all the requested information; the court may, for the reasons enumerated under section 9, hear arguments from the representative of the public authority, behind closed doors and without the presence of the appellant or his legal representative.

(c) The court shall not order to release information which may cause damage to a third party, unless the third party has been given an opportunity to voice his objections, in the manner prescribed.

(d) Notwithstanding the provisions of section 9, the court may instruct to release requested information, in whole or in part and on terms prescribed by the court, if the court believes there is a public interest in the disclosure of the information that takes precedence over the grounds for dismissing the request, provided that disclosure thereof is not prohibited by law.

(e) Where the court decided as aforementioned in subsections (b) or (d) above, it shall note the grounds for the decision thereof.

Fees

18. (a) The Minister of Justice, with the approval of the Knesset Constitution, Law, and Justice Committee, shall enact regulations prescribing fees for requests of information and for actions stemming from locating the requested information and

delivering it under this law; In prescribing fees, due consideration shall be given to the various types of information and of the parties making such application.

(b) The regulations on fees shall establish the circumstances in which a fee exemption shall be granted.

(c) No fee shall be prescribed for a request for information to be must be provided for public inspection under section 6. Nevertheless, a fee or payment may be prescribed with regards to copying, printing, and delivering the information to the applicant.

(d) No fee shall be prescribed for a request regarding information about one self, however a fee or payment may be prescribed with regards to copying, printing, and delivering the information to the applicant, and for actions stemming from locating the information, where the extent or complexity of the requested information special effort was required in order to fulfill the request.

(e) The decision of the Director General on the payment of fees for a certain request can be appealed to the Magistrates Court, in the manner prescribed in the regulations.

(f) The Minister of Justice may decide that the date prescribed in this law for delivery of information shall apply only upon payment of fee by the applicant, and that the information shall be delivered to the applicant only after such fee is paid for.

Implementation and regulations

19. The Minister of Justice is appointed with implementation of this law, and he may with the approval of the Knesset Constitution, Law and Justice Committee, enact regulations for implementation thereof.

Saving of Laws

20. The provisions of this law shall not derogate from the effect of any law requiring, permitting, prohibiting, or otherwise regulating disclosure or delivery of information of a public authority.

Commencement

21. (a) The commencement of this law shall be on the date of publication thereof.

(b) Notwithstanding the provisions of subsection (a), the government may, with the approval of the Knesset Constitution, Law and Justice Committee, prescribe by order any public authorities or types of public authorities for which the law shall apply on differing dates, in a manner prescribed, provided that the dates for commencement prescribed as aforementioned, shall be no later than three years from the date of commencement under subsection (a).