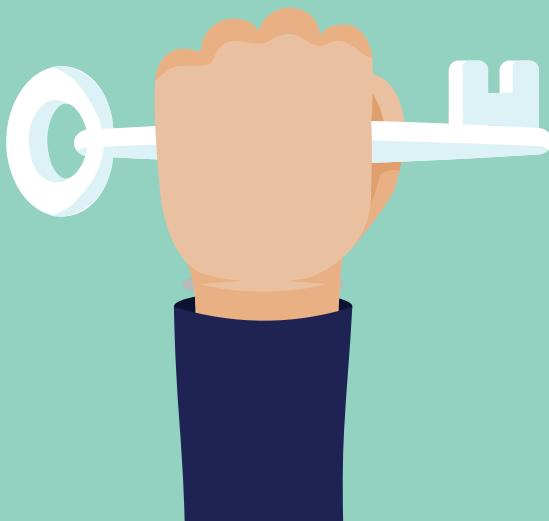


# THE RIGHT TO ACCESS INFORMATION

Citizen guide





- 1 Examples from daily life for the usage of Access to Information Law
- 2 Importance of Right to Access to Information
- 3 Information that you can request according to Access to Information Law
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## Examples from daily life for the usage of Access to Information Law



**RASHA**  
Journalist

I am Rasha, a journalist in “Al Khabar” newspaper and I am working on an investigative report about the states’ employees numbers. I could not obtain a legal document from the politicians who raised the issue, hence I submitted two requests to the National Social Security Fund (NSSF) and Cooperative of Government Employees (MFE) and was able to obtain the number of administrations’ registered employees and how they changed overtime.



We are a civil non-profit organization working on environmental safety issues. After the garbage crises in Lebanon in 2015, we tried to issue studies but had a hard time obtaining research data and accurate figures. We used the access to information law to submit a request to the Ministry of Environment in order to release collected data on air pollutants in +10 different stations they operate in Lebanon. Hopefully, when obtained, this data will help us in our research.



### ID CARD



**Citizen:** Chadi  
**Residence:** Kfartemrin  
**Demands:** Road Maintenance

Hello, I am Chadi from KfarTemrine. The road next to my house has suffered from supporting walls collapses over the years. I urged the municipality to fix it, but they kept saying that they have no financial resources. Using Access to Information Law, I submitted a request asking for the balance sheet for the municipal council and understand their financials. Not only I got a copy of the account statement, but the work on the roads’ walls has begun.



All these these requests have been submitted according to  
**Right to access information Law (2017/28)**



## 2 Importance of Right to Access to Information



Supports journalists prepare media reports that include documented information



Supports students and researchers to produce scientific studies & research material



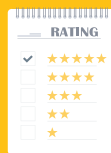
Enables to detect violations and fight corruption



Contributes to enhancing the confidence of companies in the state that provides access to economic, legal and commercial information



Allows monitoring of spending, contracts and tenders, and stop public squandering



Allows citizens to monitor and evaluate the performance of public administrations

## 3 Information that you can request according to Access to Information Law



Written documents  
such as contracts, files, reports



Electronic documents



Audio recordings



Visual clips & videos



Pictures



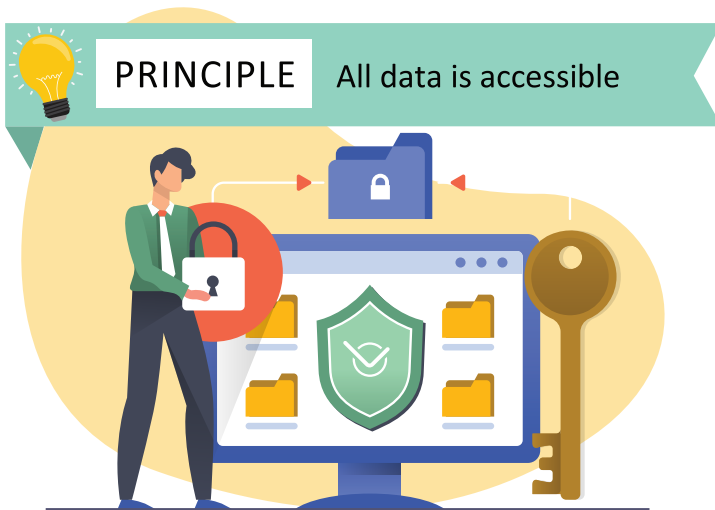
All documents that can be automatically read  
(regardless of its format or size which the administration collects)



held by any of the obligated administrations



## Importance of Right to Access to Information



### EXEMPTIONS:

**A**

**You cannot access information related to:**

- Secrets of national defense, national security and public security.
- State's Foreign affairs of a confidential nature.
- Data that undermines the states' financial or economic interests or the security of the national currency.
- The personal data of individuals and their mental and physical health.
- Secrets protected by the law, such as professional secrets (lawyers, doctors,..) or business secrets (companies).



