

ZU-LAT

Equality and Human Rights



התנועה לחופש המידע (ע"ר)

الحركة لحرية المعلومات

The Movement for Freedom of Information

ENSURING THE FREEDOM OF INFORMATION

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Policy Paper No. 9

Israel, June 2020

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EXECUTIVE SUMMARY

The Freedom of Information Law led to a revolution in government transparency in the State of Israel. One of its most important components is Article 9(a)(3), stipulating that a public entity shall not provide information that infringes on privacy, unless this is permitted by law. **For 20 years, the accepted interpretation was that as long as the information was of public interest, the entity's official in charge of freedom of information had the authority to provide it even if the information infringed on privacy,** amid adherence to the checks and balances set forth in the Protection of Privacy Law.

However, under the radar and without any public debate, in April 2019 the Attorney General changed this interpretive position and declared that the release of such information necessitates a court decision. The aforementioned change constitutes a **serious violation of the people's right to know and of the freedom of the press.** It undermines the basic rationale of the Freedom of Information Law, which is designed to facilitate the flow of information between governmental authorities and the citizens, and imposes an unnecessary burden on court proceedings.

In order to prevent the irrevocability of the Attorney General's misinterpretation of Article 9(a)(3) of the Freedom of Information Law, and in order to prevent a serious violation of the people's right to know and of the freedom of the press, **Zulat for Equality and Human Rights and the Movement for Freedom of Information propose an amendment to Article 9(a)(3), stipulating that the disclosure of information of public interest will be subject, only as a default, to the decision of the official in charge of freedom of information, who will strike the necessary balance between the right to receive information and the invasion of privacy, should there be any.**

Adoption of the proposed amendment will preserve the interpretation that has been accepted for 20 years, from the time of the enactment of the Freedom of Information Law until recently.