



NATIONAL ACTION PLAN

TO IMPLEMENT THE RIGHT TO ACCESS TO INFORMATION LAW



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(No. 28 of 10/2/2017)

(Adopted by the Ministerial Anti-Corruption Committee on 13/7/2020)

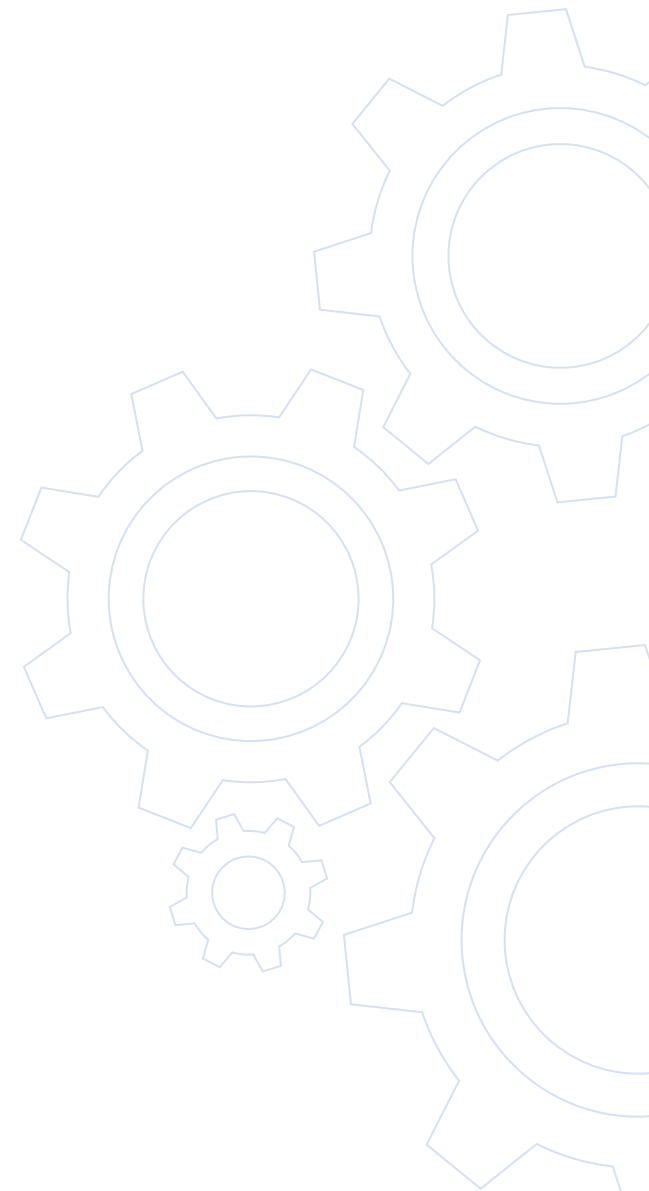




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1- FOREWORD

1.1 The Need for an Action Plan for the Proper Implementation of the ATI Law:

1.1.1 Since the passing of the ATI Law on 10/2/2017 No. 28/2017, (hereinafter “the Law”), the various obligated administrations and entities have witnessed very differing levels of compliance with the provisions set by the Law, particularly regarding the appointment of an ATI Officer (ATIO) and the provision of administrative documents upon application. As for the rest of rights and obligations set by the Law, particularly for information required to be automatically published, the majority of the Administrations do not comply with them. The ATI Law has thus come to be viewed as one of the good laws that lack real implementation.

1.1.2 To address the weak implementation of the Law, a number of official law enforcement authorities have increased their efforts in this regard, for instance:

- The ministerial statement of the current Government facing challenges included its commitment to implement the Law and issue its implementation decrees;
- The “National Anti-Corruption Strategy 2020-2025” included a framework for the implementation of the ATI Law;
- The Office of the Minister of State for Administrative Reform (OMSAR) adopted a series of measures or participated in projects that contribute to the implementation of the Law;
- The Committee of Legislation and Consultations issued a number of advisory decisions clarifying issues raised by different parties;
- The State Council issued decisions compelling non-complying administrations to provide requested documents.

1.1.3 Local and international non-governmental actors have demonstrated broad interest in working on projects to monitor the enforcement of the Law and assist in its implementation from different perspectives, such as the media, education and training. High-level international actors have also shown interest in sharing expertise and assisting in the implementation process, the foremost of which are the United Nations Development Programme (UNDP) and the Organisation for Economic Co-operation and Development (OECD).

