

ARTICLE 19

USE YOUR RIGHT TO KNOW IN IRAN TO FIND OUT ABOUT THE ENVIRONMENT



Under Iran's Publication and Free Access to Information Act, you have the right to request information from public institutions. They must provide the information you request except in limited circumstances. This includes asking about the activities and decisions of public officials, the budgets of the Department of Environment, local government projects, and so on. For more guidance on making information requests, visit our [website](#).



June 2020

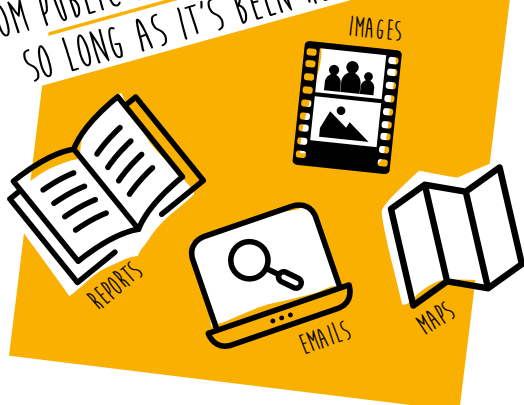
Who can ask for information?

All Iranian citizens and legal entities have the right of access to information. This means that people such as journalists, environmental groups, academics, activists, and concerned citizens can all make information requests.

Recently, government officials have encouraged citizens to make requests about the environment.



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



What kind of information can you ask for?

You can ask for **any form of information held by public institutions** such as copies of planning permissions, impact assessments, agreements, published and unpublished reports, emails, pollution datasets, inspections, or project outlines. The information can be in any physical or electronic form such as written documents, audiovisual files, images, electronic records, and data, 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. So you do not have to show that you will be directly affected by a project or face environmental harms. In fact, Article 7 of the Act prohibits public institutions from asking requesters to "provide a reason or explanation for their request."



ALL PUBLIC BODIES AS WELL AS
PRIVATE BODIES PROVIDING
PUBLIC SERVICES



EXECUTIVE
LEGISLATIVE
JUDICIAL

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 companies and NGOs that provide public services**. However, its application to bodies under the direct control of the Supreme Leader has some limitations.

How can the Act help the environment and how are they linked?

Iran's access to information law allows citizens to receive information on how public officials are spending money, delivering services and making decisions. For example, an information request about a proposal for a new dam could include:

- How much funding has been assigned to tackling the effects of silt?
- How has the project scored in an environmental impact assessment?
- What are the safety protocols for flooding?

The potential topics for information requests are unlimited.

Members of the public are entitled to this information and to make requests for environmental information from public authorities.

Taking advantage of this right can help hold the government authorities and affiliated bodies and subsidiaries accountable for work or projects that affect the environment as well as pushing to have more done to protect your communities.

Iranian laws and regulations stipulate that the right to a healthy environment is a public right, so environmental events or accidents that affect the environment affect your public rights and the general public interest. With this, there comes proportionate responsibility and obligations on the government and authorities to ensure the protection of this right.

Also, under the Publication and Free Access to Information Act (Article 5), there is a principle that when a law is passed or a decision taken that will directly or indirectly affect public interest or citizenship rights it should be published or made public.

The above and your rights under Publication and Free Access to Information Act allow you to push for transparency on environmental issues - because whenever one speaks of public interests, you have a right to not be kept in the dark.

THE ACT HELPS HOLD PUBLIC
BODIES ACCOUNTABLE



THE RIGHT TO A HEALTHY
ENVIRONMENT IS A
PUBLIC RIGHT



How to make a request

There are multiple ways to file a request.

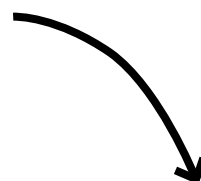
- Using the governmental freedom of information online portal;
- Submitting a form online via the institution's website (or other electronic gateway);
- Via the post; or
- Applying in person to the Information Unit of the institution you wish to make an information request to.

You are required to provide information about yourself in the request form including your **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 an online portal for making and receiving requests, and filing appeals. The online portal is intended to be the standard platform for requesters to request information, and is already being linked to by many public bodies - including the Iranian Department of Environment and 30 of its local bodies.



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



INSTITUTIONS MUST RESPOND
IN 10 BUSINESS DAYS



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 quicker.

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.

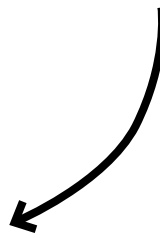
How much does it cost?

MOST REQUESTS
SHOULD NOT INCUR FEES



Information access should be granted for free. But 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.

