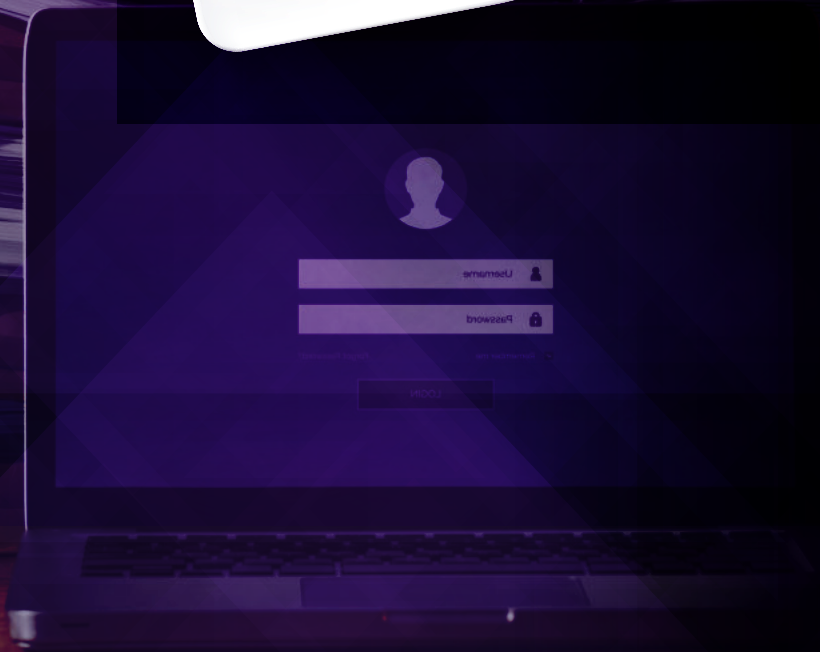


THE RIGHT TO ACCESS INFORMATION LAW

Citizen Guide



TRANSPARENCY
INTERNATIONAL
LEBANON - NO CORRUPTION

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INTRODUCTION

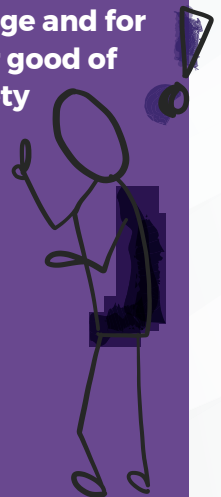
The Right to Access Information Law is an important means that allows citizens to exercise their fundamental right to express their opinion, as enshrined in the Lebanese Constitution and international conventions. It also gives practical effect to the preamble to the Constitution, which states that “the people are the source of authority and sovereignty; they shall exercise these powers through the constitutional institutions.” In the absence of information, the freedom of expression loses much of its meaning. For example, how can a citizen express their opinion on the management of a public facility when they have no information on the matter? How can they exercise oversight on authorities, of which they are the source, without having basic information about their operations?



The Right to Access Information Law **No. 28** was issued on 10/2/2017, and it was amended by Law **No. 233** of July 16, 2021. Between the issuance of the law and its amendment, the Council of Ministers had issued its implementing decree **No. 6940** of 8/9/2020.

The purpose of this guide is to familiarize citizens with this law in a simplified manner, allowing them to understand the rights enshrined in it. This knowledge should encourage them to utilize these rights, accessing as much information as possible. This, in turn, enables them to form informed and effective public opinions, especially in the face of corruption and corrupt practices.

Discover how to leverage the right to access information to your advantage and for the greater good of society



The Right to Access Information Law (Law No. 28) details and regulates how this right should be utilized, facilitating and organizing the process of requesting and obtaining information, including that which contributes to improving society and combating corruption within it.

WHO CAN REQUEST INFORMATION?



Any natural person



Any legal person
(company, association, etc.)



