

# YOU HAVE A RIGHT TO KNOW IN IRAN

ARTICLE 19



The Publication and Free Access to Information Act was adopted in 2009 and came into force in 2014. Under the law, you have a right to know how officials are spending public money, operating public services, or making decisions. This could include knowing the safety of your local hospital; the environmental impact of a new building project; or the budget for your children's school. You can also demand your own records, including medical and social insurance, from government bodies.

Follow our step by step guide to learn more:

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## Who can ask for information?

The right of access to information is available to **any Iranian citizen or legal entity**.



## What kind of information can you ask for?

You can ask for any kind of information, including **written documents, audiovisual files, images, and data in any physical or electronic form**, so long as it has been recorded.

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## Do you need 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 requesters to "provide a reason or explanation for his/her request."**

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## Institutions Covered Under the Act

The Act applies to all public bodies in the executive, legislative and judicial branches; their affiliated bodies and subsidiaries; as well as provincial governments and municipalities. It also applies to private bodies which provide public services. However, it does not apply to bodies under the control of the Supreme Leader without his permission.



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## How to make a request

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

- **Submitting a form online via the institution's electronic gateway (website);**
- **Using the Governmental e-service;**
- **Sending by mail; 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 code number.**

### Governmental e-service



The Ministry of Communication and Information Technology operates an online portal (<http://foia.iran.gov.ir>) for making and receiving requests, and filing appeals. The online portal is intended to be the standard platform for requestors to demand information, and is already being linked to by many public bodies.

*For requesting information about yourself, the Iranian National Folder system was established in August 2017. As an Iranian citizen you can apply for a domestic mailbox online at <http://accounts.post.ir/>. You must go to a post office with your National Identification Card to activate your account.*

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## How long is the wait?

### 10 days

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.

Public bodies 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.**

### Form of information

You can request how institutions provide you information from the following options:

- **Online via your email address;**
- **Online through your Iranian national file reference;**
- **In written form, by post, to the address and postal code that you provide; or**
- **In written form, in person.**



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## Fees

**Some 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.



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**What information can be withheld?**

There are eight exemptions in the law. Information can be withheld if it relates to:

- **State secrets;**
- **Protecting personal privacy;**
- **Commercial information;**
- **Security and public welfare;**
- **Efforts to prevent or discover crimes, arrest or pursuit of criminals;**
- **Tax audit or legal tolls or their collection;**
- **Overseeing immigration to the country.**



In addition, a request can be denied if it would release **“information that could cause defamation and disgrace, or is against public decency and/or promoting vice.”**

However the **exemptions do not apply if the information requested would reveal the existence of environmental hazards or public health threats.**

Requests can also be denied when:

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



Appeals of denials, or if the body does not respond to your request, 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>

**Appeals**

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

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 Telephone: 021 88714843

Email: [commission@iran.ir](mailto:commission@iran.ir)

Fax: 021 88715316

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**Duty 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.**



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**Sanctions**

Article 22 of the Act provides **civil penalties for deliberate violation of its requirements 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.



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**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 also seems a necessity to create a profile on the FOIA portal.

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**More information**

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

- Laws and regulations
- Information requests portal
- Legal analysis of Iran’s Freedom of Information Act