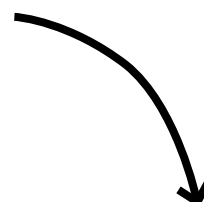
Importantly, the exemptions do not apply if the information requested would reveal the existence or possibility of environmental risks or public health threats (Article 17, Note 1 of the Act)

THERE ARE 7 EXEMPTIONS



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 is made for documents or information that have been openly published and is accessible through the institution's website. This should be the exact information you asked for, not just something similar that might be partially relevant.



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

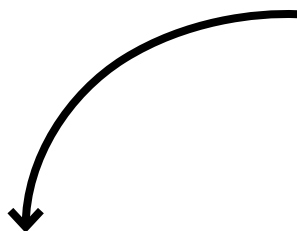
Email: commission@iran.ir

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>



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; and,
- Notice of auctions and tenders, and their latest updates.

A full list of information that institutions are required to publish is available in the 2014 executive bylaw.

Some environmental laws also provide a duty to publish about specific acts that may affect the environment. These duties further enhance your right to information. For example, the *Jungle and Meadows Safeguard and Improvement Act* of 1967 and the 1962 *Nationalization of Jungles and Meadows Act* and its executive by-laws (1963) which safeguard the country's jungles and meadows have stipulated that all jungles and meadows are national and thus any decisions which affect them need to be made public via statements in newspapers and through distribution of statements in localities, known as "national announcements." Similarly, under Iran Grid Management Act's (1967) and a cabinet directive adopted in 2015 (Article 11), the public must be informed of government/public body decisions related to establishing electricity transfer lines.

Iran's Environment Organisation's portal that includes information on active environmental organisations, updated only until 2014 (Information Bank on Popular Environmental Organisations.) Tehran's environmental department also gives statistics on grassroots organisations in the city of Tehran. It lists 100 organisations, not all of whom are active (ISNA report.)

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Under Note 1 of Article 10 of the law, there is a caveat that states organs under the 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?

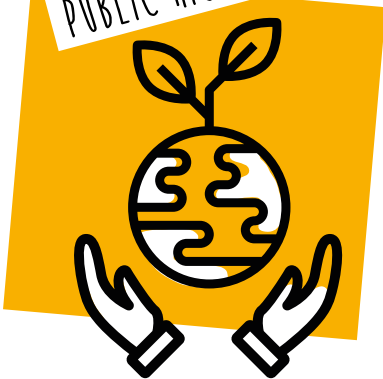
The information you receive is public information. Based on broader international law, you can use such information. However, the Act does not outline the procedures around the reuse or republication of obtained information. For your protection, be mindful of the type of request you make, who you make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



LAWS RECOGNISE THAT
ENVIRONMENTAL RIGHTS ARE
PUBLIC RIGHTS



What do Iran's environmental laws say about access to information?

Unlike most other countries, Iran's environmental laws do not have explicit recognition of the right to request information, however Iran's broader legal infrastructure provides a firm basis for this obligation, especially for environmental issues. Laws and policies that recognise environments rights as public rights provide further basis for transparency and right to information over environmental matters.

Environmental Laws

The *Environmental Safeguarding and Improvement Act* (1974), which sets out the overall framework for environmental protection in the country, as well as the previously passed *Safeguarding and Use of Jungles and Fields Act* (1967), do not include explicit rights to request information within them, nor, to bring a lawsuit and stop the destruction of the environment. These legislations do not address people's right to make claims against laws or executive policies that violate their public rights and to ask for their annulment from a just court.

Constitution

The *Constitution of the Islamic Republic of Iran* (1979) does not directly mention environmental rights in the chapter outlining the Rights of the Nation. However, the Constitution is very clear in Article 50 about the duty to safeguard the environment.

Article 50 and the protections against the violation of present and future effects on the life of all citizens within the Constitution provides a ground for Iranian environmental lawyers to assess the policies or projects that affect the environment due to their impact on public interest. This would further support the requirement on the government and its authorities to provide information on environmental matters.

Follow-Up of Public Rights Instruction (2019)

In one of the latest developments, the *Instruction for Supervision and Follow-Up of Public Rights*, adopted on January 23, 2019 by the Judiciary, also explicitly names environmental rights as citizenship and public rights in Paragraph A. This is important as it provides a relationship between the violation of public rights and judicial actions; as well as providing an outline of mechanisms dealing with those who violate public rights. This requires access to the necessary information and documents to demonstrate the violation of public rights.