The nationality of the party requesting information is irrelevant
(whether Lebanese or foreign)

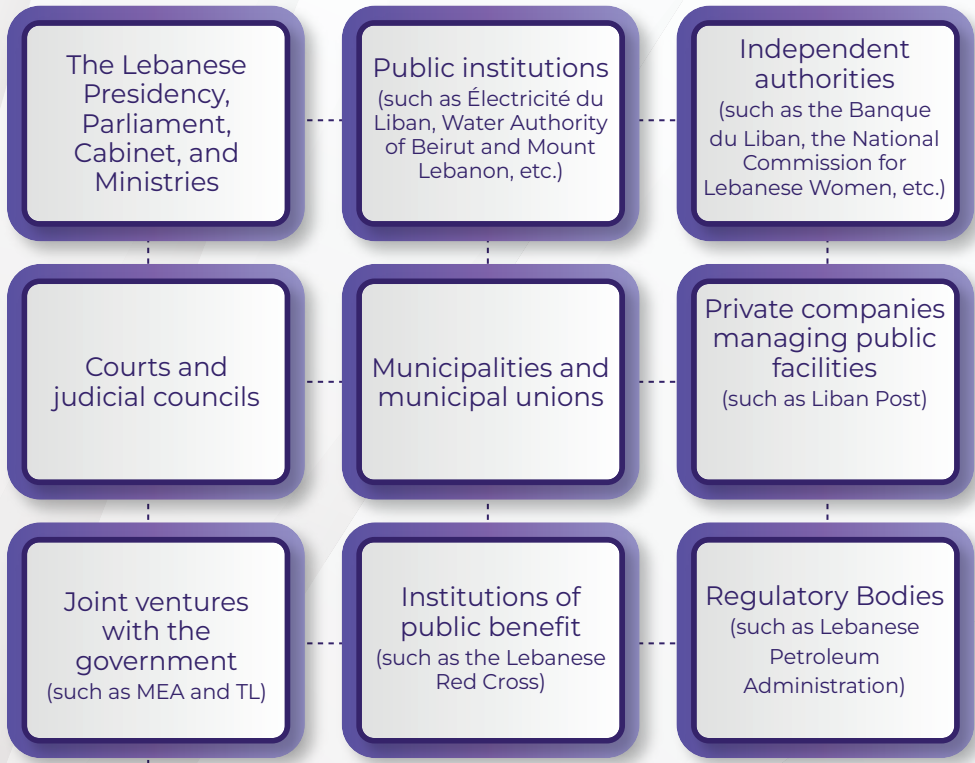


The capacity and interest of the party requesting information are not taken into consideration



There is no obligation to justify the reason for the request or the intended use of the information

FROM WHOM CAN INFORMATION BE REQUESTED?



WHAT INFORMATION CAN BE REQUESTED?

Any information present in administrative documents, regardless of their ownership or source.

Example of the information required:

A list of names of employees who received promotions in the past year.

**What information
can be
requested?**



Paper and written documents
(such as minutes and written contracts)



Electronic documents



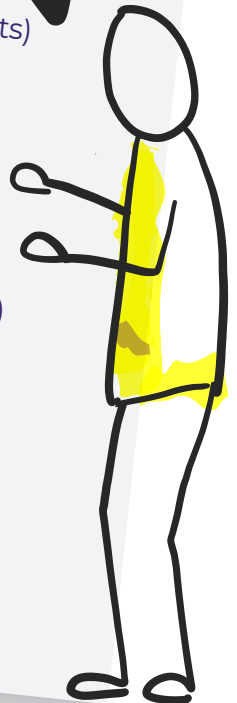
Audio and visual recordings
such as audio-visual inspection reports)



Images attached to documents



Machine-readable documents
(CDs, USBs)



METHODS OF OBTAINING INFORMATION FROM ADMINISTRATIVE DOCUMENTS

01

Accessing them at their location
(FREE OF CHARGE)

02

Obtaining a copy or image of the document

03

Receiving an electronic document via email
(FREE OF CHARGE)

LIMITS ON ACCESS TO INFORMATION

MISUSE OF THE RIGHT

Your right to access information comes with responsibilities to ensure fair use.

The misuse of this right is objectively and specifically assessed, and the relevant administration must prove the misuse based on the following criteria:

- Systematically and unjustifiably repetitive requests.
- Requests that are vague or unclear.
- Requests that include unspecified or unreasonably long timeframes without justification.
- Refusal to provide clarifications requested by the administration within the legal deadlines.
- Failure to pay the fees of previous information requests.

