

ARTICLE 19



JOURNALISTS:

USE YOUR RIGHT TO KNOW IN IRAN

Under Iran's Publication and Free Access to Information Act, you have the right to request information from public institutions. They must provide you the information except in limited circumstances. Institutions are also required to publish information about their policies, organisational structures, procurement, and services.

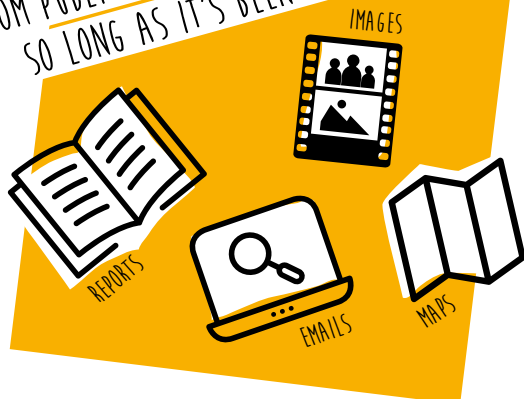


June 2020

Who can ask for information?

All Iranian citizens and legal entities have the right of access to information. This means that journalists, bloggers, press associations, and media organisations can all make information requests. In fact, government officials have specifically encouraged media workers to use the portal and have conducted trainings in Iran for them to use this tool.

ANY KIND OF INFORMATION FROM PUBLIC BODIES, IN ANY FORM, SO LONG AS IT'S BEEN RECORDED



THE MEDIA IS SPECIFICALLY ENCOURAGED TO USE THE PORTAL



What kind of information can you ask for?

You can ask for **any form of information held by public institutions** such as copies of contracts, published and unpublished reports, emails, datasets, planning permissions, receipts for spending, or budget outlines. The information can be in any form including written documents, audiovisual files, images, and data in any physical or electronic form, so long as it has been recorded.

Do you need to show a legal reason to obtain information?

No. The law does not require you to provide a legal reason to make a request. In fact, Article 7 of the Act prohibits public institutions from asking the requester to "provide a reason or explanation for their request." You do not need to have a press card or show that you are an accredited journalist to make an information request.

NO LEGAL REASON REQUIRED TO MAKE A REQUEST



How can the Act help journalists?

The Act provides an important tool for journalists: to support your research and investigations and your role as public watchdogs. It allows you to access information from public bodies to reveal corruption, misspending, environmental issues and failures to provide public services such as health care. Information obtained under the Act cannot be denied as being “false” as it has been obtained from government institutions. Access to information is vital for journalists to fulfill their role: reporting issues of public interest and stimulating debate.

THE ACT SUPPORTS YOUR RESEARCH
AND YOUR ROLE AS A

WATCHDOG



Institutions covered under the Act

The Act applies to all public bodies in the executive, legislative and judicial branches and their affiliated bodies and subsidiaries, as well as provincial governments and municipalities. It also applies to private bodies including NGOs that provide public services. However, its application to bodies under the direct control of the Supreme Leader has some limitations.

How to make a request

There are multiple ways to file a request. These are:

- Using the governmental freedom of information online portal;
- Submitting a form online via the institution’s website (or other electronic gateway)
- Sending by post; or
- Applying in person to the Information Unit of the institution.

You are required to provide information about yourself in the request including **name, national ID number or national registration number (for legal entities), address, and an Iranian phone number**. For the Government e-service, you must register using your national ID number.

The Ministry of Communication and Information Technology operates the online portal for making and receiving requests, and filing appeals. The online portal is intended to be the standard platform for requesters to demand information, and is already being linked to by many public bodies.

THERE ARE MANY WAYS
TO FILE A REQUEST



<http://foia.iran.gov.ir>

How long must you wait to get the information?

Public and private institutions are required to respond to requests within ten business days. Bodies are required to consider the “nature, urgency, and necessity” of the request in determining how quickly to respond so may respond more rapidly.

Public institutions must immediately “provide a written or electronically issued receipt which includes registration date and number to the applicant”. The request can be tracked using the online portal.

Institutions must respond in one of four ways, chosen by the requester:

- Online through the applicant’s internal email address;
- Online through the applicant’s Iranian national file reference;
- In written form, by post, to the address and postal code provided by the applicant; or,
- In written form, in person.

The Act does not prohibit institutions from responding to journalists via a faster route, such as through press officers or other channels.



MOST REQUESTS SHOULD NOT INCUR FEES



Fees

Generally, information access should be granted for free. Some information requests may involve fees. Executive agencies can collect revenues generated by sales of publications and software to cover service costs if the Commission has approved such tariffs. Other institutions are also authorised to charge for their services. However, to date most requests have incurred no fees.

What information can be withheld?