**B****You may not access the following documents:**

- Proceedings of the investigations before they are read in public, secret trials, or trials related to juveniles and personal status.
- Minutes of private meetings of the Parliament or its committees, unless otherwise decided.
- The deliberations of the Council of Ministers and its decisions, which are given a confidential nature.
- Preparatory documents and administrative documents which are not completed.
- Opinions issued by the State Council unless you were a stakeholder in the framework of judicial review.

**C****Personal information (only available to the concerned person)****A SPECIAL RIGHT:****ACCESS and MODIFY your own personal information**

- Any person has the right to access his or her personal files and any evaluation report related to a natural person maintained by any Department.
- Any person may request the correction, update or removal of personal information related to him/her that are incorrect, incomplete, ambiguous, outdated, or which is prohibited to collect, use or save.

# 5 Entities obligated to comply with Access to Information Law with examples

**Lebanese Presidency and related entities**

**Lebanese Parliament**

**Presidency of the Government and affiliated councils, administrations and departments**  
(Higher Relief Council, Council for the South, Central Fund of the Displaced, ...)

**Ministries and their respective departments and entities under their supervision**

**Public institutions and establishments**  
(Electricity of Lebanon, Water Authority of Beirut and Mount Lebanon,..)

**Private institutions and companies in charge of managing a public facility**  
(The two companies operating the Telecom sector, the company in charge of the **Mechanical Inspection**, ..)

**Institutions of Public Benefit**  
(Industrial Research Institute, Caritas, Dar Al Aytam, ...)

**Mixed Companies**

**Independent Administrative Bodies**  
(National Commission for Lebanese Women, ..)

**Sector Regulators**  
(Telecommunications Regulatory Authority of Lebanon, ..)

**Central Bank and its affiliated institutions**

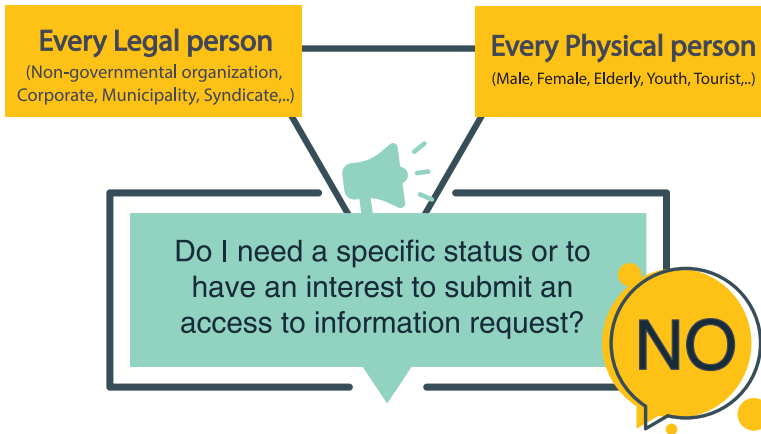
**Other Public Law Persons**  
(Management and operation of the Port of Beirut, Ogero, ...)

**Municipalities and their Unions**

**All Courts, bodies and boards of a judicial or arbitral character**  
(Regular and exceptional bodies)



## 6 People who are allowed to submit a request and clauses that prevent abuse



### Abuse of the Access to Information Right

In its legal opinion, the Ministry of Justice's Consultation and Legislation Commission number 9512018/ has stated that the provisions of the Access to Information Law are inspired by the French Law aiming to improve the citizens' relationship with the administrations, and hence mentions specific cases of law abuse, such as:



- 01 The number of applications and the size of the required documents (in a manner that hinders the administration from carrying out its work)
- 02 The frequent and regular nature of requests, particularly if they dealt with the same subject
- 03 The will to harm the public administration or make it in a situation where it is physically impossible to deal with the requests
- 04 The possibility for the applicant to access the required document from another source
- 05 The applicant refusal to pay the expenses of requested information

## Application process for access to information request



The Lebanese state has not yet adopted a unified form for requesting access to information, but the process is very easy:



01

The form should be prepared in accordance with the Right To Access Information Law, provided that the request contains sufficient details of the required information so that the designated official can extract the information with a simple effort.