PERSONAL INFORMATION

Access to personal information is only permitted for the individual concerned or their heirs

Personal information includes the following:

- Personal files
- Personal status records
- Information directly or indirectly related to the natural person

INFORMATION

NOT SUBJECT TO DISCLOSURE

1 Secrets related to national defense, national security, and public security

2 The State's foreign affairs that are of a confidential nature

3 Information about individuals' private lives, as well as their mental and physical health

4 Legally protected secrets (such as trade secrets)

5 Proceedings of investigations before they are publicly announced

6 Trials related to personal status and juveniles





HOW TO REQUEST INFORMATION ?

- ▲ As the person concerned or as their representative
- ▲ In writing (on paper)
- ▲ Electronically if the administration provides this service
- ▲ The request must contain sufficient details to help the public servant understand your inquiry
- ▲ A document verifying your identity should be attached to the request
- ▲ The request should be submitted to the relevant administration
- ▲ If you do not know how to submit the request, you can ask for assistance

You can request information in various ways:

INFORMATION OFFICER

Every administration is required to appoint an Information Officer to handle the requests for information and guide the applicants

- ▲ The administration is responsible for training the Information Officer to carry out their duties
- ▲ The Information Officer has the authority to search for information and deliver it to the applicants
- ▲ Details for contacting the Information Officer (**work location, phone number, and email address**) should be specified
- ▲ The appointment decision is published (in the Official Gazette, on the administration's website, through internal communication within its departments, and by informing the General Secretariat of the Council of Ministers and the Office of the Minister of State for Administrative Reform)

REGISTER OF INFORMATION REQUESTS

The designated Information Officer maintains a record of information requests and ensures it is regularly updated. Upon receiving a request, the Officer registers it immediately and provides the party requesting the information with a notice specifying:

The date of request submission

The requested information

The anticipated period for a response

INACCURATE REQUEST



In case the request was not sufficiently accurate, the designated public servant shall ask the applicant for the necessary clarifications (in writing, specifying a deadline for a response) and shall assist them in all possible ways.

Response Deadline

Initial Deadline



- 1 15 days from the date of request submission
- 2 If the request is unclear, the deadline will be put on hold, and the requester is responsible for providing clarifications. The deadline is resumed once those clarifications are received
- 3 If the matter requires research elsewhere or by a third party, the deadline may be extended once for a maximum of 15 days
- 4 The response is provided directly by the relevant administration without consulting the supervising authority, if applicable
- 5 In case of confusion regarding the accessibility of the requested information and if the document is not owned or issued by the administration in possession of it, the administration that issued or owns the document shall make the decision after it is consulted
- 6 If no response is given within the deadline, this is considered an implicit refusal

Deadline Extension

The administration may extend the deadline for responding to an information request once, for no more than 15 days, under two circumstances:

1 If the request relates to a substantial amount of information

2 If obtaining the information requires consulting another administration or a third party.

EXPLICIT DENIAL OF **ACCESS TO INFORMATION**

- If the administration explicitly rejects an information request, the rejection must be justified and provided in writing.
- The administration cannot reject the request by claiming not to possess the information when such information, by its nature, falls within its jurisdiction.



REVIEW OF AN ADMINISTRATION'S **DENIAL OF ACCESS TO INFORMATION**

In the event that an information request is rejected, the party requesting the information may submit a request for review before the National Anti-Corruption Commission:

- ☞ The review becomes mandatory before the National Anti-Corruption Commission
- ☞ The Commission investigates the complaint and issues a decision within two months.
- ☞ The decision is communicated to the relevant administration and is legally binding.
- ☞ If two months pass without the Commission issuing a decision, this is considered an implicit refusal.
- ☞ Commission decisions may be appealed before the State Shura Council according to summary proceedings (within one month from the date of notification).

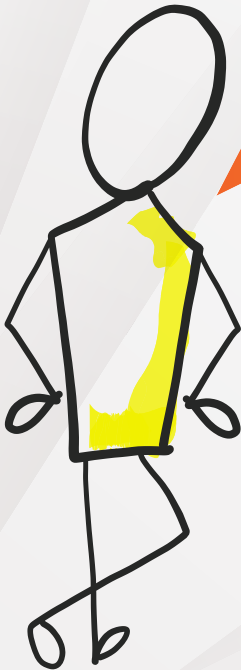


OBLIGATION OF AUTOMATIC PUBLICATION

This term signifies **the obligation to publish information** publicly without the need for a formal request to obtain it. It is considered one of the fundamental principles of the right to access information, ensuring that citizens have the right to access public information without impediment. It applies to the following:

Rationale behind Laws and Administrative Decrees

The rationale behind laws and administrative decrees must be published in the Official Gazette in an accessible electronic format



Documents to be Published Automatically

Below is a list of information that administrations must publish automatically on their official websites in a format that allows searching, copying, and downloading, as well as in the Official Gazette:



Decrees, decisions, directives, circulars, and memoranda containing explanations of laws and regulations or having regulatory power
(within 15 days from their date of issuance)



Financial transactions exceeding LBP 50 million, excluding public servant salaries and allowances





Annual reports on the administration's activities, including at least:

01

Information about the administration's operations (expenses, objectives, rules, achievements, challenges, and audited accounts)

02

Adopted general policies

03

Executed projects

04

Projects that were not implemented and reasons for non-implementation

05

Suggestions contributing to the development of the administration

JUSTIFICATION OF ADMINISTRATIVE DECISIONS



Right to Access Rationale

Natural or legal persons have the right to access the rationale that led the administration to make non-regulatory administrative decisions that affect their rights. This is done through the automatic access to information that is relevant to their rights.

Conditions for Justification

The administration is required to justify administrative decisions based on the following criteria:

The justification must be in writing

It must include the legal and factual reasoning that forms the basis of the decision

The justification must be signed by the issuing authority, indicating the name of the signatory, their capacity, and the date of signing

JUSTIFICATION OF ADMINISTRATIVE DECISIONS

Exemption from the Obligation to Provide the Rationale

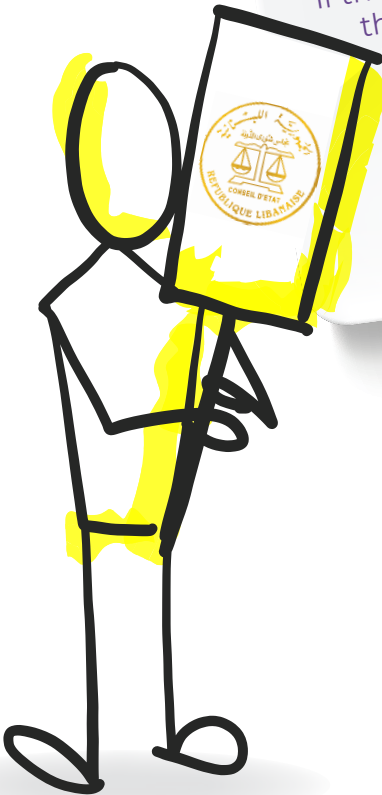
Certain decisions may be exempted from the obligation to provide the rationale in specific cases, such as:

- During an emergency
- Exceptional circumstances that pose a constant threat to the functioning of institutions
- Secrets of national defense, national security and public security
- The State's financial and economic interests and the security of the national currency
- Individuals' private lives and their mental and physical health
- Secrets protected by the law



Exceptions to this Exemption

If the reason that led to the exemption from the obligation to provide a rationale no longer exists, accessing the rationale becomes permissible. If the administration does not provide the rationale behind its decision within two months from the request for access, an appeal can be filed before the State Shura Council.



CONCLUSION

The right to access information is considered a fundamental tool in the fight against corruption. It enables everyone to access information related to public administrations. Without this right, such information would remain concealed, and the right to criticize and exercise oversight over the performance of public administrations would be merely theoretical without any practical effect.

As such, it is crucial to encourage the largest possible number of citizens to exercise their rights established by this law. This aims to build cases, reinforced with evidence, to present before the judiciary and public opinion, fostering a robust and objective culture of accountability, rather than generalizing accusations of corruption against anyone involved in public affairs, which primarily serves the interests of true perpetrators, as it equates them with those who are not corrupt. Furthermore, such generalizations lack any evidence that could lead to the prosecution of perpetrators or even to their public shaming.

Meanwhile, it is incumbent upon the administration to transparently and openly respond to information requests that fulfill the legal criteria. The information accessible by virtue of this law pertains to the public interest, forming the fundamental basis for the public administration. The basic presumption is that the public administration operates in good faith, rendering any withholding of information related to its functions unjustifiable. Any attempts to evade compliance with this law will cast doubts on the efficiency of the administration. Such seemingly justified doubts undermine the administration's image and the trust of citizens in its functioning.

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