

# Study

## Assessing the Responsiveness of Jordanian Ministries to Information Requests

Performance Index Center | KAFA'A

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## Team Members

### Lead Researcher

Sadeel Hasan

### Research Assistants

Enas AlAjarmeh

Hanan Baki

Moyad Al-Azzam

Layan Atieh

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## Introduction

Providing and facilitating access to information are fundamental pillars for promoting the principles of democracy, transparency, and bolstering trust between governments and citizens in democratic countries. The right to access information is a central component of good governance, as guaranteed by the "Right to Access Information Law" enacted by the Hashemite Kingdom of Jordan in 2007 and its amendments passed in 2024. This legislation is considered a key tool for promoting integrity and transparency, as it aims to empower citizens, researchers, and journalists to access information, that enables them to effectively participate in public life. It also grants them an accurate understanding of the role and work of each institution, which allows them to hold officials accountable for performing their duties within a conscious legal framework.

Despite the efforts made to establish the principle of the right to access information, Jordanian citizens face some challenges when submitting requests to obtain information from the official websites of ministries. These challenges range from complex mechanisms and procedures, slow response times, and refusal to provide information for various reasons; to technical complexities, including the inadequacy of the electronic platforms dedicated to each institution in terms of providing the required informational content for each institution, or non-compliance with Article 14 of the same law, which mandates that "each department shall index and organize the information and documents available to it and classify what must be considered confidential and protected according to legislation." We find that the lack of classification renders all information confidential.

All of the aforementioned obstacles and others, raise questions about the effectiveness of the current system, the level of ministries' commitment to implementing the law, and their readiness to respond promptly to requests from citizens or entities.

This study focuses on evaluating the responsiveness of Jordanian ministries to information requests by analyzing their performance in terms of response speed, ease of access to request mechanisms, and clarity of procedures followed. The study also provides insights into the varying levels of responsiveness among different ministries and concludes with recommendations aimed at improving ministries' responsiveness and enhancing transparency in line with national orientations towards good governance.

## Importance and Objectives of the Study

The right to access information is a fundamental right enshrined in international treaties and conventions. However, it has gained practical momentum recently, necessitating a special focus and expanded research scope. This aims to eliminate any ambiguity or confusion surrounding this right and translate it into practical application.

**Through this study, the following will be achieved:**

- 1. Reviewing of relevant legal texts:** Reviewing the most important legislation that allows individuals and legal persons to exercise their right to access information.
- 2. Conducting a practical experiment:** Measuring the extent to which Jordanian ministries adhere to and effectively implement the provisions of this law.
- 3. Highlighting the importance of access to information:** Emphasizing the role of this right in supporting democracy, raising the levels of good governance, and promoting transparency and accountability.
- 4. Enhancing community participation:** Empowering citizens and civil society organizations to play an active role in monitoring government performance and participating in decision-making.
- 5. Evaluating the level of transparency and responsiveness:** Measuring the extent to which Jordanian ministries are committed to providing information through their official websites and complying with the provisions of the "Right to Access Information Law."
- 6. Highlighting community oversight:** Shedding light on the importance of community oversight as an effective tool to ensure that government agencies seriously and genuinely activate the law, moving away from formal or superficial implementation.

This study serves as a practical means to support the activation of legal provisions, which enhances citizens' trust in government institutions as a result of their commitment to the principles of transparency and good governance.

## Problem of the Study

Despite the technological advancement and significant openness, the world is witnessing today in addition to the presence of specific legislation regulating the process of requesting and obtaining information, which has been amended to align with international best practices, this right still suffers from multiple problems.

The problem lies in the following points:

- 1. Lack of awareness of the right to request information:** The idea of the possibility of submitting a request to obtain information is still absent among some individuals and entities, which limits the activation of this right.
- 2. Weak implementation of the law:** There is a noticeable weakness, or in some cases near absence, in the implementation of the provisions of the "Right to Access Information Law" by the concerned authorities.
- 3. Commitment of the concerned authorities:** The central question raised by the study is the extent to which the relevant government agencies are committed to implementing the provisions of the law, and whether these agencies are still unable to effectively activate its provisions.