Criminal Procedures Act

Even if the Constitution recognises people's natural rights - and thus recognises environmental rights as public rights - securing such rights in the real world need laws that specify the tools for advocacy and access to such rights. The *Criminal Procedures Act* (2015) is among those laws that makes access to these natural rights possible. Article 22 of the Act outlines the judicial process for the discovery of crime and persecution of those violating the safeguarding of public rights. Article 66 of the *Criminal Procedures Act* provides support for grassroots action with giving NGOs the possibility to file a suit in the fields of environment, natural resources, cultural heritage, public health and citizenship rights (though the bylaws enforcing this are still pending).

Environmental Impact Assessments

The obligation to conduct Environmental Impact Assessments (EIA) in Iran is set out in the National Development Plan (NDP). EIA was first introduced in 1994 through Note 82 of the 2nd NDP (1994–1998). Subsequently, requirements for conducting an EIA were provided and expanded under directives by the Environmental High Council and the third, fourth and fifth NDPs. It is currently incorporated in Article 38 of the Law of the Sixth Five-Year Plan for the Development of the Islamic Republic of Iran.

A 2017 regulation from the Environmental High Council requires EIAs for 55 types of projects including dams, power plants, steel plants, and industrial parks. The EIA requires that development plans which impact the environment to have a detailed assessment made which is then sent to the local environmental bureau and a technical committee which should include academics and representatives of NGOs. There are however no legal requirements calling for full public participation within the Iranian EIA procedures. However, these assessment reports should be accessible under the *Publication and Free Access to Information Act*.

Safety note

Please keep in mind that there has been increasing pressure on environmental protection activities in Iran with numerous arrests. Be mindful of the type of request you want to make, who you make the request to and how you use the information.

More information

Find out more at article19.org on:

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

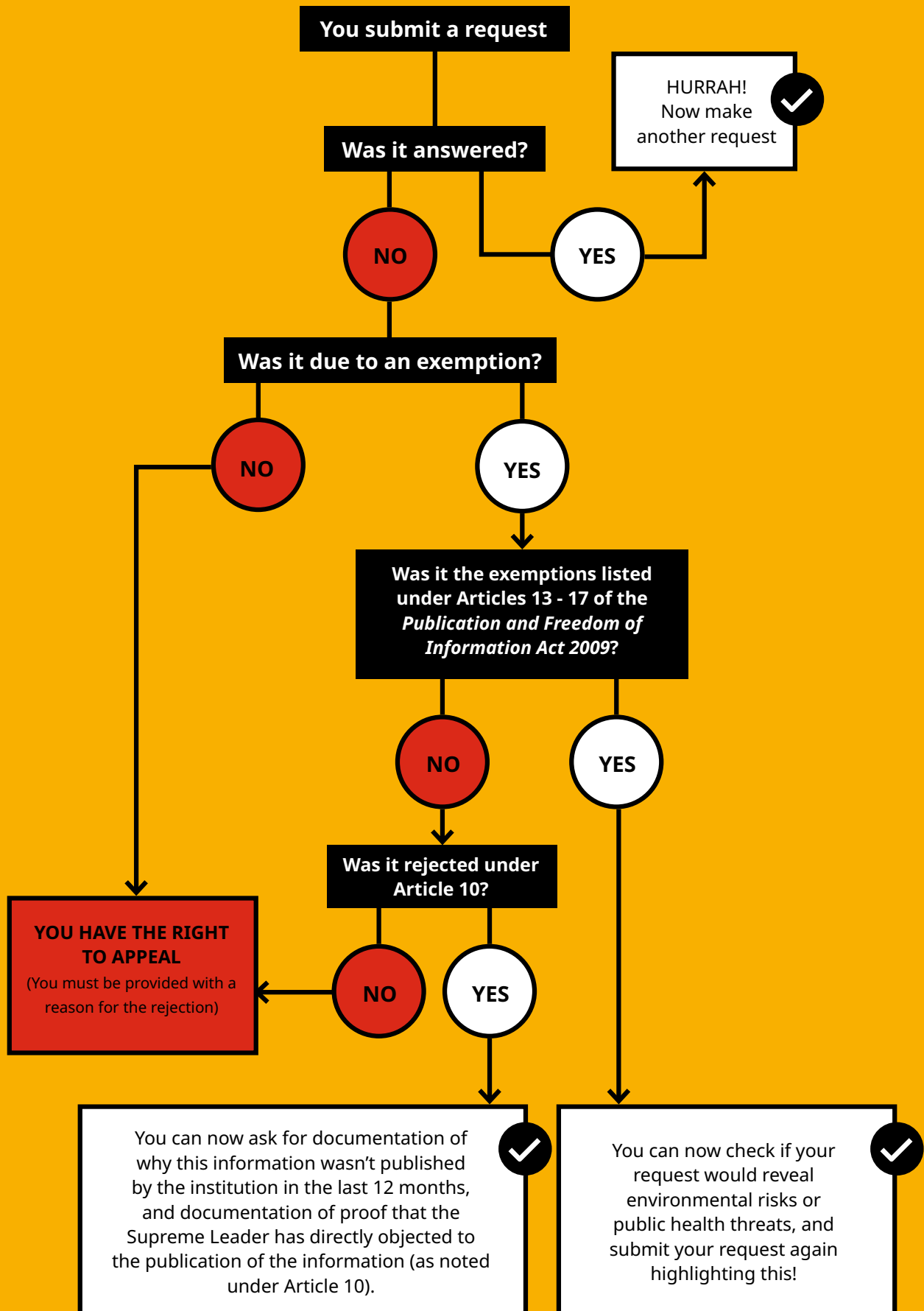
[The information requests portal](#)

