

Israel

POLICY FOR PUBLICATION AND SUPPLY OF INFORMATION TO THE PUBLIC

1. This policy applies to statistical acts conducted by the Central Bureau of Statistics (CBS) in accordance with the Statistics Ordinance (New Version) 5732-1972 (henceforth “The Ordinance”), and shall be interpreted according to the provisions in the Ordinance.
2. Section 3(1) of the Ordinance stipulates that the functions of the Bureau include “to perform and publish the results of statistical acts”. Section 16 of the Ordinance stipulates that the Government Statistician shall see that the statistics and other particulars collected under this Ordinance shall be edited and tabulated, and that statistics or abstracts and text extracted from them, with or without comments, are to be published as may be generally or specially directed by him. That is, besides the obligation to publish statistics, the Government Statistician has the prerogative to decide upon the content and mode of publication. There is no obligation to publish all of the data. However, if a statistical act has been performed under the Statistics Ordinance, it is mandatory to publish some of the results.
3. Publication of any data obtained under the Statistics Ordinance, or transmission of the data to a party outside of the CBS shall be subject to the commitment to maintain confidentiality, as well as to any other decree such as the Law for Protection of Privacy and all of the regulations therein.
4. The means for publishing the “Results” are numerous (as indicated in Article 3(1) of the Ordinance), and include: press releases, periodical publications (the Statistical Abstract of Israel, quarterly publications, and monthly bulletins), and special publications. Those publications shall include aggregated data as well as individual data-files (PUF and MUC). The “Results” are published in printed publications (booklets, brochures, etc.), and/or in the electronic media (Internet and CDs). The policy of the CBS regarding publication of Results is based on the principle of freedom of information. The CBS aims to make an abundance of statistical information available to the public at a price that reflects only the cost of preparing the publication. The details of the pricing policy are specified in the price list for the products of the CBS.
5. Although an abundance of statistical data has been published, the CBS still possesses a large amount of raw material that has not been published, and that can be processed and used as needed. Therefore, besides publishing the data in finished products, the CBS enables the public to request data or analyses that have not been published, subject to legal constraints such as the obligation to maintain confidentiality. These services are provided for a fee (as specified in the price list for products of the CBS), and the payment is intended solely to cover the cost of providing the service.
6. The CBS is under no legal obligation to publicize data or analyses that have been requested, as described in Section 5 above, as long as there is another statistical publication (under Article 3(1) of the Ordinance) relating to the statistical act in which the requested raw material was produced.

7. The default for a “work order” to prepare a file of individual data at the CBS is that the copyright for the file belongs to the CBS, and that the CBS is entitled to publish the new file at its discretion. In addition to this provision, it can be stipulated that the file shall be published as needed, subject to the consent of the Government Statistician. For example, it can be determined that a special file supplied to a certain party shall not be published at all, or that it shall not be published for a certain period of time, in order to enable the party that commissioned it to make exclusive use of the product for the purposes of research.

8. The CBS is not obligated to process any statistics or prepare any file at the demand/request of the public, even if there are no legal prohibitions for doing so. Pursuant to Section 16 of the Ordinance, the Government Statistician has the discretion on this matter. The same rule applies to party X’s request to receive a file or statistical analysis prepared for party Y, although there are no legal prohibitions against doing so. Regarding requests or demands as mentioned above, which are addressed to the CBS outside of the freedom of information law, the considerations guiding the decisions of the Government Statistician are based on the basic principles of the regime as well as on the Freedom of Information Law and the Statistics Ordinance, as specified below.

9. Provision of information shall be prohibited under the following circumstances:

- a. The Government Statistician believes that disclosure of the information poses a threat to national security, to foreign relations, to public security, or to the safety and security of individuals.
- b. The information shall not be provided if it is prohibited by law to do so.

10. The CBS may refrain from providing the following information:

- a. Information that could disrupt the functioning of the CBS or impair its ability to perform its functions.
- b. Information about policies that are in the process of formulation.
- c. Information about details of negotiations with an agency or person outside of the CBS.
- d. Information about internal deliberations, records of internal consultations between workers in public authorities, their members or advisors, or records from an internal investigation, as well as assessments, drafts, proposals or recommendations provided for the purpose of reaching a decision, except for consultations stipulated by law.
- e. Information relating to the internal management of the CBS, which is not relevant or important to the public.
- f. Classified information that is a commercial or professional secret, or valuable economic information whose publication would substantially detract from its value; as well as information relating to the commercial or professional affairs of an individual’s business, whose publication would cause substantial harm to the professional, commercial, or economic interests of that individual. Exceptions are made in either of the following cases:
 - i. Information on substances that have been emitted, spilt, disposed of, or thrown away in the environment;
 - ii. The results of tests for noise levels, odors, and radiation, which are not

privately owned.

g. Information that has reached the CBS, where non-disclosure was the condition for supplying the information, and where disclosure could impede continued receipt of the information.

11. Under the circumstances specified in Sections 9 and 10 above (where the CBS must refrain from supplying information, or where the CBS is allowed to refrain from supplying information), the CBS can supply the requested data but eliminate certain details, or make changes or stipulate how the information is received and used, if those deletions, changes, or conditions are sufficient to prevail over the circumstances that call for non-disclosure as specified in the two sections above.

12. The CBS can refrain from supplying the information under one of the following conditions:

a. The provision of information would require an unreasonable investment of resources.

b. The information was generated or received by the CBS over seven years before the request was submitted, and it would be extremely difficult to locate.

c. After the CBS has taken adequate measures to seek the information, it has been found that the information cannot be located or that it is not in the possession of the CBS.

d. The information has been published, and is available to the public for a fee or free of charge. If the request for information is rejected on these grounds, the CBS shall inform the applicant as to where the requested information can be obtained and reviewed.

e. The information was generated by another public agency, and it does not pose an undue burden on the applicant to be referred to that agency. If the request for information is rejected on these grounds, the CBS shall inform the applicant where the requested information can be purchased, received or scrutinized.

13. If the information includes details about a third party, and disclosure of those details could harm the third party (e.g., a public agency that is not bound by the obligation to maintain confidentiality), and if the CBS is considering the possibility of allowing the applicant to receive the information, the CBS shall consult with the third party before consenting to the request. If the third party objects to disclosing the information, then the objection shall be upheld. In that case, the applicant can submit a request under the Freedom of Information Law, and the request shall be handled in accordance with Section 13 of that law.

14. When considering the possibility of rejecting of a request for information (in cases where the law does not prohibit such disclosure), the CBS shall take into account, *inter alia*, the interests of the party that requested the information, if those interests have been described in the request. Moreover, the CBS shall address the public interests involved in disclosing the information, such as maintaining the health and safety of the public or maintaining environmental quality.

15. As a rule, pursuant to the policy of the CBS, disclosure of information shall take precedence over non-disclosure.