1.1.4 All these scattered and partial efforts, although significant, highlight even more the need for a comprehensive and detailed plan to properly and fully implement all the obligations set by the Law (hereinafter “Action Plan”), which will hopefully ensure better coordination between official and non-official efforts and provide local and international support with proper guidance as part of the implementation of the Law.



1.2 Participatory Mechanisms Applied to Develop, Discuss and Adopt the Action Plan:

A transparent participatory mechanism was adopted in the development, discussion and approval of the Action Plan, including official Lebanese authorities, the different administrations involved in the enforcement of the Law as well as civil society organizations, under the leadership and coordination of OMSAR and in collaboration with UNDP and OECD. The participatory process operated as follows:

1. OMSAR appointed a committee to support the implementation of the ATI Law¹ under the Technical Committee² supporting the Ministerial Anti-Corruption Committee³ headed by the Minister of State for Administrative Reform. This committee is specialized in drafting the National Plan for the Implementation of the ATI Law in collaboration with UNDP and OECD and the national expert they have designated⁴.
2. OMSAR and the Committee supporting the implementation of the ATI Law, in collaboration with the national expert, held extensive consultations with different stakeholders to seek their opinion, observations and suggestions concerning the Draft Plan. These stakeholders included: current and former parliamentarians, representatives of selected relevant administrations including municipalities, competent civil society organizations, the Economic and Social Council (ECOSOC) and businessmen.
3. After compiling and discussing observations and suggestions resulting from the consultations, the Committee Supporting the Implementation of the ATI Law finalized the draft Action Plan. The Technical Committee supporting the Ministerial Anti-Corruption Committee approved it on March 3, 2020, and submitted it to the Ministerial Anti-Corruption Committee which adopted it on July 13, 2020. Once completed, OMSAR will develop Key Performance Indicators (KPIs) to monitor and assess implementation.

¹ Decision No. 289 of 29/05/2019, headed by the Minister of State for Administrative Reform and composed of representatives of the Ministry of Justice, the State Council, the Central Inspection and OMSAR.

² Decision of the Prime Minister No. 157 of 27/01/2011, headed by the Minister of State for Administrative Reform and composed of representatives of the Prime Minister's office, the Ministry of Justice, the Ministry of Interior and Municipalities, the Supreme Judicial Council, the Central Inspection, the Civil Service Board, the Court of Audit, the Prosecutor General, the Higher Disciplinary Council, the Central Bank of Lebanon and OMSAR.

³ Decision of the Prime Minister No. 156 of 27/01/2011, headed by the Prime Minister and composed of the Minister of State for Administrative Reform (as vice-chairman), the Minister of Finance, the Minister of Justice and the Minister of Interior and Municipalities.

⁴ Lawyer and former MP Ghassan Moukheiber; one of the sponsors of the bill and the head of the subcommittee of the Administration and Justice Committee which discussed and revised the bill in Parliament.

2- INTRODUCTION

2.1 Objectives of ATI:

ATI Laws in Lebanese and comparative law, aim at achieving, through legal and administrative tools that increase the transparency level of the administration, a number of general objectives, the majority of which stem from the commitment of the State to the provisions of the Constitution and international conventions Lebanon has ratified, notably the following:

- 2.1.1 Guarantee the right to expression and information, including the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice", according to the Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
- 2.1.2 Contribute to the development of effective, transparent and accountable institutions at all levels, according to United Nations Sustainable Development Goal 16 on peace, justice and strong institutions – particularly main actions 16.6 and 16.10 which directly tackle access to information.
- 2.1.3 Implement the highest standards of transparency, being a fundamental pillar and a requirement for the Open Government Partnership (OGP) which Lebanon endeavours to join and which is a global reform movement for the public and private sectors around the world.
- 2.1.4 Prevent and help fight corruption based on the United Nations Convention against Corruption entered into by Lebanon on 22/04/2009, which considers transparency a general principle to prevent and fight corruption and a major tool to ensure sound public administration; the Convention also includes detailed provisions related to ATI, under Article 10 "Public Reporting" and Article 13 "Participation of Society".
- 2.1.5 Increase the level of citizens' trust in the State, which is a pillar of a functioning democracy and the rule of law.
- 2.1.6 Attract investments and increase the level of competitiveness of the Lebanese State and legal persons of public and private law involved in applying transparency and ATI provisions.

