



NATIONAL NETWORK
For The Right
Of Access To Information

Bill on the Right of Access to Information

Chapter 1: General Provisions

Article 1: Objectives of the law

This law aims to enhance transparency within the administration and help combat corruption by enabling every person to exercise his/her right to access and view documents held by the administration in accordance with the provisions of this law.

Article 2: Administration

According to this law, the term “administration” means:

1. The State and its public administrations.
2. Public institutions.
3. Independent administrative authorities.
4. Judicial and arbitration authorities and councils, including judicial, administrative and religious courts.
5. Municipalities and federations of municipalities.
6. Private institutions and companies in charge of running a public utility or property.
7. Government linked corporations.
8. All legal entities formed under public law.
9. Associations of public interest.

Article 3: Beneficiaries of the law

Every person, natural (i.e. physical) or legal, has the right to access and view information and documents held by the administration in accordance with the provisions of this law.

Article 4: Administrative documents

- a- In accordance with this law, the term “administrative documents” shall mean written documents, electronic documents, audio and visual recordings, photographs and all machine readable materials, which are kept by the administration, regardless of their physical form or specifications.
- b- In accordance with this law, the term “administrative documents” includes but is not limited to:

- 1- Files, reports, studies, minutes and statistics.
- 2- Orders, instructions, directives, circulars, memoranda, correspondence.
- 3- Contracts made by the administration.
- 4- Minutes of parliamentary sessions or parliamentary committee meetings.
- 5- Opinions, decisions, and draft programs issued by the administration.
- 6- Annual reports issued by the State Advisory Council, Civil Service Board, Central Inspection, Court of Audit, and every report issued about the administration's activity.
- 7- National Archives documents.

Article 5: Administrative documents containing personal information

- a. The concerned party has the sole right to access the following documents:
 - 1- Personal files and any assessment report related to a natural (i.e. physical) person, referred to by name or by some identifying number, symbol, or other identifying description such as a fingerprint, eye, voice or photograph.
 - 2- The document that describes someone's behavior if the disclosure of such behavior might inflict damage on him/her or influence his/her legal status in any way.
- b. The concerned party can correct, complete, update or delete wrong, incomplete, ambiguous or outdated personal information about him/her or personal information which collection, use, exchange or conservation is prohibited.

Article 6: Administrative documents that cannot be accessed

- a. Administrative documents which cannot be accessed are the ones which, if accessed and exchanged, lead to interfering with:
 1. Secrets of national defense, national security and public security.
 2. State's secret foreign relations.
 3. Financial and economic interests of the State and safety of the national currency.
 4. Individuals' privacy.
 5. Secrets protected by the law, such as professional and trade secrets.

b. Other documents that cannot be accessed include:

1. Facts of penal investigations before they are read in a public hearing, confidential trials and those related to juveniles and personal status.
2. Confidential minutes of parliamentary sessions or parliamentary committee meetings, unless decided otherwise.
3. Cabinet's deliberations and decisions that are designated by the cabinet as confidential.
4. Preparatory and preliminary documents and incomplete administrative documents.

Article 7: Spoliation of administrative documents

Spoliation of administrative documents covered by this law is prohibited.

Chapter 2: Obligation to publish

Article 8: Administrations bound to publish

Administrations bound to publish are those mentioned in article 2 of this law, with the exception of municipalities that are not subject to monitoring by the Civil Service Board. The head of unit in each administration is in charge of this activity.

Article 9: Administrative documents which shall be automatically published

In addition to other laws stipulating the obligation to publish, documents which shall be automatically published are:

- Decisions, directives, circulars and memoranda which include an interpretation of laws and regulations or which carry a regulatory nature, within 15 days of their issuance date.
- Annual reports issued by the administration according to the legally set deadlines for every administration, or by the end of March of each year in case no deadline is set.
- Explanatory notes to the law.

Article 10: Annual Reports

- a. The head of unit in every administration referred to in article 2 of this law shall provide an annual report about his/her administration's activities.
- b. Annual reports shall include but not be limited to:
 - 1- Administrative information about the working procedures of the administration. Such information shall include costs, objectives, rules, accomplishments and obstacles that hindered the administration's work and audited accounts.
 - 2- General policy and projects specific to the public administration, including those which were executed and those which were not, and reasons for not executing them.
 - 3- Any other information which the administration deems necessary to publish.

Article 11: Publishing means

In addition to publishing in the official gazette, all documents mentioned in the previous article shall be posted on the websites of the competent administrations.

Chapter 3 - Obligation to provide reasons for administrative decisions

Article 12: The right to access the reasons for administrative decisions

Natural (i.e. physical) or legal persons have the right to immediately access the reasons that prompted the administration to take the administrative decisions that affect their rights.

Article 13: Conditions for providing reasons

To ensure transparency and avoid discretionary and arbitrary action, administrative decisions shall meet the following conditions, or else, they shall be revoked:

- 1- The reasons shall be in writing.
- 2- The reasons shall include the legal and factual grounds for decisions.
- 3- The reasons shall be signed by the authority that issued them and bear the signatory's name and the date of signature.

Article 14: Exemption from providing reasons

- a. The administration is exempted from providing reasons in the following cases:

- 1- Announcement of the state of emergency.
 - 2- Exceptional circumstances.
- b. In case motives for exempting the administration from providing reasons cease to exist or a decision of tacit denial is made, the concerned party can request, within the judicial appeal period, to access the reasons for such decision. The competent authority shall immediately inform him/her in writing.

