

**In the Name of God, the Most Gracious, the Most Merciful
In the Name of People
Kurdistan Parliament**

In accordance with the provision of clause (1) of article (56) of the amended law no. 1 for the year 1992, and based on the submission made by the legal quota of the parliament members, Kurdistan Parliament, Iraq has decided, in its ordinary session no. (28), held on 6/5/2013 the legalization of the following law:

**Law No. (11) For the Year 2013
Right to Access Information Law in the Region of Kurdistan, Iraq
Chapter One
Definitions and Goals**

Article (1):

The following words and expressions shall have the following meanings set forth, for the purposes of the present law:

- First:** Region: Kurdistan Region, Iraq.
- Second:** Parliament: Kurdistan Parliament, Iraq.
- Third:** Commission: the Independent Human Rights Commission of Kurdistan.
- Fourth:** Public Institution: All legislative, executive and judiciary institutions as well as the local administrations (Municipalities) and independent organizations.
- Fifth:** Private Institution: Companies affiliated to Private Sector, any Non-Government Organization (NGO) or any authority that is managing a public utility or funded by the government, trade or profession and enjoying legal personality.
- Sixth:** Concerned Employee/ Employee Concerned: the employee or the person appointed by the organization concerned with considering the information access applications.
- Seventh:** Dissemination/ Publication: Both mean making the information accessible to the community members in an appropriate public format and through well-known dissemination/ publication methods.

Eighth: Information: Oral or written data or records, statistics, written/ recorded/ electronically saved documents or documents saved by any other means.

Ninth: Document: the mediator where information has been recorded regardless of its form, format, source, date of issue or legal status.

Article (2):

The present law aims to do the following:

First: Enabling the citizens of the region to exercise their right in accessing information with public and private institutions, according to the provisions of the present law.

Second: Supporting the transparency and effective participation principles for ensuring democracy.

Third: Ensuring a better environment for freedom of expression and publication.

Chapter Two Commission: Roles and Authorities

Article (3):

The Commission may add the following roles and authorities to the roles prescribed by Law no. (4) For the year 2010, in connection with the oversight of enforcing the present law:

First: Following up on the implementation of the provisions of the present law and monitoring the violations and obstacles hindering its implementation while issuing the necessary recommendations.

Second: Developing a work program for training the employees concerned with implementing the provisions of the present law.

Third: Receiving the complaints thereto and validating them as soon as possible while taking the necessary action.

Fourth: Informing instructions to correct the cases where evidences condemning the violators of the present law are demonstrated.

Fifth: Directing citizens about the ways that enable them to enjoy their rights provided for in the present law and issuing the relevant publications in this regard.

Sixth: Intervening to access information in case of inability to access information subject to the present law and after referral to the Commission. The Commission shall have the right to file cases at the court against the authorities and/ or individuals violating the present law.

Seventh: The Commission shall submit a biannual report to the Parliament about its work and shall publish the report for the Public opinion.

Chapter Three

Methods of obtaining Information

Article (4): Right of Information Access and Review

All natural person or legal entity shall have the right of accessing and reviewing the information maintained with the institutions and shall further have the right of obtaining copies of the documents he/ it requests except those excluded according to article (14) of the present law.

Article (5): Right of Submitting Applications

All persons shall have the right to submit applications to obtain information. If the document including the requested information is with the concerned institution, the concerned institution shall submit a copy of the required document to the applicant.

Article (6): Must-Publish Information

First: Each public Institution shall publish an annual manual and shall publish and update the following information on its website or via publishing a report in one of the means of media with regard to the following:

1. Its structure, address and website as well as contact information, roles, decisions and employment processes therein in addition to the names of its officials and their main addresses;
2. Its budget, budget provisions and closing accounts;
3. Achieved projects, projects in the pipeline, and projects to be implemented;
4. Services provided thereby and ways of receiving such services; and
5. Complaints submitted thereto and procedures taken to resolve them.

Second: The Public institutions shall announce the tenders and bids of their funds and properties, according to the laws and systems enforced in the region.

Article (7): Procedures for Obtaining Information

- First:** All public or private institutions shall identify one or more concerned employee to receive applications.
- Second:** The public or private institution may prepare an information access application form that includes clear details about the content of the requested information, name of the applicant and his contact information provided that this form does not constitute a burden to the applicants. The public or private institution may post the form on its website.
- Third:** The information access application shall be in writing. If not possible, it may be verbal.
- Fourth:** The public or private institution shall record the application upon receipt, whether accepted or rejected. The application non-registration shall be considered an illegal reply to the application.
- Fifth:** The public or private institution shall respond to the application within ten days as of the date of receiving the application. If the application includes a large amount of information or necessitates the consultation of a third party, the public or private institution may extend this period one time, provided that this extension period does not exceed (15) days.
- Sixth:** If the application contains information that is necessary to protect a person or set a person free, the public or private institution shall respond to such application within the Forty Eight (48) hours subsequent to receiving the application.

Article (8): Responding to Applications

- First:** If the application is accepted by the public or private institution, the public or private institution shall give the information to the applicant directly.
- Second:** If the information requested is ready and does not need any effort to find it, the information can be given to the applicant directly by phone, e-mail or verbally.
- Third:** If the application is partially or wholly rejected, the concerned employee shall indicate the reason of rejection in his reply to the applicant. The reason of rejections shall be also limited to one of the following reasons:
1. If the information requested is not with the concerned institution;
 2. If the information requested lies within the scope of the exceptions/ exclusions provided for in the law;

3. If the information requested has been formerly published while indicating the place and time of its publication or if the information requested exists on the institution website or was supplied to the same applicant earlier before six months; or
4. Indicating the applicant right to refer to the concerned Court of First Instance.