2.2 Historical Background of the Elaboration and Adoption of the Law:

2.2.1 Existing laws and practices, the needs to develop and fill the gaps in the laws:

- In 2001, OMSAR drafted a law on the right of access to information.
- Since 2005, there has been great interest in ATI among Lebanese civil society organizations and anti-corruption activists. Several conferences and workshops were organized to assess the situation and put forward suggestions to fill the gaps in legislation and practice. The situation and practices of ATI before the ATI Law can be summed up as follows:
- Laws and regulations were limited to some official institutions and registers related to the publishing information that concerns the public, especially the Official Gazette and different registers such as the Commercial, Land and Associations' Registers.
- Some private laws were limited to establishing the right of access to some available information, such as the information provided in the Municipalities Law dated 1977.
- In other respects, the practices of the public administrations and municipalities, in all cases, lacked transparency and made it difficult or even impossible to access information they hold.

2.2.2 Activities of the National Network for the Right of Access to Information:

- The civil movement in this regard led to the creation in 2006 of the National Network for the Right of Access to Information which includes a Steering Committee led by Lebanese Parliamentarians against Corruption (LebPAC) and the following members: The Lebanese Transparency Association (LTA), Association pour la Défense des Droits et des Libertés (ADDL), syndicates, associations, ministries' representatives as well as international comparative expertise "through the American Bar Association (ABA)" and various Lebanese legal experts. The Legal Working Group of the network drafted an ATI bill in a transparent and participatory manner with all its members.

2.2.3 The ATI Bill Passed by the Parliament:

- 2.2.3.1** The bill was introduced to Parliament in 2009 by the president of the National Network for the Right of Access to Information MP Ghassan Moukheiber and five members of LebPAC. It was put on the agenda of the Administration and Justice Committee starting 2012 and was discussed in a special subcommittee comprised of representatives from the ministries, relevant judiciary as well as oversight entities, with the technical assistance of UNDP. The amended bill was submitted to the Plenary of Parliament which discussed it and approved it on 10/02/2017 (Law No. 28/2017).
- 2.2.3.2** After Law No. 28/2017, the Parliament passed a law for "Strengthening Transparency in the Oil and Gas Sector" (Law No. 84 of 10/18/2018) aimed to also increase the level of transparency and access specialized information in this vital sector in Lebanon.






2.3 Characteristics of the ATI Law:





- 2.3.1** The Law ensures the transparency of all Obligated Administrations' actions, whereby the principle is that all administrative information and documents of all types and forms should be provided, either upon request or by mandatory publication; while the exception is made for information and documents limitatively identified either for the protection of personal interests or legitimate public interests (Articles 1, 3, 4 and 5).
- 2.3.2** The Law opts for a broad interpretation of the Obligated Administrations that includes all legal persons of public law, the municipalities, most of the judiciary and a number of legal persons of private law that discharge functions serving public interest (Article 2).
- 2.3.3** The Law provides for the following set of rights for people and obligations for Obligated Administrations:
- 2.3.3.1** Provide information upon application (Art. 1 and Art. 14 to 19)
 - 2.3.3.2** Access and correct personal information and data (Art. 4)
 - 2.3.3.3** Reuse information within the limits set by the Law (Art. 20)
 - 2.3.3.4** Publish the rationale of laws and decrees (Art. 6)
 - 2.3.3.5** Write rationale for individual, non-regulatory, administrative decisions (Art. 10 – 11 – 12)
 - 2.3.3.6** Publish all regulatory decisions, memoranda and circulars containing interpretation of laws and regulations or having a regulatory value (Art. 7 – a)
 - 2.3.3.7** Publish report for public money payments exceeding LBP 5 million (Art. 7 – b)
 - 2.3.3.8** Publish Annual Activity reports (Art. 8)

3- OBSTACLES TO THE IMPLEMENTATION OF THE LAW AND MAIN ACTIONS PROPOSED IN THE ACTION PLAN



The Action Plan is based upon the provisions of the Law, including the obligations of the Administrations involved in its enforcement, and upon the various obstacles and difficulties in implementing the said provisions. To overcome these problems and fully implement the Law, the Action Plan proposes 10 main actions together with their related implementation activities; it identifies the parties responsible for their implementation and sets the implementation deadlines. The following are the main obstacles and the corresponding main actions proposed to overcome them:

Main Obstacles to the Implementation of the Law	Main Actions Proposed in the Action Plan
1 Some Obligated Administrations were reluctant and did not fulfil their obligations, especially because they considered themselves not subject to the Law.	 Develop a comprehensive list of Obligated Administrations by the ATI Law and provide them with pressure and incentives to comply.
2 Several Obligated Administrations are reluctant to appoint an ATI Officer (ATIO) supposed to specialize in the proper enforcement of the Law within the Administration.	 Appoint ATI Officers (ATIO) within all Obligated Administrations and provide them with pressure and incentives to comply.
3 The public in general and the ATIO in particular lack information about rights and enforcement obligations, mechanisms and procedures set by the Law.	 Provide information about ATI rights and procedures.
4 Many Obligated Administrations officials, particularly ATIO, lack detailed knowledge and necessary skills to implement the provisions set by the Law, notably mandatory publication: e.g. writing rationale for all individual administrative decisions and publishing Payment and Annual Activity Reports.	 Provide training and support.
5 Many Obligated Administrations do not have appropriate electronic media and communication tools to implement mandatory information publication set by the Law. There is also the need for one or more websites providing detailed information about the Law.	 Develop electronic tools to implement the ATI Law.

6 The law establishing the National Anti-corruption Institution was enacted has to be established, its members nominated and a corresponding budget allocated. The Law had provided NACI it with large prerogatives, making it the official independent body for implementing the Law and forcing non-complying administrations to fulfil their obligations.	 Establish the National Anti-Corruption Institution (NACI), appoint its members and activate it.
7 Until and even after the establishment of NACI, existing institutions lack an official body to monitor and hold accountable non-complying administrations, especially concerning the mandatory publication of information and reports.	 Develop oversight mechanisms to ensure proper application of the Law.
8 Until and even after the establishment of NACI, grievance and redress procedures in the cases of non-compliance of the Obligated Administrations are limited to appealing to the competent jurisdictions (administrative or judicial, according to the specialty). There is no assistance mechanism for solving issues by mediation.	 Develop mechanisms for receiving and handling complaints related to the implementation of the Law.
9 Some Obligated Administrations alleged the absence of implementation decrees to avoid complying with the provisions, even though the Law is in effect and is binding on the Administrations without the need for implementation decrees. Also, experience has shown that there are issues that need to be clarified in implementation decrees to ensure a better enforcement of the Law.	 Issue implementation decrees in areas of necessity.
10 Many Administrations lack effective systems for filing, archiving and extracting administrative documents, thus preventing easy access to information, which is considered a failure to implement this obligation explicitly set out in the Law.	 Develop effective systems for filing, archiving and extracting administrative documents and automating the administrations.

4- ROLES AND RESPONSIBILITIES FOR THE IMPLEMENTATION OF THE LAW AND THE ACTION PLAN



4.1 Obligated Administrations for compliance:



4.1.1 Legal persons of public law:

- 2.2.3.1 The State and its public administrations
- 2.2.3.1 Public institutions (administrative and commercial-industrial)
- 2.2.3.1 Independent administrative bodies
- 2.2.3.1 Regulatory agencies for sectors and concessions
- 2.2.3.1 All other legal persons of public law

4.1.2 Legal persons of private law:

- 4.1.2.1 Private institutions or companies tasked with the management of a public service or property
- 4.1.2.2 Mixed Economy companies
- 4.1.2.3 Organizations recognized of public interest

4.1.3 Courts:

- 4.1.3.1 Courts and councils of judicial or arbitral character, excluding religious courts

4.1.4 Municipalities:

- 4.1.4.1 Municipalities and unions of municipalities

4.2 Entities responsible for following-up on the implementation, coordination and supervision of the Action Plan:



4.2.1 The Prime Minister

4.2.2 The National Anti-Corruption Institution ("NACI"), upon its establishment and the start of its activities.

4.2.3 The Office of the Minister of State for Administrative Reform (OMSAR), until the establishment of NACI and the start of its activities; afterwards NACI shall take over its legal responsibilities in synergy with OMSAR under special agreements and various coordination mechanisms.

