

Decree 6940

Details of Implementation of Law no. 28 of 10/2/2017 (Right of Access to Information)

The President of the Republic,

Based on the Constitution, and

Based on Law no. 28 of 10/2/2017 (Right to Access Information), particularly Article 25 thereof, and

Based on the recommendation of the Minister of Justice, and

Upon consultation with the State Consultative Council (Shura Council) resulting in Opinions no. 243/2019-2020 of 2/7/2020 and 278/2019-2020 of 27/7/2020, and

Following approval by the Council of Ministers in its session held on 7/28/2020,

Has decreed the following:

Section One- General Provisions

Article 1- This decree defines the implementation details of Law No. 28 of 10/2/2017 (The Right to Access Information).

Wherever used in this decree, the term “Law” shall mean the Law on the Right to Access Information.

Article 2-

- a. Unreasonably repetitive or systematic requests and requests that aim to obtain or access unspecified or unclear information or documents dating back to indefinite or unjustifiably long periods of time amount to an abuse of the right to access information that would interfere with the regular functioning of the administration or public facility. Similarly, failure on part of the applicant to provide the administration with the necessary clarifications within the legal deadlines according to paragraph /d/ of Article 14 of this law, or to pay any fees outstanding from previous requests that have been answered, constitutes an abuse of the right to access information.
- b. Exercising the right to access information in accordance with the provisions of the law does not prevent the person concerned from resorting to other legally prescribed methods and means to obtain information.

Article 3-

- a. In application of Paragraph “a” of Article 3 of the Law, the administrative document kept by the Administration shall mean the document that was available to said Administration at the time of submission of the information request, regardless of whether it was owned or issued by it, or if the administration was party thereto.

- b. In application of Paragraph “b-3” of Article 3 of the Law, the confidentiality clauses included in the contracts concluded by the Administration do not preclude the right to access them, subject to the provisions of Article 5 of the Law.

Article 4- In application of Paragraph “b-1” of Article 5 of the law, the contents of case files, lawsuits and judicial reviews are accessible in accordance with the laws pertaining to trial procedures.

Section Two- Information that is subject to a legal requirement of publication

Article 5- In application of the articles under Chapter Two of the Law pertaining to the legal requirement of publication and whereby electronic publishing is required, information must be published in a way that allows searching for the document needed, downloading it, making copies thereof and searching its content.

Article 6 - In application of the last paragraph of Article 7 of the Law, and in order to define the concept of “financial transaction”, the publication of which is required by law, a composite transaction shall be regarded in its entirety as one, in view of its objectives and subject matter. And the sum of a series of transactions taking place at close intervals, provided that they all serve the same objective, shall be regarded as one transaction, even if structured to cost less than five million Lebanese pounds.

Article 7-

- a. In application of Paragraph “a” of Article 8 of the Law, the annual report(s) of each administration shall be published no later than January 31st of the following year.
- b. In application of Paragraph “b” of Article 8 of the Law, the Ministry of National Defense shall refer the report of the military courts to the Supreme Judicial Council at least two weeks before the deadline set for the annual report publication in the previous paragraph. And the Supreme Judicial Council shall issue said report according to the annual report referred to above.

Section Three- The Documents Requested

Article 8-

- a. In application of Paragraph “a” of Article 14 of the Law, a request to obtain information can be submitted by the person concerned, either personally or through a representative, provided that a document showing the identity of the applicant is attached to the request. The application can be submitted electronically through a special procedure to be determined by each administration according to its capabilities, and requests are submitted either through a special section on the administration website, or via e-mail, in a way that enables the administration to verify the identity of the applicant.
- b. In application of paragraph “d” of Article 14 of the Law, the designated employee shall within a set deadline, request the person concerned to provide the necessary clarifications, in writing, within the response period set forth in Article 16 of the Law. The response period is suspended until the designated employee receives the answer of the person concerned, as a result of which the response period resumes.

Article 9- The provisions of Article 15 of the Law apply according to the following:

- 1- Each administration shall appoint at least one information officer from among third-category staff, where such grading exists. Administrations that contain multiple departments may appoint multiple information officers and substitutes thereof;
- 2- The information officer appointment decision must mention the officer's job category, work station, phone number and e-mail address;
- 3- Upon appointment of the information officer, the administration shall publish the appointment decision in the Official Gazette and on its website, if any, and communicate the name and title of the officer to all its central and regional offices;
- 4- Public administrations shall communicate the name of the information officer and the appointment decision from the General Secretariat of the Council of Ministers and the Office of the Minister of State for Administrative Reform.
- 5- The administrations that are subject to the provisions of the Law shall train their information officers on how to perform their duties under the Law.
- 6- The information officer shall have the right to access all information and documents in their administration, and may request any internal employee to provide them with said information and documents, provided that they follow the administrative hierarchy;
- 7- In the event that the information officer encounters any violation or limitation in collecting the requested information, they must inform their direct superior of said violation or limitation, in writing, to take the necessary action.

Article 10-

In application of Articles 5 and 17 of the Law, in the event of confusion regarding the extent of accessibility of the requested document, and the document in question is neither owned nor issued by the administration from which it is requested, the latter shall refer the request, within the deadlines specified in the law, to the administration that actually owns or had issued the document, in order to decide on it.

Article 11-

- a. In application of Paragraph "a" of Article 18 of the Law, and in the event of material difficulty preventing the information requestor from accessing the documents where they are located, the administration shall enable said requestor to access the documents, if transportable, in another location of its choosing, and inform the requestor thereof. The transfer of documents to the new location shall be at the requestor's expense after they had settled the fees specified in Paragraph "b" of this Article.
- b. The value and method of collection of the fees due per request of information shall be determined duly and by virtue of a decision issued by the Minister of Finance.

Article 12- This decree shall come into effect immediately upon its publication in the Official Gazette.

Baabda, on September 8, 2020

Issued by the President of the Republic, Michel AOUN (Signature)

Prime Minister, Hassan DIAB (Signature)

Minister of Justice, Marie-Claude NAJM (Signature)

Minister of National Defense, Zeina AKAR (Signature)

Minister of Finance, Ghazi WAZNI (Signature)