Chapter 4- Request of Information

Article 15: Information clerk

The head of unit in every administration shall appoint a clerk to examine requests to access information. The administration shall provide the clerk with the necessary resources to research and access the requested information and provide it to citizens.

Article 16: Facilitating access to records

The administration shall keep the information it holds in an orderly and systematic manner to help the appointed clerk extract it more easily. It shall also retain the information electronically whenever possible.

Article 17: Submitting requests

- a. Requests for access to information shall be submitted in writing to administrations that hold this information. These requests shall include sufficient details to enable the appointed clerk to retrieve records containing the related information easily.
- b. The applicant shall take an official address and inform the administration of this address upon submitting the request.
- c. The appointed clerk shall prepare a file containing all requests received and give the applicant an acknowledgement of receipt once he/she receives the request. This acknowledgement shall include the date of the request, the type of information requested and the period needed to respond to the request.
- d. In case the request is not sufficiently accurate, the information clerk shall request from the applicant the necessary clarification and assist him/her with all available means.

Article 18: Deadlines for responding to requests

The appointed clerk has to respond to the request within 15 days of the date of the request. The deadline can be extended once and for a period not exceeding 15 days if the request contains a lot of information or if access to this information requires the consultation of a third party or another administration. Lack of response within this period is considered as a tacit denial of the request.

Article 19: Approval of access to information requests

- a. If the request is approved, the appointed clerk shall entitle the applicant to access the information he/she asked for in his/her request. If the latter contains more than one piece of information, the appointed clerk can allow the applicant to access part of this information if the other information falls within the exceptions defined in this law.
- b. The administration is not bound to meet arbitrary requests, due to their number or repetitive nature.
- c. Intellectual and artistic property rights shall be respected when accessing administrative documents.

Article 20: How to access administrative documents

- a- Administrative documents are accessed for free in the places where they are found unless the reasons for physical archiving of the documents prevent that.
- b- The concerned party shall obtain a copy or photocopy of the required document at his/her own expense, provided this expense does not exceed the cost of copying or photocopying or the cost determined by law. In case the document is electronic or is an audio or visual recording, the concerned party can request, at his/her own expense, a printed copy, or an electronic, audio or visual recording of the document. The electronic document can be sent to the applicant's e-mail address for free.

Article 21: Denial of access to information

- a- Decisions to deny access to information shall be in writing and reasons for denial shall be provided.
- b- The administration shall notify the concerned party of the explicit denial of access. If needed, the latter shall appeal the independent administrative commission designated in the law establishing a national anti-corruption commission or directly appeal the State Advisory Council, within a two-month period in either case.

- c- Tacit denial to access certain documents can be appealed in accordance with the procedures mentioned in the previous article.

Article 22: Reusing information

Exercising the right of access to information, which is guaranteed by this law, does not entitle its beneficiaries or others to transfer, publish or use the accessed documents for commercial purposes unless these documents are collected and classified in a database which, by reason of the selection or arrangement of its content, constitute an intellectual creation according to article 3 of law no 75 dated 4/3/1999 related to intellectual and artistic property rights. These documents shall not contain any personal information and shall comply with intellectual property rights.

Article 23: National Archives documents

Depositing accessible administrative documents at the National Archives in accordance with this law does not prevent their access at any time.

Accessing inaccessible administrative documents in accordance with this law can be possible at the expiration of the deadlines set by the law and the procedures defined in law No.162 on National Archives dated 12/2/1997.

Chapter 5- The Independent Administrative Commission (“the Commission”)

Article 24: Duties of the Commission

The “Commission” designated in the law establishing a national anti-corruption commission shall ensure that the present law is applied. It shall:

- 1- Receive complaints related to the implementation of this law, investigate them and issue a decision in this regard in accordance with article 25 of this law after due hearing of both parties.
- 2- Advise the competent authorities on every issue related to the implementation of this law.
- 3- Upon the request of the competent authority or the Commission’s initiative, propose amendments to the provisions of this law or the National Archives law and to every procedure that can facilitate the application of this law.
- 4- Publish an annual report which highlights the major difficulties hindering people’s access to information pertaining to various types of documents and

special reports on important topics, as needed, according to article 11 of this law.

- 5- Contribute in educating and raising citizens' awareness on the importance of the right of access to information and on how to use it, and training civil servants and executives in the administration on the process and importance of enabling individuals to access information.

Article 25: Decisions of the Commission

- a. The Commission shall issue a decision to approve or reject the request within two months of submitting the appeal. In case of an approval, the commission shall send a letter to the competent authority demanding to provide the applicant with the requested document.
- b. The Commission's decisions are binding to both the administration and the applicants. Administrative authorities shall implement the mentioned decisions within a reasonable period at their own responsibility. In case they delay implementation without justification, the Commission may, upon the request of the person affected (the applicant) impose a compulsory fine. Such fine shall be determined by the Commission and shall accumulate periodically until the decision is implemented.
- c. Decisions issued by the Commission can be appealed before the State Consultative Council within a period of two months. This Council shall enforce the summary procedures in this regard.
- d. Every employee who uses his/her authority or power, directly or indirectly, to obstruct or delay the implementation of a decision taken by the above mentioned Commission is fined before the Audit Court for no less than a three-month salary and no more than a six-month salary.

Chapter 6: Final provisions

Article 26: Texts infringing the provisions of this law

All texts infringing or contradicting the provisions of this law shall be abolished.

Article 27: Minutes implementing the provisions of this law

When necessary, the minutes implementing the provisions of this law shall be defined by cabinet decrees upon a proposal by the Prime Minister.

Article 28: Date of enforcement of this law

This law enters into force once published in the official gazette.