4.2.4 A special committee to follow up on the implementation of the Action Plan (hereinafter "Follow-Up Committee") to be appointed by a decision of the Minister of State for Administrative Reform, composed of representatives from different competent official authorities.

4.3 Authorities competent to enforce the Law upon non-complying Administrations:

4.3.1 Direct hierarchical administrative authorities, where applicable

4.3.2 Tutoring administrative authorities

4.3.3 NACI

4.3.4 Competent judicial authorities upon complaint of the victim (State Council and competent common law courts).

4.4 Official Oversight Entities:

4.4.1 Parliament

4.4.2 The Presidency of the Council of Ministers, for ministries, attached to or established within the office of the Prime Minister

4.4.3 NACI

4.4.4 Trusteeship authorities and oversight agencies (e.g., Ministry of Interior and Municipalities on municipalities, Ministry of Energy and Water on the Electricity of Lebanon)

4.4.5 The Central Inspection

4.5 Non-Official Oversight Entities:

4.5.1 The Group of Lebanese Parliamentarians against Corruption (LebPAC)

4.5.2 Economic and Social Council (ECOSOC)

4.5.3 Civil society entities working on transparency and on fighting corruption

4.5.4 The Media

4.6 Partners in the Full or Partial Implementation of the Action Plan:

It is neither conceivable nor expected that all Administrations and official authorities responsible for a task or responsibility set out in the Action Plan (particularly OMSAR and NACI) will carry out all the actions and operational programs identified in the Action Plan. Therefore, it is necessary to clarify that it is expected that these official authorities will entrust non-official and international entities with all or part of their responsibilities; the latter may also take the initiative to implement many actions and programs. The main entities are the following:

- Official bodies legally competent to implement some action items identified in the Action Plan (such as the Civil Service Board and the National School of Administration)
- Private for-profit or non-profit organizations, on their own initiative or tasked with the implementation of action items identified in the Action Plan, in collaboration with official entities legally responsible for implementing same action items (e.g., associations specialized in transparency and fighting corruption).
- Specialized international organizations or donors (e.g., UNDP, OECD).

5- TIMEFRAME, MONITORING AND IMPLEMENTATION FOLLOW-UP



5.1 Timeframe:

- The first period of the Action Plan is set for 2 years from the date when the Ministerial Anti-Corruption Committee adopts the Action Plan. This period can be extended through a new or amended Action Plan, upon the recommendation of the Follow-Up Committee by appropriate decisions following the same mechanisms adopted for the approval of the Action Plan.
- It should be noted, however, that many of the actions and projects identified in the Action Plan are subject to the availability of appropriate financial and human resources.

5.2 Implementation Priorities:

- Implementation priorities for each of the actions proposed in the Action Plan are defined at three levels related to the implementation period:
- Short-term, within 6 months of the adoption of the Plan (defined by A);
- Medium-term, within 1 year of the adoption of the Plan (defined by B);
- Long-term, within 2 years of the adoption of the Plan (defined by C)

5.3 Follow-Up and Monitoring Mechanisms:

The Follow-Up Committee shall follow-up and monitor the implementation of the Action Plan. It shall produce periodic reports on the progress of the implementation of the Action Plan every six months, on the basis of Key Performance Indicators (KPIs) that OMSAR will develop, following extensive mandatory consultations with representatives of official and non-official oversight entities and partners in the full or partial implementation of the Action Plan. It should widely disseminate these reports through all available electronic media and submit them nominally to all other entities responsible for following-up on the implementation, coordination and supervision of the Action Plan. The reports can include suggestions to amend or develop the Law and the implementation decrees.

6- ACTION PLAN



1. Develop a Comprehensive List of the Obligated Administrations by the ATI Law and provide them with pressure and incentives to comply (Art. 2)

