At the Court for Administrative Affairs **AP 26662-07-13**
In Tel Aviv

In the matter of: **Petition under the Freedom of Information Act, 5758-1998**

The Petitioners:

1. **Gisha – Legal Center for Freedom of Movement - RA**
2. **HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger - RA**

all represented by counsel, Adv. Ido Katri and/or Nomi Heger and/or Sari Bashi and/or Keneth Man

Of Gisha – Legal Center for Freedom of Movement
42 Haracevet Street,
Tel Aviv, 6777008
Tel: 03-6244120; Fax: 03-6244130

v.

The Respondents:

1. **Coordinator of Government Activities in the Territories (COGAT)**
2. **The Person Responsible for the Implementation of the Freedom of Information Act at the COGAT**

all represented by Tel Aviv District Attorney's Office (Civil)
1 Henrietta Szold Street, Zip Code 64294 Tel Aviv

Petition Under the Freedom of Information Act

A petition according to section 17 of the Freedom of Information Act, 5758-1998 (hereinafter: the Freedom of Information Act) is hereby filed. The honorable court is requested to order the respondents to respond to petitioners' application for receipt of information concerning the "Procedure for Handling Applications of Gaza Strip Residents for Settlement in Judea and Samaria" (hereinafter: the **Application**).

In addition, the honorable court is requested to order the respondents to pay petitioners' costs, including legal fees.

Factual Background

The Parties

1. **Petitioner 1** (hereinafter: **Gisha**) is an Israeli not-for-profit association, the goal of which is to protect human rights in Israel and in the Occupied Palestinian Territories (OPT) under its control, including the freedom of movement.

2. **Petitioner 2** (hereinafter: **HaMoked**) is a human rights not-for-profit association, which protects the rights of OPT residents.

3. **Respondent 1** (hereinafter: **Coordinator of Government Activities in the Territories** or **COGAT)** is a governmental body, subordinate to the Ministry of Defense, which is responsible for the implementation of the policy of the Israeli Government in the OPT.

4. **Respondent 2,** Major Guy Inbar, is the person responsible for the implementation of the Freedom of Information Act at the COGAT and is also COGAT's spokesman. Within the framework of his position respondent 2 is in charge of receiving applications according to the Freedom of Information Act and of providing a response to the applicants.

Preface

5. The State of Israel enforces a policy of separation between the West Bank and the Gaza Strip according to which, *inter alia*, Palestinian residents whose registered address is in Gaza are prevented from relocating to the West Bank or from changing their address, if they have already moved to the West Bank in the past. However, the policy and the reality do not go hand in hand: these are two parts of the same territorial unit which are tied together by strong family and social connections, which turn the travel and settlement issue into a critical issue for the lives of many Palestinian residents, including many applicants whose cases are handled by the petitioners.

6. Within the framework of the hearing in HCJ 3592/08 **Hamidat v. Commander of the Military Forces in the West Bank** (judgment dated October 22, 2008) (hereinafter: **Hamidat**) the "**Procedure for Handling Applications of Gaza Strip Residents for Settlement in Judea and Samaria**" was established and published (hereinafter: the **settlement procedure** or the **procedure**). After the procedure was established, it continued to be legally discussed within the framework of HCJ 2088/10 **HaMoked for the Defence of the Individual v. Commander of the West Bank Area** (judgment dated May 24, 2012) (hereinafter: the **procedure case**). Within the framework of the procedure case, the state undertook to change the current procedure, according to the comments of the Supreme Court. Therefore, the petitioners decided to submit the freedom of information application concerning the procedure in order to learn about the implementation of the procedure, prior to its amendment.

   A copy of the Procedure for Handling Applications of Gaza Strip Residents for Settlement in Judea and Samaria is attached hereto and marked ***Exhibit P/1.***

7. In a nut shell, the procedure specifies three main circumstances which enable passage from the Gaza Strip to the West Bank and settlement therein: serious illness, orphanage and old age. Nonetheless, section 11 of the procedure – is a kind of a basket section which facilitates the consideration of applications which do not fall under any of the above circumstances. In addition, the procedure specifies the manner by which the applications should be transmitted, reviewed and approved.

8. At the same time, a completely different procedure is implemented by virtue of a political gesture declared by the state of Israel on February 4, 2011, according to which the addresses of 5,000 Palestinians who are registered in the Gaza Strip, but who have been residing for years in the West Bank, would be changed. The gesture is not designed for Palestinian resident seeking to relocate to the West Bank – this is regulated by the procedure. The two procedures are clearly separate and distinct from each other by their nature, the manner by which they are being operated, their prerequisites, their underlying rational and their numeric scope.

   For the notice concerning the political gesture see:

   http://www.pmo.gov.il/English/MediaCenter/Events/Pages/eventblair040211.aspx

The application pursuant to the Freedom of Information Act and the vast correspondence which followed it

9. On November 26, 2012, the petitioners submitted to respondent 2 an application pursuant to the Freedom of Information Act for the purpose of receiving factual information and statistical data regarding the procedure. The fee which was required for the receipt of the information was already paid upon the submission of the application on November 26, 2012.

   A copy of petitioners' application pursuant to the Freedom of Information Act and confirmation of fee payment dated November 26, 2011 are attached hereto and marked ***Exhibit P/2***.