02

The request can be submitted either personally or by someone who holds an authorized letter.

03

In principle, no matter what information is requested, you are not required to state the reasons or interest in obtaining that information.

04

The request can be submitted directly to the concerned administration in return for a receipt notification indicating at least the date of submission of the application.

05

Each administration should have an assigned employee to consider information requests who should have the necessary powers to search and access the requested information.

06

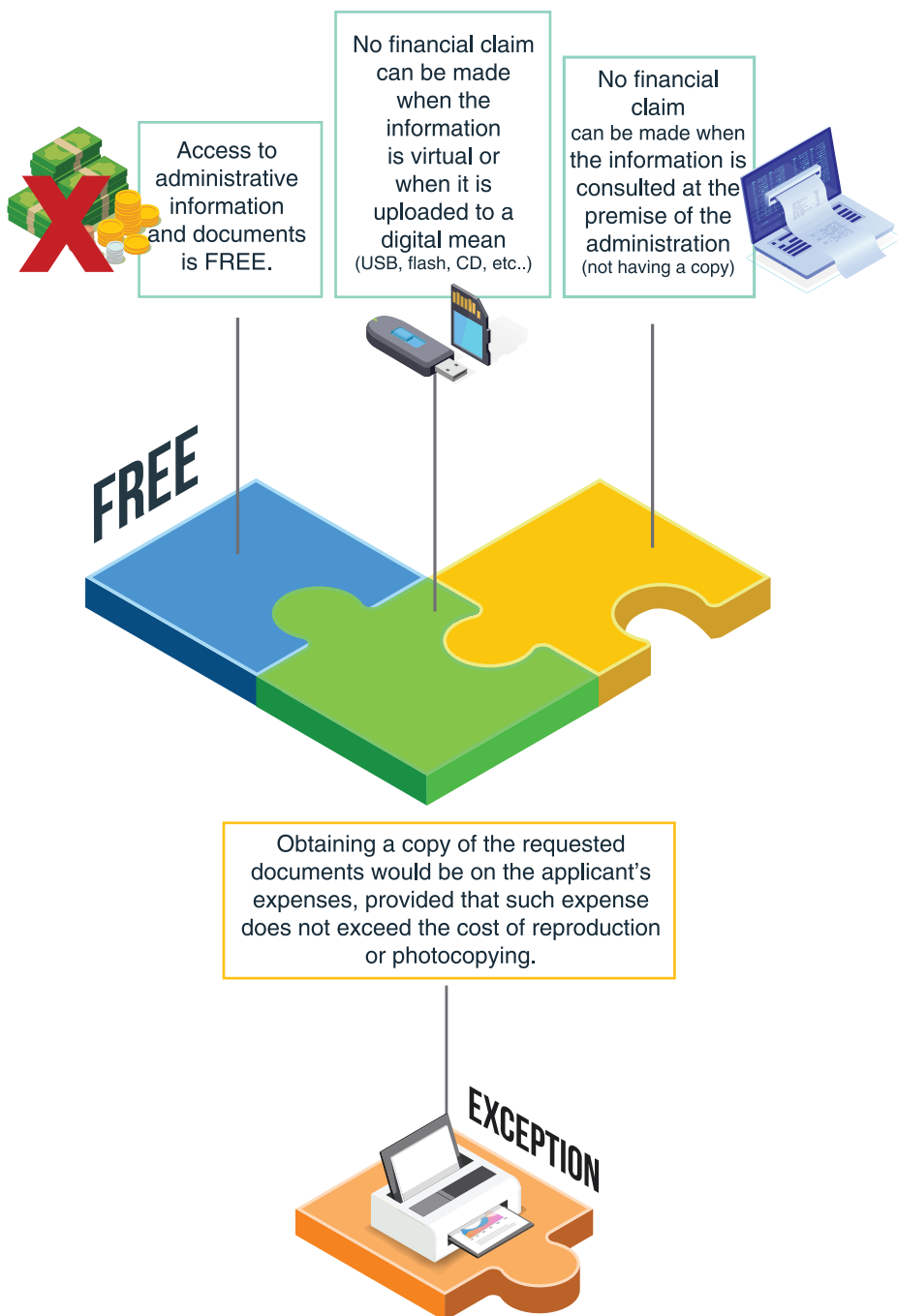
The designated official should have a record of the submitted requests, and provide the applicant with a paper containing: date of request submission, type of required information and time period to reply.

