

Decree No. 6940

Determining the details of the implementation of Law No. 28 dated 2/10/2107 (The Right of Access to Information)

The President of the Republic

Based on the constitution,

Based on Law No. 28 dated 2/10/2107 (The Right of Access to Information), particularly Article 25 thereof,

Upon the proposal of the Minister of Justice,

After consulting the State Consultative Council, Opinion No. 243/2019-2020, dated 7/7/2020

And No. 278/2019-2020 dated 7/27/2020,

And following the approval granted by the Council of Ministers in its session held on 07/28/2020

Decides the following:

Part One – General provisions

Article 1:

This decree defines the details of the implementation of Law No. 28 issued on 10/2/2017 (The Right of Access to Information). The term “law” means the right to access information law wherever it appears herein.

Article 2:

- a. Any request of a repetitive, systematic or unjustified nature is considered an abuse of the right, and so is every request aimed at seeking or accessing unspecified or unclear information or documents, or for indefinite or long periods of time unjustifiably, and that would impede the work of the administration and the functioning of public facilities. It is also considered as such the failure to provide information requesters with the necessary explanations/clarification requested by the administration within the legal deadlines in accordance with Paragraph D of Article 14 of this Law, or the refusal of the information requesters to pay the expenses owed by them in the course of previously fulfilled requests.
- 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 methods and means stipulated by laws and regulations in order to seek information.

Article 3:

- a. In implementation of the provisions of Paragraph A of Article 3 of the Law, the administrative document kept by the department means the document that it has at the

time of submitting the access to information request, irrespective of whether it is its property, it is issued by it, or if it is a party to it.

- b. In implementation of the provisions of Clause 3 of Paragraph B of Article 3 of the Law, the confidential clauses set out in the contracts concluded by the department do not preclude the right to access them, taking into account the provisions of Article 5 of the Law.

Article 4:

In implementation of the provisions of Clause 1 of Paragraph B of Article 5 of the Law, the content of files, cases and judicial reviews shall be available for perusal in accordance with the due process of law.

Part Two – The information subject to mandatory publication

Article 5:

In implementation of the provisions of the articles contained in Chapter 2 of the Law relating to mandatory publication, which necessitates electronic publication, the dissemination of information must take place in a way that enables the search for the requested document, downloading and copying it, and examining its content.

Article 6:

In implementation of the provisions of the last paragraph of Article 7 of the Law, and in order to define the concept of the financial operation that is mandatorily published, the entire operation/process is approved if it is complex, owing to its object and purpose. The total of operations that take place at short time intervals is considered a single operation, even if they are fragmented to reduce the cost to less than 5 million LBP, as long as they aim to achieve the same goal.

Article 7:

- a. In implementation of the provisions of Paragraph A of Article 8 of the Law, the annual report/s of each department shall be published no later than January 31 of the following year.
- b. In implementation of the provisions of Paragraph B of Article 8 of the Law, and at least two weeks before the deadline for publishing the annual report mentioned in the preceding paragraph, the Ministry of National Defense forwards the report of the military courts to the Supreme Judicial Council which issues it pursuant to the annual report referred to above.

Part Three - Documents necessitating the submission of an access to information request

Article 8:

- a. In implementation of the provisions of Paragraph A of Article 14 of the Law, the access to information request shall be submitted by the person concerned either personally or by his/her representative, provided that a document indicating the identity of the applicant is attached to the request. The request can be submitted electronically according to a special mechanism determined by each department in line with its capabilities. Then, a special section for access to information requests is allocated either on the departments' websites or by e-mail in a way that enables the department to verify the identity of the applicant.
- b. In implementation/application of the provisions of Paragraph D of Article 14 of the Law, the designated official should request the necessary explanations from the person concerned in writing and within the reply deadline set out in Article 16 of the Law, provided that a time limit is specified for implementation. The reply deadline shall cease applying until the designated official communicates the concerned person's reply, whereby this deadline shall apply again.

Article 9:

The provisions of Article 15 of the Law shall be applied as follows:

1. Each department should designate at least one information officer, at least from the third category, in the departments in which the employees are subject to the job category scale. The department may designate more than one information officer and alternate officers in the event several divisions are established in the same department.
2. The decision to designate an information officer should include his/her job category, the office address, phone number, and e-mail address enabling communication with him/her.
3. Each department, upon the designation of an information officer, shall publish the designation decision in the Official Gazette and on the department's website, if any, and it should also circulate his/her name and status to its central and regional services;
4. Public departments shall announce the name of the information officer and the decision to designate him/her to the General Secretariat of the Council of Ministers and to the Office of the Minister of State for Administrative Reform;
5. The departments covered by the provisions of the Law shall train their information officers in order to qualify them to carry out their duties in accordance with this Law;

6. The designated officer enjoys the right to access all information and documents in his/her department, and s/he may request any employee thereof to provide him/her with them in conformity with the reporting lines.
7. When the designated officer encounters any violation or difficulty in collecting the requested information, s/he should inform his/her supervisor in the reporting lines so that s/he takes the necessary action;

Article 10:

In implementation of the provisions of Articles 5 and 17 of the Law, and in the event of confusion about the extent of accessibility to the requested document, and in the event this document is not owned or issued by the requested department, the decision is made by the department owning the document or issuing it, after it is reviewed by the department to which the request is submitted and within the legal deadlines.

Article 11:

- a. In implementation of the provisions of Paragraph A of Article 18 of the Law, and in the event of financial difficulty that prevents the information requester from accessing the requested documents in situ, the department should enable him/her to access them in another place that it specifies and informs him/her about it, if the requested documents are transferable, at his/her own expense and after payment of the expenses specified in Paragraph B of this Article.
- b. The value of the expenses owed for each request and the method of their collection are determined according to the rules and according to a decision taken by the Minister of Finance.

Article 12:

This decree shall become effective upon its publication in the Official Gazette.

Issued by the President of the Republic
Signed by: Michel Aoun

Prime Minister
Signed by: Hassan Diab

Baabda, September 8, 2020

Minister of Finance
Signed by: Ghazi Wazni

Minister of National Defense

Unofficial translation

Signed by: Zeina Akar

Minister of Justice

Signed by: Marie Claude Najm