Action Item	Implementation Priorities	Responsibilities
1- Map all Obligated Administrations, their addresses and oversight entities:	A	<ul style="list-style-type: none"> • OMSAR/NACI
<ul style="list-style-type: none"> • Legal persons of public law 		<ul style="list-style-type: none"> • Authorities competent to enforce the Law upon non-complying Administrations • Official oversight entities
<ul style="list-style-type: none"> • Courts 		<ul style="list-style-type: none"> • Prime Minister • Ministry of Justice
<ul style="list-style-type: none"> • Municipalities 		<ul style="list-style-type: none"> • Ministry of Interior and Municipalities
<ul style="list-style-type: none"> • Legal persons of private law 		<ul style="list-style-type: none"> • Ministry of Finance (for companies) • Ministry of Social Affairs (for Public Interest Organizations)
2- Compile Consultative and Judicial decisions related to the identification of the Obligated Administrations.	A	<ul style="list-style-type: none"> • State Council • Committee of Legislation and Consultations
3- Develop studies about Administrations subject to legal or practical issues.	B	<ul style="list-style-type: none"> • OMSAR/NACI
4- Where necessary, request for consultation of the Committee of Legislation and Consultations within the Ministry of Justice.	B	<ul style="list-style-type: none"> • Committee of Legislation and Consultations
5- Contact non-complying administrations and address their objections with available means; including positive incentives to explain the benefits of abiding by the Law and rewards to complying administrations.	B	<ul style="list-style-type: none"> • Follow-up entities • Entities competent to force non-complying administrations to comply • OMSAR/NACI • Official and private oversight entities
6- Publish all said information on different available webpages to inform the general public (e.g. the central ATI portal and those of each Obligated Administration).	A	OMSAR/NACI

A Short-term **B** Medium range **C** Long term



2. Appoint ATI Officers (ATIO) within all Obligated Administrations and provide them with pressure and incentives to comply (Art. 15)

Action Item	Implementation Priorities	Responsibilities
1- Draw a list of Administrations that appointed an ATIO with their contact specifics and state if a relevant job description was issued.	A	<ul style="list-style-type: none"> • OMSAR/NACI • Official oversight entities
2- Send letters to non-complying administrations requesting the appointment of an ATIO and follow-up on these appointments.	A	<ul style="list-style-type: none"> • All oversight administrations • The Central Inspection
3- Compile a national list of Obligated Administrations and ATIO together with their contact specifics, to be published by all available means (e.g. the central ATI portal and those of each obligated administration).	A	<ul style="list-style-type: none"> • OMSAR/NACI
4- Develop ATIO job descriptions templates and draft circulars to facilitate cooperation with ATIO, as well as an adequate mechanism to assess their performance.	A	<ul style="list-style-type: none"> • OMSAR/NACI • Civil Service Board
5- Establish a National Network for ATIO as well as subnetworks for categories of similar administrations, especially for municipalities and unions of municipalities.	B	<ul style="list-style-type: none"> • OMSAR/NACI

A Short-term B Medium range C Long term



3. Provide Information about ATI Rights and Procedures (Art. 22 – d)

Action Item	Implementation Priorities	Responsibilities
1- Develop, publish and distribute informational guidebooks, to inform the general public and the Obligated Administrations about rights and obligations provided by the Law. <ul style="list-style-type: none"> • A handbook to inform the general public about ATI upon application. • A handbook to inform Obligated Administrations about their various obligations, especially mandatory publication of information and the right to access and modify personal information. • A special handbook to inform municipalities and unions of municipalities about their various obligations. • A guidebook about the classification of information, in accordance with the provisions of the law and comparative international practices; adopt the guidebook in a semiofficial manner. • Information materials for audio-visual and electronic media and social networks. 	B	<ul style="list-style-type: none"> • OMSAR/NACI
2- Organize a general national conference (yearly) to disseminate knowledge about ATI.	B	<ul style="list-style-type: none"> • OMSAR/NACI
3- Develop a national communication strategy for the implementation of the Law, including press conferences on the application of the Law when needed.	B	<ul style="list-style-type: none"> • OMSAR/NACI
4- Integrate an ATI subject into civic education school curricula and, where applicable, into different university curricula (e.g., within Human Rights or general knowledge courses). To this effect, develop educational materials for school and university levels.	C	<ul style="list-style-type: none"> • Ministry of Education and Higher Education
5- Organize conferences and specialized workshops in the various regions and for each of the most targeted stakeholders (e.g., journalists, CSOs, Government officials, ATIOs, municipalities).	A	<ul style="list-style-type: none"> • OMSAR/NACI
6- Compile and publish legal consultative opinions and court rulings related to the enforcement of the ATI Law.	B	<ul style="list-style-type: none"> • OMSAR/NACI
7- Create a hotline number to assist and provide information to citizens about the Law.	B	<ul style="list-style-type: none"> • OMSAR/NACI