## Theoretical Framework

### The Basis of the Right to Access Information in International Conventions and Treaties

Many international treaties and conventions have stipulated the right to access information, as we are now in an era and stage where access to information has become a fundamental means and the most important way through which individuals can exercise their other rights. Among the most important international legislation that has addressed the right to access information, we review:

- **The Universal Declaration of Human Rights (1948):** The Universal Declaration is the first basic international statement addressing the rights of all members of the human family. It is also a source of inspiration for many international agreements and has had a significant impact on many constitutions and laws in several countries. The Declaration affirmed in Article (19) that the right to access and dispose of information is considered an integral part of exercising the right to freedom of opinion and expression: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."
- **The International Covenant on Civil and Political Rights (ICCPR):** The Covenant also affirmed this right in Article (19):
  1. Everyone shall have the right to hold opinions without interference.
  2. Everyone shall have the right to freedom of expression; this right shall include 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 their choice.
- **The American Convention on Human Rights (1969):** The Convention addressed the right to access information through Article (13): "Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice."
- **The Arab Charter on Human Rights:** The Charter also recognizes and stipulated the right of the individual to access and use information in Article (32), which states:



1. This Charter guarantees the right to information and freedom of opinion and expression, as well as the right to seek, receive, and impart information and ideas to others through any media and regardless of geographical boundaries.
  2. These rights and freedoms shall be exercised within the framework of the basic components of society and shall be subject only to restrictions imposed by respect for the rights or reputations of others or the protection of national security, public order, public health, or public morals.
- **The United Nations Convention Against Corruption:** It also emphasized this right as a means to combat corruption and activate the role of community accountability in Article (13), which states:
    1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by measures such as:
      - A. Enhancing the transparency of and encouraging the contribution of the public to decision-making processes.
      - B. Ensuring that the public has effective access to information.
      - C. Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programs, including school and university curricula.
      - D. Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
        1. For respect of the rights or reputations of others;
        2. For the protection of national security or order public or of public health or morals.
    2. Each State Party shall take appropriate measures to ensure that the public has knowledge of the relevant anti-corruption bodies referred to in this Convention and provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

The existence of such international treaties and conventions, and their emphasis on the importance of this right, motivates many countries to implement and enforce these texts by enacting legislation that guarantees and facilitates the exercise of this right.

## The Importance of Having a Law Guarantees Individuals the Right to Request Information

The right to access information is considered one of the most important rights that should be granted to individuals and citizens in countries. This right is the foundation upon which other related rights are built and practiced, such as the rights to opinion and expression, which cannot be exercised and enforced without the availability of true and realistic information issued by competent authorities. Otherwise, we would be faced with worthless debates, discussions, and demands that can be easily dismissed by relying on opinions or demands based on untrue information or malicious rumors with no basis in truth.

Regulating this right under the domestic legislation of countries expands the rules for exercising public rights and freedoms and is considered, at the same time, a means used by people to monitor the actions of governments. The people have been and continue to be the strongest means of oversight throughout the ages, as they hold public opinion, which is the main driver and the primary and fundamental force influencing decision-makers.

The importance of this right also lies in its role as a preventive measure against administrative corruption in entities obligated to implement the law. Knowing that their actions are subject to public scrutiny and potential disclosure, encourages compliance and accountability among officials and institutions.

### The Right to Access Information in Jordanian Legislation

Jordan issued the Access to Information Law on June 2007 ,17, based on its participation in several international treaties and agreements that stipulate and emphasize the importance of enshrining the right of individuals to access information and enabling them to access it with ease. Thus, Jordan allowed its citizens to exercise this right stipulated in international conventions and treaties by enacting a law called "**The Access to Information Law of 2007.**" Jordan is credited with being the first Arab country to enact such legislation.

The Access to Information Law defined the term "information" in Article (2) as: "any written data, statistics, written or visual documents, recordings, or data stored electronically or by any other means, which fall under the management or authority of the official."

According to Article (7), this law grants every individual or legal Jordanian person the right to access information, provided that the exercise of this right is associated with a legitimate reason or interest.