07

In case the request was not sufficiently accurate, the designated employee shall ask the applicant for the necessary clarifications and shall assist in all possible ways.



## 8 Cost of requesting information



## Legal deadlines for access to information requests

Every administration must respond to the request for information within

**15 working days**

from the date of submission

It may extend this period once for another period not exceeding

**+ 15 days**

in case the request contains a large number of required data or if the information requires a third party review or another administration as well

**+15 days maximum**

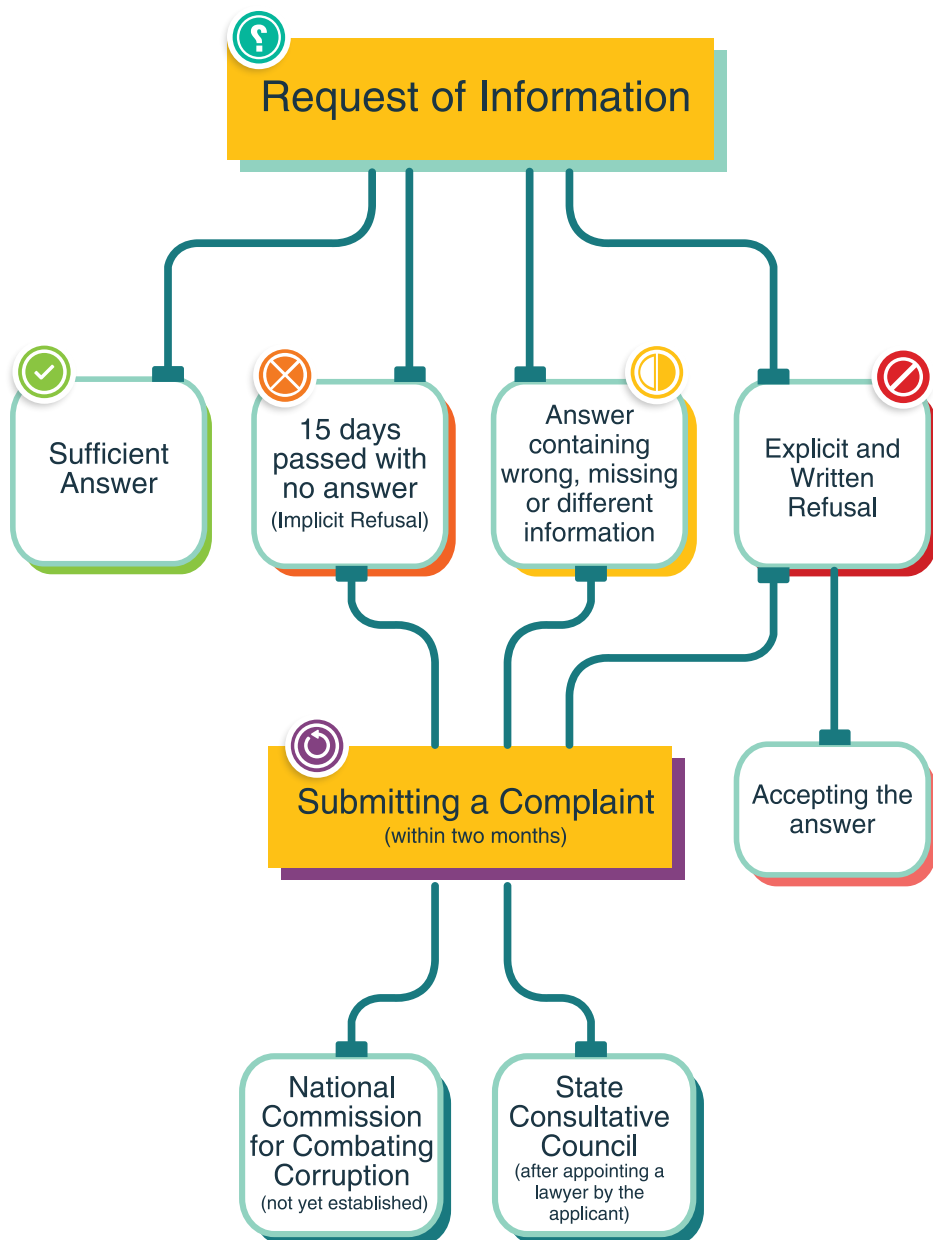
**15  
DAYS**

Decisions to deny access to information must be written and justified

Failure to respond after the expiry of legal deadlines is an implicit rejection of the request