A Short-term B Medium range C Long term



4. Provide Training and Develop Support Resources (Art. 22 – d)

Action Item	Implementation Priorities	Responsibilities
1- Organize specialized training workshops for Obligated Administrations, their ATIOs and targeted stakeholders (e.g., journalists and CSOs).	A	• OMSAR and NACI
2- Develop, disseminate and assess detailed training material (including templates) about all ATI rights and obligations, targeted for each type of Obligated Administration (particularly municipalities):	B	• OMSAR/NACI
• Provide information upon application		
• Provide and correct personal information		
• Write rationale for individual non-regulatory administrative decisions		
• Publish Annual Activity reports (with sections for public administrations, the judiciary, municipalities of different sizes, obligated companies and associations).		
• Publish Payment reports		
3- Train trainers on the use of training templates and guidebooks.	B	• OMSAR/NACI • Civil Service Board • National School of Administration
4- Develop the capacities of model Obligated Administrations of all categories to implement the Law, for example: a ministry, a public administration, a municipality, a union of municipalities, the Supreme Judicial Council or the State Council, a company tasked with the management of a public facility.	B	• OMSAR/NACI
5- Include behavioural insights and nudges in Obligated Administrations and ATI Officers and train the Civil Service Board and the National School of Administration to integrate them into their trainings.	B	• OMSAR/NACI

A Short-term **B** Medium range **C** Long term



5. Develop Electronic Tools to Implement the ATI Law (Art. 9)

Action Item	Implementation Priorities	Responsibilities
1- Develop a National ATI Information e-portal that publishes all information about ATI, to act as a communication tool and platform between the Obligated Administrations and the general public. In addition to general information, it includes: a FAQ section and newsletters about ATI.	B	• OMSAR/NACI The e-portal shall be owned by OMSAR, later to be transferred to NACI. A committee headed by OMSAR/NACI handles the design, development, implementation and maintenance of the e-portal. The committee is composed of the different parties involved in developing ATI, including: legal persons of public law, legal persons of private law, the judiciary, parliamentarians, municipalities, anti-corruption organizations, international partners.
2- Map all existing electronic tools for communication and transparency within all Obligated Administrations.	B	• OMSAR/NACI
3- Develop a free and open electronic Official Gazette.	C	• Presidency of the Council of Ministers – Official Gazette
4- Assist all Obligated Administrations in developing electronic information tools that contribute to the implementation of the Law.	C	• OMSAR/NACI

A Short-term **B** Medium range **C** Long term



6. Appointing the members of the National Anti-Corruption Institution (NACI), and Activating it (Art. 22 – 23)

Action Item	Implementation Priorities	Responsibilities
1- Nominate candidates for the NACI.	B	• Various nominating authorities provided in the Law
2- Select and appoint the members of the NACI.	B	• Council of Ministers
3- Draft the various by-laws and operational procedures.	B	• NACI (with the support of OMSAR) • Council of Ministers
4- Activate the NACI and train its officials on different functions related to the implementation of the ATI Law.	C	• NACI • OMSAR

A Short-term B Medium range C Long term



7. Develop Oversight Mechanisms to Ensure Compliance by the Obligated Administrations (Art. 22 – b, c)

Action Item	Implementation Priorities	Responsibilities
1- Develop official and non-official mechanisms and initiatives to follow-up on the compliance of Administrations with their different obligations, including different types of mandatory publication, especially: <ul style="list-style-type: none"> • Map the existing implementation practices of Obligated Administrations. • Activate Parliamentary oversight through the Ad-Hoc Committee to Follow-Up on the Implementation of Laws and Lebanese Parliamentarians against Corruption (LebPAC). • Set KPIs for the implementation of the Law, to be included in the Obligated Administrations reports, as provided by the Law. • Develop a mechanism to measure the citizens' satisfaction with the implementation of the Law (including a survey question in the ATI e-portal). Compile answers from all platforms and develop an indicator based on collected information. • Include information about the implementation of the Law in the annual report of the President of the Central Inspection. 	A	<ul style="list-style-type: none"> • OMSAR/NACI • Official oversight entities • Follow-Up Committee
2- Oversee compilation and publication of regulatory decisions, memoranda and circulars containing interpretation of laws and regulations or having a regulatory value, issued by Obligated Administrations.	B	<ul style="list-style-type: none"> • Official Gazette • Official oversight entities
3- Develop a permanent regulatory mechanism with all Obligated Administrations, setting the rules and conditions for the publication of relevant decisions and the way to send them to the Official Gazette and publish them on the website of each Administration.	B	<ul style="list-style-type: none"> • Official Gazette • OMSAR/NACI
4- Produce an Annual Report including major obstacles impeding access to information for the different categories of documents, and special reports about important subjects when needed; to be published according to the Article 9 of the Law.	B	<ul style="list-style-type: none"> • OMSAR/NACI • Follow-Up Committee
5- Provide advice to the Obligated Administrations on all issues related to the implementation of the Law.	A	<ul style="list-style-type: none"> • OMSAR/NACI • The Central Inspection • Civil Service Board • Official oversight entities