This law, in the same Article (7), also enshrines the right to access information for non-Jordanian, whether individuals or legal persons, provided that three conditions are met:

1. The non-Jordanian individuals or legal person must be residing in Jordan.
2. They must have a legitimate interest or reason.
3. The condition of reciprocity applies, meaning that the law of the applicant's country must grant Jordanian individuals the same right to access information.

## **Entities Obligated to Implement the Access to Information Law**

The law mandates that the entities mentioned in Article (2) of the Access to Information Law appoint a designated official responsible for receiving, responding to, and following up on information requests. These entities include:

- Ministries
- Government departments
- Authorities
- Public institutions
- Official public institutions
- Companies managing public facilities
- Unions
- Political parties
- Any entity receiving partial or full funding from the state's general budget or any foreign entity.

## How to Use this Right

To use this right, the law establishes two methods:

### 1. First Method:

The law mandates that the entities mentioned in the law publish a set of information periodically, as stipulated in Article (8) of this law, which states:

"The department shall publish periodically the following:

1. Information related to the organizational structure of the department, its assigned tasks, its working mechanism, and relevant legislation.
2. Information related to the department's budget, its details, its items, its distribution mechanism, the audit of the department's accounts and expenses, the deficit it suffers from, if any, and its causes, as well as the financial surplus, if any.
3. Information related to the programs, plans, and projects of the department.
4. Services provided to the public and the conditions required to benefit from these services, if there are specific conditions.
5. Annual or periodic reports issued by the relevant departments.
6. Agreements related to the work of the department.
7. The name of the employee responsible for the right to access information and the mechanism for communicating with them.
8. Tenders offered by the department.
9. Any other information that the Information Council deems necessary to publish."

Once the department publishes the information stipulated in the aforementioned article, the law permits individuals to reuse or disclose the published information, provided that several factors are taken into account:

- The date of obtaining the information must be indicated.
- The source of the information must be indicated.
- The content of the information must not be distorted.

### 2. Second Method:

The law grants the right to the individuals mentioned in Article (8) of the Access to Information Law to submit an information request to the entities stipulated in Article (2) of this law. This can be done by

submitting an electronic request through the websites of the aforementioned entities or a written request submitted to the designated person responsible for receiving and following up on access to information requests, who is appointed by the department or entity itself to handle these tasks.

The designated person responsible for receiving and following up on requests must immediately provide a notification to the applicant. The responsible person is then obligated to either approve or reject the submitted request within fifteen working days from the day following the date of submission. This period may be extended for another ten days for justified reasons, provided that this extension is exercised only once. In other words, the request must be either accepted or rejected within a maximum period of twenty-five days.

After this period has elapsed, the applicant faces three possible scenarios:

**First:** The request is approved, and the applicant receives the desired information. They can then either obtain copies or images of it or see it if it cannot be copied or reproduced.

**Second:** The department refrains from responding, which is considered an implicit rejection.

**Third:** The department explicitly rejects the request. In this case, the law requires the department to provide a reasoned and justified decision for the rejection, meaning that it cannot be rejected merely for the sake of rejection.

## Appealing a Decision to Reject an Information Request

There are two ways to object to an explicit or implicit rejection decision:

### First Method:

The applicant, in the event of rejection of the request or abstention by the responsible person (the designated official), may file a complaint with the Information Council through the Information Commissioner appointed under the provisions of this law. The Information Council is composed of:

1. Minister of Culture (Chairperson)
2. Information Commissioner (Vice-Chairperson)
3. Secretary-General of the Ministry of Justice
4. Secretary-General of the Ministry of Interior
5. Secretary-General of the Ministry of Government Communication
6. Secretary-General of the Ministry of Digital Economy and Entrepreneurship
7. Director-General of the Department of Statistics
8. Director of Military Media in the Jordanian Armed Forces
9. Commissioner-General for Human Rights
10. President of the Jordan Press Association
11. President of the Jordan Bar Association
12. Two representatives from specialized civil society institutions appointed by the Prime Minister for a two-year term.

The Information Council's tasks include considering and deciding on objections and complaints submitted by those seeking access to information. If the applicant files a complaint with the Council, it must issue its decision on the complaint within thirty days from the date of receipt; otherwise, the complaint is considered rejected.