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

[General guide to making requests in Iran](#)

[General guide to making requests in Iran for journalists](#)

WHAT OPTIONS DO YOU HAVE IF YOUR REQUEST IS REJECTED?



FOIA NEWS

OUR RIGHT TO KNOW

FREEDOM OF INFORMATION AND ENVIRONMENTAL PROTECTION IN IRAN

July 2019



Jamshid is a 46-year-old car salesman from Semnan. He lives in Tehran but tries to go back home to see his elderly parents as much as he can. He enjoys walking in the orchards of the town he grew up in. The orchards are at the bottom of a range of mountains, located near a dam. People from around Semnan often come to Jamshid's town to enjoy the natural and pristine beauty - walking around the orchards before picnicking near the dam. Recently property developers, contracted by the county council, have proposed plans to construct an industrial park in the town.

The townspeople are very excited by the prospect of new revenue coming into their small town. However, Jamshid recognises the property developers from a news story in Tehran where their use of sub-standard contractors led to the improper disposal of asbestos and caused pollution to the local waterways.

Jamshid identifies the property developers as a subsidiary of 'Rastegar Developers' (RD) who have been contracted by the Semnan County Council. He researches the public documents that detail the plans for the development of an industrial park - as it is located very close to the town's dam. The plans are the preliminary proposals but do not include much information about the development's environmental impact assessment. Jamshid decides to use the Law on Publication and Free Access to Information to obtain more information and drafts his first information request to the municipality

and to RD. He submits his request following advice from human rights organisations.

Jamshid's request clearly articulates his petition for additional information about RD's contract with the Semnan Country Council to see its compliance with Iran's environmental protection laws. He also requests RD and the County Council's environmental impact assessment of the development project.

Jamshid receives a brief document from the country council within 10 days. The document is a heavily redacted environmental impact assessment (EIA) plan. Additionally, RD also sends the same document back three weeks later.

Construction begins three days after Jamshid's request. A few days later, Jamshid's parents call him in Tehran. Jamshid's parents tell him that the RD contractors are improperly disposing of waste near the dam. Residents of the town immediately start becoming ill.

Jamshid makes a request for information to the County Council and RD because hazardous materials are being used in close proximity to the local waterways. Jamshid cites that there might be a link to the recent upsurge of health issues in the town with the new construction of the industrial park. He cites the note in the Publication and Free Access to Information Act that enforces that information that relates to environmental hazards or public health threats must be

released. His request for information is ignored.

He raises a formal complaint with the Iranian Department of Environment though the website citing the redacted EIA and with testimonies and medical logs from the local residents. Within a week he is informed that the Iranian Department of Environment's Semnan Province local body has requested further information from the County Council and RD.

Jamshid reviews his rights to further information under environmental protection law. He applies for civil measures to be imposed on the municipality with the Information Commission due to their violation of providing access to his request for the environmental impact assessment of the construction of an industrial park. Jamshid cites the heavy redactions within the document that was sent to him after the initial FOIA request and the violation of the deadlines to produce the information.

Jamshid's parents begin to tell their neighbours about their son's efforts to clarify the environmental impacts of the construction on the town. Fellow townspeople begin to recognise a series of health issues that have emerged in the town since the construction began. They begin to question local officials in public meetings, demanding more information and that something be done. Local newspapers and blogs begin to cover the controversy.

The Department of Environment had also began an investigation and made a public announcement suggesting the halt of further construction until the investigation had been completed.

Due to mounting pressure from the town, RD suspends construction on the industrial park. The County Council seeks to continue with the construction of the site, by themselves, initially. But the public unrest and media frenzy lead to the County Council temporarily halting construction, so that they can perform a more substantial environmental impact assessment and arrange immediate clean up and compensation to those directly affected by the water contamination.