## Paths of information requests depending on administrations' responses





## if the administration refused your request, then.. ?

### Commission's Decisions:

The National Commission for Combating Corruption issues a binding decision, within two months of submitting a complaint ordering the administration to release the requested information, or to reject the complaint.



### The answer

No, the applicant still has the ability to challenge the administrations' decision to refuse giving him/her the desired information. Until the establishment of the National Commission for Combating Corruption, the review can be submitted to the administrative judiciary represented by the State Consultative Council, being the judicial body empowered to decide on any dispute with the public administrations. Or to the competent private common civil court, if the obligated administration is a company or an association.



## 13 Right to reuse obtained information

### RIGHT TO REUSE OBTAINED INFORMATION

#### PRINCIPLE

You are free to reuse the information.  
If you receive certain information, you can reuse it freely in press reports, in your non-profit activities, or even your PhD thesis.

#### EXEMPTION:

The only restriction in the law is to prevent the reuse of this information for commercial purposes.

## 14 Other Rights provided for by the Access to Information Law

The list of the rights should be reordered with a catching title that should express the essence of the additional rights and obligations under the Access to Information Law:

**A**

**Publish all organizational decisions, instructions, circulars and internal memos**

The Administration should proactively publish on its online portals all decisions, instructions, circulars, memos containing an interpretation of laws and regulations, and any documents of an organizational nature, within **15 days from the date of issuance**.



**B****Publish the rationale of laws and decrees**

The rationale for the publication of the laws and decrees of various kinds shall be published in the Official Gazette by the competent authority, which has the publishing or issuing authority.

**C****Provide written rationale for all non-regulatory decisions**

The Administration shall explain the non-regulatory administrative decisions, subject to revocation, as follows:

The rationale should be in writing

- To include the legal and factual reasoning that forms the basis of the decision.
- To be signed by the issuing reference, and mentioning the location and the date of its signature.


**Rationale Exemption:**

Administrations are exempted from explaining non-regulatory administrative decisions in the following cases:

- During an emergency
- Exceptional circumstances of permanent risk situations that threaten the functioning of institutions
- Secrets of national defense, national security and public security
- Foreign relations' data of a classified nature
- Information that undermine the financial and economic welfare of the State and the security of the national currency
- The lives of individuals and their mental and physical health
- Secrets protected by the law, such as a professional secrets for Doctors & Lawyers or trade secrets for companies

## D

### Publish annual activity reports

The head of department of each administration should publish an annual report of its activities 

Annual reports should at least include the following:

- ✓ Information on the administration's work mechanism including the costs, objectives, rules, achievements and difficulties that hindered the progress of work, and audited accounts.
- ✓ The approved public policies and projects of the concerned administration, which have been or not been implemented along with the justification, and any suggestions that contribute to the development of the administration's work.



For the judiciary entities, the annual report shall be prepared the body responsible for overseeing their work.




## E

### Publish expenditure reports

All operations under which more than **5 million LBP** of public funds are paid within one month of the date of completion or completion of one of the installments.

#### Publications must include:

- ✓ Value of the payment
- ✓ Means of payment
- ✓ Justification of payment
- ✓ The beneficiaries' details
- ✓ The legal basis

 Salaries and compensation of employees shall be excluded from publication

The Office of the Minister of State for Administrative Reform (OMSAR) is preparing the "Employee Guide" which will include a detailed explanation of these provisions.

For more information and clarifications  
about Right to Access Information Law,  
or to request a form; please contact:

**Gherbal Initiative**

or

**Office of the Minister of State for  
Administrative Reform  
(OMSAR)**



[contact@elgherbal.org](mailto:contact@elgherbal.org)  
01 202 208  
[www.elgherbal.org](http://www.elgherbal.org)



[info@omsar.gov.lb](mailto:info@omsar.gov.lb)  
01 371 510  
[www.omsar.gov.lb](http://www.omsar.gov.lb)