#### **Second Method:**

The applicant also has the right to appeal the decision issued by the responsible person - in case the decision is to reject the request - through a lawsuit filed with the Administrative Court, taking into account the following:

- The lawsuit must be filed by the applicant themselves.
- The lawsuit must be filed against the responsible person (the designated official).
- The lawsuit must be filed within 30 days from the day following the expiry of the period granted under this law to respond to, reject, or abstain from responding to the request.

## Study Methodology

This study relies on a triad of research, experimentation, and analysis by examining the texts of international conventions and treaties, the provisions of the Jordanian Access to Information Law of 2007 and its amendment of 2024, followed by conducting actual simulations of information requests from all ministries, and an analysis of the responses. The requested information was determined within the category of information that Article (8) of the law mandates to be published and updated periodically.

## Practical Experiment and Simulation of Information Requests

### Evaluation Methodology

The Performance Index Center | KAFA'A is a legal entity granted the right to submit information requests under Article (7) of the Access to Information Law, which states: "Every Jordanian, whether an individual or legal person, with a legitimate interest or reason, has the right to obtain the information they request in accordance with the provisions of this law." Based on the foregoing, the Center submitted requests to all Jordanian ministries to assess a comprehensive view of the level of transparency and compliance with the Access to Information Law.

- **Evaluation Sample:** All 26 Jordanian ministries.
- **Evaluation Period:** From October 1, 2024 to November 1, 2024.
- **Submission Mechanism:** Official information requests were submitted through the ministries' e-platforms. The requests included non-sensitive information (ministry budget for 2024 and number of employees), which is primarily information that ministries are required to publish periodically according to Article (8/A/1) and (8/A/2) of the Access to Information Law. The experiment revealed technical issues with most platforms, necessitating written and direct communication with the ministries based on the provisions of Article (9) of the law. A total of twenty-six official letters were prepared and sent to the ministers' emails (Minister@XXXXX.gov.jo), due to the absence of contact information for the designated employee and communication mechanisms on the official websites of the ministries, as stipulated in paragraph A/7 of Article (8) of the law.

- **Criteria Used for Evaluation:**

- Availability of the E-Platform: Verification of the existence of an e-platform dedicated to receiving information requests.
- Effectiveness of the E-Platform: Evaluation of the ease and effectiveness of submitting requests through the ministries' e-platforms.
- Responsiveness of Ministries: Measuring the responsiveness of ministries to submitted requests, whether fully or partially.
- Handling of Rejected Requests: Analysis of how ministries handle cases where requests are rejected, including clarification of the reasons for rejection.



## Findings of the Study

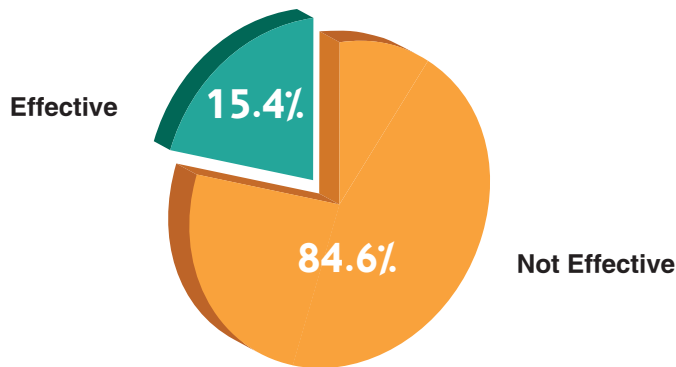
### Availability of Electronic Platforms:

The study showed that all ministries have electronic platforms dedicated to receiving information requests.

### Effectiveness of Electronic Platforms:

Information requests were submitted through the ministries' electronic platforms to assess their effectiveness. The results showed that most of these platforms were not effective. Only 4 out of 26 platforms, belonging to the Ministry of Water and Irrigation, the Ministry of Culture, the Ministry of Energy and Mineral Resources, and the Ministry of Environment, were able to complete the application process correctly and issue reference numbers for the requests.

Accordingly, the efficiency rate of the platforms reached only 15.4%, which means that 84.6% of the platforms are ineffective and unable to complete the application process. This reveals a clear defect in the first stage of submitting an information request, which is considered the primary gateway for implementing the law.