There are seven exemptions in the law under Articles 13-17. (You can read the full text of the law [here](#).) Information can be withheld if it relates to:

- State secrets (as defined by 1974 State Secrets Act)
- Protecting personal privacy
- Protecting health or commercial information
- Public peace and security
- Prevention or investigation of crimes or prosecution of criminals
- Auditing and collecting taxes or legal fees
- Monitoring immigration into the country



In addition, a request can be denied if it would release personal information that could cause disgrace and harm to one's reputation, is deemed to be against public decency, and/or is considered to be promoting vice.

The exemptions generally are not absolute. Many require that the institutions show some form of harm to the body or another's interest. **Importantly, the exemptions do not apply if the information requested would reveal the existence or possibility of environmental risks or public health threats (Article 17, Note 1 of the Act).**

Requests can also be rejected when:

- The request is considered by an institution to be incomplete or insufficient information is provided. A requester can submit a follow-up request providing the missing information.
- The request made relates to documents or information that have been openly published and are accessible through the institution's website.



What if you are denied your request for information?

If a request for information is denied, the institution must communicate to the requester the legal reasons for denial.

You can appeal. If you believe that your request has been denied unlawfully, you can appeal to the Commission for Publication and Free Access to Information in the Ministry of Culture and Islamic Guidance. Complaints can be filed through the government E-service or directly with the Commission.

Secretariat's telephone:
88714843 **Fax:** 88715316
Email: commission@iran.ir

Appeals of denials can also be made to a court. According to the Iranian Constitution, a complaint against a government institution, including the Information Commission, can be made to the High Administrative Tribunal in Iran. The complaint can be submitted in person or online, and through the Judiciary platform at: <http://www.adliran.ir/>. This website also gives instructions for making appeals to the Administrative Tribunal: <https://divan-edalat.ir/show.php?page=documents>

What information are institutions required to publish?

Public and private institutions are also required to proactively publish information about their activities without receiving a request. This includes information on their:

- Legal duties and obligations
- Laws and regulations governing the activities of the institution
- Organisational chart, and responsibilities of every position within the institution to the most junior level
- Complete list of the directors
- List of all subsidiary and superior entities, and ways to access them
- A page to allow voicing objections to the activities of the institution
- Notice of auctions and tenders, and their latest updates

The 2014 executive bylaw has a full list of information that institutions must publish on their websites.

Under Note 1 of Article 10 of the law, there is a caveat that states organs under the direct control of the Supreme Leader are not required to publish information if there is opposition by the Supreme Leader.



If you require information that you believe should be proactively published by one of these organs and has not been, you are entitled to make a request to it and ask for the documentation showing the Supreme Leader's opposition to its proactive publication.

What can you do when you receive requested information?

The information you receive is public information. Based on broader international law, you can use such information. However, the Act does not outline the procedures around the reuse or republication of obtained information. For your protection, be mindful of the type of request you make, who you make the request to and how you use the information.



What happens if institutions refuse to give you the information you are entitled to?

Article 22 of the Act provides civil penalties for deliberate violation of its requirements by public bodies including restricting access to information contrary to the law, erasing or modifying information, and violating deadlines. **The penalties range from 300,000 rials up to 100,000,000 rials.** This is something you can ask the Information Commission to enforce.

Making requests from outside Iran?

All Iranian citizens have the right to make requests whether in country or not. However, you will need to provide the information outlined under "How to make a request" above. Having a phone number registered in Iran appears to be a necessity to create a profile on the FOIA portal. You might need a colleague in Iran to help you complete your registration.

More information

Find out more at [article19.org](https://www.article19.org) on:

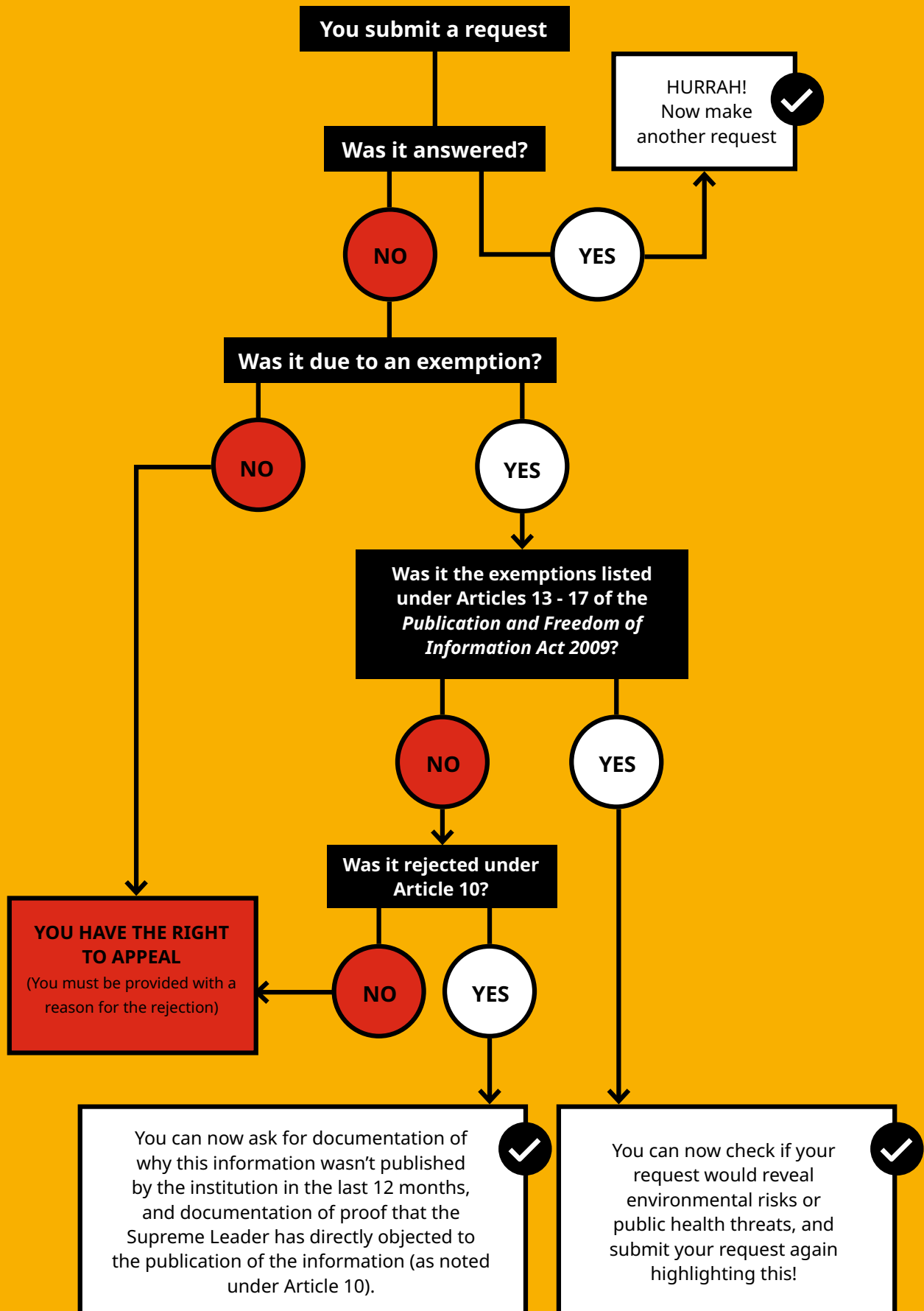
[Laws and regulations affecting access to information](#)

[The information requests portal](#)

[Legal analysis on Iran's Freedom of Information Act](#)



WHAT OPTIONS DO YOU HAVE IF YOUR REQUEST IS REJECTED?



FOIA NEWS

OUR RIGHT TO KNOW

FREEDOM OF INFORMATION IN IRAN

June 2019



Case study: Investigating local government projects



Sara works for a local newspaper in her town. Many town residents have complained that a new factory being built will deal with hazardous materials and presents a public health risk. Sara decides to make an information request to her local city council, that oversees the municipality's activities. This municipality is on the government's FOIA portal.

She first identifies the government body overseeing the project and researches what data is already available. But there isn't much. Sara then drafts her first information request to the council through the portal. She keeps it simple and to the point. In her request, she asks for the planning permission documents for this project. She submits her request online following instructions on the portal and advice from human rights organisations.

On this occasion Sara is successful and received what he asked for. She receives copies of the planning permission contract within 10 days.

The planning permission granted by the council has the name of the private company in charge of the project, and construction agreements - including the hazardous materials contracted to be used - between the private company and the council. Sara uses this information to write an article for the local newspaper to publicise this issue. But she wants to go further.

What next?

Sara wants to know more about the hazardous materials being used by this construction company and what the effects will be for citizens. Now she knows who to send her second information request to - she asks for reports on the types and amounts of waste that will be produced by the factory and its disposal.

She drafts a request to both the company (who she believes provide a public service) and the local council, following the same procedures. On this occasion, after 10 days, her request is denied as it was seen to fall under the "commercial information" exemption.

Focus

So what do you do if your request is rejected?

Sara knew her rights to access information and that exemptions to information granted do not apply if the information requested could reveal environmental hazards or public health threats.

Sara did her research, outlined the areas of issue such as the hazardous materials planned to be used, the proximity to the local waterways. She also cited the note in Publication and Free Access to Information Act that enforces that information relating to environmental hazards or public health threats must be released.

On top of this, she complained that her request was unlawfully rejected through the portal on the same grounds. She was rejected again, with the same exemption, so she began an appeal.

In the meantime, she published an article in the local newspaper: reporting how her initial requests for information on the issue were rejected. Her article stimulated demands from city residents to the local council for this information.

Although her information request was rejected, and received no response following her complaint, her article inspired local residents to complain and force the council and the company to admit that they were planning on using hazardous materials near local waterways.

Sara timed her article well: local elections are approaching and council members eager to keep town residents on their side. They agreed to halt construction until a full and transparent evaluation of how the hazardous materials will be used and disposed of by the company.