A Short-term B Medium range C Long term



8. Implement Mechanisms for Receiving and Handling Complaints Related to ATI Implementation (Art. 22 – a)

Action Item	Implementation Priorities	Responsibilities
1- Develop a special tool through a hotline number (also linked to the ATI e-portal) to receive and handle complaints through a specialized team, which can also advise complainants on the proper implementation of the Law.	B	<ul style="list-style-type: none"> • OMSAR/NACI • Special official and non-official oversight entities especially the Central Inspection
2- Organize a specialized workshop for judges on how to settle disputes brought before them through complaints and appeals.	A	<ul style="list-style-type: none"> • Ministry of Justice • Office of the State Council • Supreme Judicial Council • OMSAR/NACI

A Short-term **B** Medium range **C** Long term



9. Issue Implementation Decrees in Areas of Necessity (Art. 25)

Action Item	Implementation Priorities	Responsibilities
1- Provide the Ministry of Justice and the Council of Ministers with written feedback about the current draft implementation decree submitted to the Council of Ministers by the Ministry of Justice, based on consultations conducted to develop it, especially during the National Consultation Workshop held on 25/06/2019 which can be summarized as follows: <ul style="list-style-type: none"> • Explain how to calculate, collect and record the copying costs of administrative documents. • Amend mechanisms related to the consequences for not providing the rationale of non-regulatory administrative decisions. • Confirm that there shall be no need to provide evidence for the quality and interest of the applicant. • Clarify the role of the judiciary as an Obligated Administration that should provide information and clarify the way the judiciary and its oversight administrative bodies should comply with the provisions of the Law. • The decree should include provisions on how to appoint the ATI Officer, set their job description and define their relationship with their administration hierarchy and the NACI. • Clarify the issue of available documents within an administration. • Clarify the (unlimited) duration of the available information and documents. • Determine whether the obligations of the Administration include all General Directorates that it might comprise or each one of them separately (especially for the appointment of the ATI Officer). • Not to tackle details on documents and information not subject to access, to be addressed later by guidebooks and by the jurisprudence of courts and the NACI. 	A	<ul style="list-style-type: none"> • Council of Ministers • Ministry of Justice • OMSAR
2- Draft special legal opinions on important and controversial issues (e.g., What is “good-faith” in applying for information, what are the documents and information not subject to access).	A	<ul style="list-style-type: none"> • Committee of Legislation and Consultations • OMSAR/NACI
3- Finalize the draft decree and submit it to the Council of Ministers for approval.	A	<ul style="list-style-type: none"> • Ministry of Justice • Council of Ministers
4- Issue different implementation decrees where necessary, in light of experience.	C	<ul style="list-style-type: none"> • Ministry of Justice • Council of Ministers

A Short-term **B** Medium range **C** Long term



10. Develop Effective Systems for Filing, Archiving and Extracting Administrative Documents and Automating Administrative Procedures (Art. 13)

Action Item	Implementation Priorities	Responsibilities
1- Map and assess the filing and archiving existing capacity, shortcomings and needs of every Obligated Administration.	C	• OMSAR
2- Assist in the provision of the required material and electronic needs (such as scanners to keep archives in a digital format).	C	• OMSAR
3- Assist in the provision of the required tools and operating systems' needs.	C	• OMSAR
4- Provide a full assessment of the National Archives.	C	• National Archives Center



NATIONAL ACTION PLAN TO IMPLEMENT THE RIGHT TO ACCESS TO INFORMATION LAW

(No. 28 of 10/2/2017)