Illustrator No. (1): Effectiveness rate of ministries' e- platforms for submitting information requests.

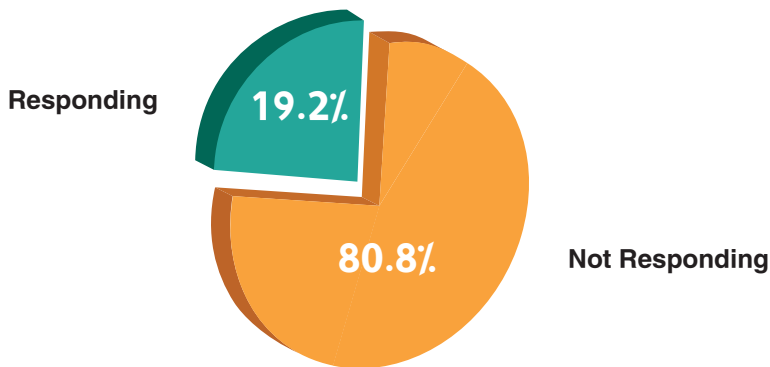
## Addressing Ineffective Platforms:

Due to the ineffectiveness of approximately 85% of the platforms, 26 written requests were prepared and sent directly to the relevant ministries. These requests included the following details:

- Ministry Name
- Letter Number
- Date of Submission
- Information Requested
- Purpose of Obtaining the Information
- An authorization letter attached to the main letter with the contact information of the person authorized to receive responses on behalf of the Center.

## Ministries' Response:

Through follow-ups on requests submitted via the electronic platforms and letters sent directly to ministries, it was found that only 5 out of 26 ministries, representing 19.2%, responded fully to the request for information. These ministries are: (Ministry of Culture, Ministry of Energy and Mineral Resources, Ministry of Environment, Ministry of Planning and International Cooperation, and Ministry of Transport). It should be noted that during the evaluation period, an email was received from the Ministry of Youth sent by (SADER@MOY.GOV.JO), which was empty of content, attachments, and subject. It was replied to by informing the ministry that the email was empty; therefore, it was not counted among the ministries' responses, due to the inability to verify that this email was related to the request addressed to the ministry.



Illustrator No. (2): Response rate of ministries to information requests.

Upon reviewing the response reports, it was found that 3 responses were from ministries whose platforms were already operational and responding to the request by displaying the reference number, constituting 75% of the ministries whose platforms were evaluated as operational. On the contrary, the Ministry of Water and Irrigation did not respond to the request, taking into account that the request was received by the ministry and a reference number was issued, as shown in the following table:

#	Ministry Name	Platform Response Status/Reference Number	Response Date	Response with Information
1	Ministry of Higher Education and Scientific Research	Platform not responding/Email sent	-	No response received
2	Ministry of Finance	Platform not responding/Email sent	-	No response received
3	Ministry of Foreign Affairs and Expatriates	Platform not responding/Email sent	-	No response received
4	Ministry of Industry, Trade and Supply	Platform not responding/Email sent	-	No response received
5	Ministry of Interior	Platform not responding/Email sent	-	No response received
6	Ministry of Justice	Platform not responding/Email sent	-	No response received
7	Ministry of Local Administration	Platform not responding/Email sent	-	No response received
8	Ministry of Planning and International Cooperation	Platform not responding/Email sent	2024-10-9	Responded via email including letter No. 8879
9	Ministry of Public Works and Housing	Platform not responding/Email sent	-	No response received
10	Ministry of Social Development	Platform not responding/Email sent	-	No response received
11	Ministry of Tourism and Antiquities	Platform not responding/Email sent	-	No response received
12	Ministry of Transport	Platform not responding/Email sent	2024-10-20	Responded via email with attachment No. 1/1/2/6373
13	Ministry of Water and Irrigation	Website responded, Reference No. 4112	-	No response received

