

The Right to Access Information Law

The Right to Access to Information Law was promulgated on June 17, 2007- the first of its kind in the Arab region, whereby the right to access information has become guaranteed by law.

Every citizen, by virtue of this law, has the right to access information from any official or public department. However, the legislator has introduced the law with a room for exceptions whereby officials are entitled to refuse to disclose information in certain cases. The exception is furthered by Article 13, wherein it states:

“Subject to the provisions of the applicable legislations, the Official in Charge shall refrain from the disclosure of the information related to:

- a) The secrets and documents protected under another legislation
- b) The documents classified as confidential and protected and to be granted by an agreement with another country.
- c) The secrets related to national defense, state security or foreign policy.
- d) The information that includes analysis, recommendations, proposals or consultations to be submitted to the Official in Charge before a decision is made in their concern. This includes the correspondences or information exchanged between the different governmental departments.
- e) The personal information and files related to educational or medical persons, professional records, bank accounts and transfers and professional confidentialities.
- f) The correspondences with personal or confidential nature, whether in the form of post, cable, phone call or any other technological means, with governmental departments and the replies thereto.
- g) The information whose disclosure will affect negotiations between the Kingdom and any other state or authority.
- h) The investigations made by the prosecution, judicial system or security authorities concerning any crime or lawsuit within their scope of power, as well as the investigations made by the appropriate authorities for unveiling financial, customs or banking breaches, unless the appropriate authority permits the disclosure thereof.
- i) The information with commercial, industrial or economic nature, information on scientific bids or researches or technology, whose disclosure will lead to the violation of its copyright, rights of intellectual property or fair or lawful competition or to illegal profit or loss for any person.”

With that being said, the service recipient may submit the form made for this purpose to any public or official institution and request to access information. The request should be responded to, whether the request is approved or denied, together with the grounds on which the decision is made. In the case of the latter, the requester is allowed by law to challenge the decision before the Supreme Court of Justice, file a lawsuit against the Official in Charge. Article 17 states that:

- a) “The Higher Justice Court shall be appropriate to regard the information request rejection decision, provided that the requester should file the lawsuit against the Official in Charge within thirty (30) days as of the date following the expiry of the period given under this Law to have the request approved, rejected or refrained.
- b) The Requester may file a complaint against the Official in Charge to the Board by the Information Commissioner in case of his/her rejection or the Official in Charge’s

refrainment from the provision of the information required within the legally fixed period.

- c) The Board shall make a decision concerning the complaint within thirty (30) days as of its date of submission, otherwise, the complaint shall be deemed rejected, which complaint shall cut the date of the challenge filed against the Official in Charge under Paragraph (a) of this Article and the duration of challenge shall commence as of the date on which the complainer is informed of his/her complaint rejection or the expiry date of the duration for the decision of the Board on the complaint.”

Articles 3 and 4 of the law states that be formed and specifies its task and duties. Article 4 provides that:

“The Board shall be competent to the following tasks and terms of reference:

- a) The Board shall ensure the provision of information for their requesters within the limits of this Law.
- b) The Board shall consider the complaints submitted t hereto by the information requesters and resolve the same as per the instruct ions made for this purpose.
- c) The Board shall approve the information request forms.
- d) The Board shall issue bulletins and undertake appropriate activities to explain and enhance the right of knowledge and obtaining information culture.
- e) The Board shall approve the annual report on the enforcement of the right of obtaining information submitted by the Information Commissioner and present the same to the Prime Minister.”