

Authority:

Governmental Freedom of Information Unit

Country / State:

Israel

Case title:

Hatzlacha NGO v Ministry of Foreign Affairs — Disclosure of Diplomatic Calendars

Official citation:

Administrative Petition No. 52117/02/22

Date of decision:

2022 (appeal currently pending)

Relevant law:

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

Freedom of Information Law, Section 9(b)(1) — impairment of public authority's functioning

FOI Procedure No. 13 (January 2022) — resource allocation and repetitive requests

Decision:

The court ruled that the Ministry of Foreign Affairs must allocate up to “60 hours per calendar” (maximum 120 hours total) to review the 2021 calendars of the Israeli ambassadors to the U.S. and the U.N. This review is conditional on two limits: (1) the hours will count toward any FOI request for ambassadors' calendars submitted within the next two years, and (2) the Ministry is not bound by the standard 15-day response period and may take a reasonable time to process.

In practice, the petitioner is entitled to receive up to “six months of calendar entries per ambassador”, either in continuous or selected periods, for the years 2020 and 2021. The Ministry may deduct the time already spent from future calendar requests over the next two years.

Key words:

Right to information, exemptions, unreasonable resource allocation, diplomatic calendars, transparency, foreign relations.

Case Summary:

1. Facts

The NGO “Hatzlacha” requested the 2021 calendars of the Israeli ambassadors to the U.S. and the U.N for the year 2021. The Ministry of Foreign Affairs opposed, citing Section 8(1) (unreasonable allocation of resources), arguing that reviewing each calendar entry for classified or confidential content required about 130 hours per calendar and diverted numerous officials from their duties. It also invoked Section 9(b)(1), claiming that disclosure could impair ambassadors’ work by making them feel monitored.

2. Decision

The court struck a balance between the public interest in disclosure and the burden on the Ministry. It limited the review up to 60 hours per calendar (for a maximum of 120 hours) to review the requested 2021 calendar.

This allocation is conditional on two limitations:

1. These hours will count toward the total resource burden in any future FOI request for ambassadors’ calendars submitted over the next two years, regardless of the year requested or who submits the request.
2. The Ministry will not be bound by the standard 15-day response period under Section 7(d) of the FOI Law and may take a reasonable amount of time to complete the review.

Note (Optional):

FREEDOM OF INFORMATION — balancing transparency of high-level diplomatic activities against administrative burden and diplomatic confidentiality; partial disclosure ordered with strict time/resource limits.

Resources:

https://www.gov.il/BlobFolder/dynamiccollectorresultitem/52117-02-22/he/verdict_52117-02-22.pdf

The petitioner has filed an appeal; the case is currently pending.