14	Ministry of Labor	Platform not responding/Email sent	-	No response received
15	Ministry of Health	Platform not responding/Email sent	-	No response received
16	Ministry of Agriculture	Platform not responding/Email sent	-	No response received
17	Ministry of Awqaf, Islamic Affairs and Holy Places	Platform not responding/Email sent	-	No response received
18	Ministry of Digital Economy and Entrepreneurship	Platform not responding/Email sent	-	No response received
19	Ministry of Culture	Website responded, Reference No. 1029	2024-10-7	Responded via email
20	Ministry of Energy and Mineral Resources	Website responded, Reference No. 9118	2024-10-7	Responded via email
21	Ministry of Education	Platform not responding/Email sent	-	No response received
22	Ministry of Environment	Website responded, Reference No. 6050	2024-10-8	Responded via email
23	Ministry of Political and Parliamentary Affairs	Platform not responding/Email sent	-	No response received
24	Ministry of Youth	Platform not responding/Email sent	2024-10-23	An empty email with no attachments, subject, or content was sent and replied to with a request to resend the email; no response received
25	Ministry of Investment	Platform not responding/Email sent	-	No response received
26	Ministry of Government Communication	Platform not responding/Email sent	-	No response received

## Handling of Rejected Requests:

According to Article 9, paragraph (e) of the Access to Information Law, ministries and relevant entities that reject information requests are obligated to provide clear and reasoned justifications for the rejection. However, the research results showed that 21 out of 26 ministries did not respond to the requests submitted by the Center for information.

Moreover, these ministries did not provide any reasons or justifications for their rejection, which is considered a clear legal violation of the provisions of Article (9). Additionally, refraining from responding within the specified period is considered a rejection decision, which requires justification according to the law.

The failure of ministries to provide reasons for rejection hinders the achievement of the principle of transparency and constitutes a clear violation of the legal provisions guaranteeing the right of individuals and legal entities to access information.

## Conclusion and Recommendations

This assessment constitutes a crucial step in measuring the compliance of Jordanian ministries with the provisions of the Access to Information Law. It also highlights the importance of enhancing transparency and accountability in government work by developing and improving mechanisms for providing information and ensuring access to it.

Implementing and periodically following up on the recommendations contained in this study will contribute to enhancing responsiveness and adherence to the principles of the law. Efforts will be made to evaluate the level of performance improvement in the future to ensure the achievement of transparency and accountability goals, serving the public interest and enhancing citizens' trust in state institutions.

Based on the results, the study concluded with the following recommendations:

- 1. Develop and ensure the efficiency of electronic platforms:** There is a need to improve the infrastructure of electronic platforms used to submit information requests, ensuring their proper functionality and ease of use to exercise the right to access information.
- 2. Commitment of ministries to the specified timeframes for responding to information requests:** Adherence to the legally defined timeframe for responding to information requests, which is set at 15 working days from the day following the submission date, according to Article (9) of the Access to Information Law, is crucial to ensure effective implementation and achieve the desired transparency.
- 3. Enhance training and guidance programs for employees:** Providing intensive and periodic training courses for employees involved in responding to information requests will ensure the smooth flow of the information request process and improve performance in handling requests in accordance with the requirements of the law and the public interest.
- 4. Launch comprehensive and widespread awareness campaigns for citizens and stakeholders about their right to access information:** Raising community awareness about the existence of the Access to Information Law and clarifying the mechanisms for benefiting from it will enhance the role of citizens in monitoring and holding government entities accountable.

5. **Activate the provision of Article (6), paragraph (6) of the Access to Information Law:** This article stipulates the publication of periodic reports that present the level of responsiveness of ministries and public bodies to information requests, enhancing transparency and accountability and allowing citizens to review the compliance of relevant entities with the provisions of the law.
6. **Amend the Access to Information Law:** This amendment should adopt a clear classification of data and information that is considered confidential and clarify the nature of legitimate interest and reason to prevent relevant entities from claiming the lack of legitimate interest for the information requester.
7. **Establish an oversight body for information access platforms:** This body would ensure the effectiveness of the platforms and the responsiveness of ministries and relevant entities to the requests submitted to them, issuing periodic reports in this regard.

## References

- Jordanian Access to Information Law
- Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights
- American Convention on Human Rights (1969)
- Arab Charter on Human Rights
- United Nations Convention against Corruption
- Websites of Jordanian Ministries