

Authority:

Governmental Freedom of Information Unit

Country / State:

Israel

Case title:

Moshe Rogoznitsky v Ministry of Health — Access to Pharmacy Inspection Reports

Official citation:

Administrative Petition No. 34244/01/23

Date of decision:

2023

Relevant law:

Freedom of Information Law, Section 8(1) — unreasonable allocation of resources

Freedom of Information Law, Section 9(a)(3) — privacy exemption

Freedom of Information Law, Section 9(b)(6) — trade secret / professional secret / commercial value exemption

Decision:

The court upheld the Ministry of Health's refusal to disclose the requested pharmacy inspection reports, ruling that the review, redaction, and handling process would constitute an unreasonable allocation of resources. It found that the reports contained significant amounts of personal, trade, and economic information, and that partial disclosure without the pharmacies' responses or remedial actions would risk misleading the public. The court also held that the reports were irrelevant to the petitioner's criminal defense and that the public interest was already served by the fact that inspections are carried out.

Key words:

Right to information, exemptions, privacy, trade secrets, unreasonable allocation of resources, health inspections, pharmacy regulation.

Case Summary:

1. Facts

The petitioner requested dozens of inspection and supervision reports on pharmacies and pharmaceutical wholesalers. The Ministry of Health rejected the request, arguing that reviewing and redacting hundreds of pages to protect privacy and commercial secrets would be an unreasonable allocation of resources. The petitioner argued the Ministry exaggerated the burden, and that targeted redactions could allow disclosure, especially given the public interest and his criminal defense needs.

2. Decision

The court examined sample reports ex parte and confirmed they were densely filled with personal, trade, and economic information. It ruled that the Ministry would need to conduct an extensive professional and legal review for each report, creating an unreasonable burden under Section 8(1). It also emphasized that publishing incomplete reports, without pharmacies' responses or follow-up actions, could mislead the public. The court concluded that the refusal to disclose was justified, finding no connection between the reports and the petitioner's criminal defense, and no overriding public interest in their disclosure.

Note (Optional):

FREEDOM OF INFORMATION — balancing transparency and the protection of privacy and commercial secrets; refusal justified due to disproportionate resource allocation and risk of misleading the public.

Resources:

https://www.gov.il/BlobFolder/dynamiccollectorresultitem/34244-01-23/he/verdict_34244-01-23.pdf