Article (9): Information Receipt

First: The applicant shall indicate easy ways to receive the requested information. The public or private institution shall respond to his request.

Second: The public or private institution shall accommodate the requests below, when needed:

1. A true copy of the document with the copy approved thereto;
2. The right of reviewing the document (as needed) using the means owned by the concerned institutions;
3. The right of photocopying the document inside the institution using machines owned by the applicant;
4. A true copy of the document, printed or recorded, audible or visual, if this copy could be achieved by using the machines available with the concerned institution; and
5. The development of a true copy of the main document in a summary form or any other classification of the document format.

Third: The concerned institution may reject to give information, as indicated in the above clause, if this may cause damage to the document.

Fourth: If the document is available in many languages, the applicant shall be provided the language(s) he requests.

Article (10): Document Availability with another Authority

First: When the concerned employee receives the application, the concerned employee shall ensure whether the public institution maintains the document or not. If the document is not with the employee and is deemed to be available with another relevant institution, the employee may either forward the application to the concerned institution while informing the applicant of that or instruct the applicant to this other institution.

Second: The period for responding to the application shall be calculated as of the date of its forward to the concerned institution.

Article (11): Document Archiving

Each public or private institution shall archive the documents available therewith in a manner that facilitates their review subject to the provisions of the present law.

Article (12): Employee Training

Each public or private institution shall ensure appropriate training of its concerned employees with regard to the implementation of the provisions of the present law.

Article (13): Report Submission to the Commission

Each public Institution shall submit a report to the Commission every four months, provided that this report includes the following:

Received applications, wholly or partially accepted applications, wholly rejected applications, existing objections and lawsuits, reports published according to article (6) of the present law and the training courses developed for its employees.

Article (14): Exceptions/ Exclusions

First: The public or private institution shall not reject providing the information in protection of an interest indicated under clause (Second) of the present article, if disclosure of said information is for the public interest.

Second: The public or private institution shall have the right to reject the application for providing information in any of the following cases:

1. Secrets related to the region's defense and security (i.e., weapons and military preparations details, security and military confidential missions, defensive movements and tactics as well as intelligence information);
2. Information that the disclosure thereof results in affecting negotiations being made by the region with any other entity or any exchange of information that is agreed between both parties to be confidential pending announcement thereof;
3. Information that the disclosure thereof results in affecting investigations or court trials;
4. Information that the disclosure thereof results in breaching legal competition, copyrights or intellectual property rights;
5. Educational, medical or employment information and files of a person, or his

banking accounts or his professional secrets, without securing his approval as well as any other information relevant to the safety and health of the citizen, or information that may jeopardize the citizen's life; and

6. Information that the disclosure thereof results in hacking protected electronic networks or the risk that its contents will be deleted or stolen.

Third: Exceptions/ Exclusions indicated in other laws enforced in the region without contradiction to the provisions of the present law.

Fourth: Information indicated under items (1, 2 & 3) of clause (Second) of the present article shall be disclosed following the lapse of 20 years.

Chapter Four General provisions

Article (15): Cost

The applicant shall pay the fees for obtaining said requested information.

Article (16): Employee Protection

No penalty shall be inflicted on any employee giving information about violations or infringements that are committed in breach to the law.

Article (17): Objection

First: Each person, whose information access application is rejected, shall have the right to object to the decisions and procedures of the public or private institution before the higher administrative bodies, the commission, and the concerned Court of First Instance within a period of Seven (7) working days as of the date of issuing the objected to decision or the decision of the entity and in the following cases:

1. Rejecting the application, whether wholly or partially;
2. Exceeding the period of reply as identified, according to article (8)/ Clause (Fifth);
3. Imposing unnecessary fees on the applicant; and
4. Referring or guiding the applicant to more than one entity with the purpose of misleading the applicant and hiding the information therefrom.

Second: The ruling issued by the concerned court of First Instance shall

be appealable by cassation before the district court of appeal within a period of 15 days as of the date of notification or the date of considering it notified. The decision issued from the court of appeal shall be a final decision.

Article (18): Penal and Civil Responsibility

First: Each person who does any of the following shall be penalized by paying a fine that is not less than IQD 250,000 (Two Hundred and Fifty Thousand Dinars) and not more than IQD 5,000,000 (Five Million Dinars):

1. If the person prevents the document supply/ review or information access or if he submits incorrect information in contradiction to the provisions of the present law; or
2. If the person hinders the work of the Commission with relevance to controlling the implementation of the provisions of the present law.

Second: Each person who on purpose damages a document outside the limits of his legal competency shall be punished in accordance with the enforced laws.

Chapter Five Concluding provisions

Article (19):

The Council of Ministers and all relevant entities shall enforce the provisions of the present law.

Article (20):

Any legal text or decision that contradicts the provisions of the present law shall not come into force.

Article (21):

In coordination with the Independent Human Rights Commission of Kurdistan, the Council of Ministers shall issue the instructions necessary for facilitating the provisions of the present law.

Article (22):

The present law shall be enforced after ninety (90) days as of the date of its publication in the Official Gazette (Kurdistan Gazette).

Dr. Arsalan Baiz Ismail

Speaker of the Kurdistan Parliament - IRAQ

Necessitating Reasons:

Aiming to ensure transparency and reorganize the correct information submission while confirming the citizen right in accessing such information, we have legislated the present law.

N.B.: The law has been issued by decree no. 16 for the year 2013 by the President of the Kurdistan Region.