10. In the application for information, clarifications were requested regarding the proceedings which were established in the procedure, and particularly regarding the manner by which the applications are reviewed and determined according to the criteria specified therein. In addition to the proceedings, statistical data were requested concerning the applications which were submitted under the procedure. Mainly, numeric data were requested concerning the number of applications which were submitted, the number of applications which were approved, and the number of applications which were denied. Accordingly, the segmentation of the applications by gender, age and personal status was requested. The reasons for the approval or denial of the applications were also requested.

11. Numeric data were also requested concerning the number of applications which were submitted and approved according to the three criteria mentioned above and according to the basket section. In addition, numeric data were requested concerning the manner by which the applications are processed, namely, how many interviews were conducted according to the procedure, how many applicants who have commenced the multi-phased proceeding established in the procedure continue to receive periodic permits and how many permits were canceled. Data were also requested concerning the number of applications which were submitted to the civil committee in the Gaza Strip and the number of applications which were submitted to the office of civil affairs in Ramallah.

12. On December 5, 2012, respondent 2's interim response was received which confirmed receipt of the application and which stated that the application was under review. On December 26, 2012, a 30 day extension notice was received from respondent 2, which notified that the information would be delivered on January 26, 2013, pursuant to section 7(b) of the Act.

   A copy of the interim response dated December 5, 2012 and a copy of the extension notice dated December 26, 2012 are attached hereto and marked ***Exhibit P/3***.

13. No response was received on said date and instead, on January 28, 2013, a 60 day extension notice was received according to respondent 1's decision pursuant to section 7(c) of the Act. According to

the notice, respondent 1's decision stemmed from the need to assemble the comments of many parties and to gather a large number of data. On March 19, 2013 petitioner 1 sent a reminder of the application for information.

A copy of the extension notice dated January 28, 2013, is attached hereto and marked ***Exhibit P/4***. A copy of the reminder dated March 19, 2013 is attached hereto and marked ***Exhibit P/5***.

14. Eventually, and only after all possible extensions under the Act were used, respondent 2's response to the application (hereinafter: the **response**) was received on April 8, 2013. But if the petitioners hoped to finally learn from the response of the manner by which the procedure was implemented, their hopes vanished since the partial response was nothing more than dust thrown in their eyes. No response whatsoever was given to the major part of the application and the information which was given was partial and referred to irrelevant data, as will be specified below.

A copy of the response dated April 8, 2013 is attached hereto and marked ***Exhibit P/6***.

15. Hence, on April 22, 2013 the petitioners applied again to respondent 2 and requested to receive the missing information and specified in detail the flaws in the response which was given to them. The petitioners made it clear to the respondents that in view of the fact that they have already used all extensions prescribed by the Act, they should respond to petitioners' application not later than May 6, 2013. Otherwise – the petitioners shall consider their legal actions.

A copy of petitioners' application dated April 22, 2013 is attached hereto and marked ***Exhibit P/7***.

16. On June 27, 2013 respondent 2's letter dated June 25, 2013 was received, in which he has surprisingly and oddly stated that "We regard June 12, 2013 as the initial date for handling your application." According to respondent 2, the application dated April 22, 2013 was transferred to the head of the freedom of information unit at the Ministry of Justice, Advocate Rivki Dabash, for her comments, and said consultation was concluded on June 12, 2013. Therefore, according to respondent 2, June 12, 2013 is the initial date for handling the application. In fact, respondent 2 tried to claim that petitioner's application for the completion of the information and the amendment of the flaws, "calibrated" the schedule prescribed by the Act and gave him another 120 days, and in addition he chose to count the 120 days from the conclusion of his consultation with Advocate Dabash.

A copy of respondent 2's letter dated June 25, 2013 is attached hereto and marked ***Exhibit P/8***.

17. Petitioner 1 has immediately contacted Advocate Dabash who explained that respondent 2 contacted her only on June 4, 2013, about a month and a half after the date of the application for the amendment of the response (Exhibit P/7). Furthermore, Advocate Dabash has specifically clarified that the position which was expressed in the letter, according to which the time schedule should be counted from the date of her response, was not coordinated with her and was transferred to the petitioners without her consent.

A copy of e-mail correspondence dated June 27, 2013 is attached hereto and marked ***Exhibit P/9***.

18. In view of the explanation provided by Advocate Dabash, petitioner 1 wrote to respondent 2 on June 27, 2013 and pointed out that his conduct was extremely outrageous, and that it was inconceivable that the respondent would take the law into his own hands and change the response times prescribed by the Act at his convenience. The petitioner notified that as of July 14, 2013, and in view of the long months which passed without relevant response, the initiation of legal proceedings would be inevitable.

A copy of petitioner 1's letter dated June 27, 2013 is attached hereto and marked ***Exhibit P/10***.

19. Until the date of this petition, the respondents did not deign to respond to the application. The respondents used their best efforts to thwart the application and used a variety of creative methods for this purpose. Therefore, in fact, and despite respondents' response, the petitioners know almost nothing about the manner by which the outline set forth in the procedure is implemented.

Respondents' Response

20. Respondents' response does not constitute an answer to the freedom of information application. The information which the respondents were requested to provide is simple in nature, information which should be accessible to anyone: numeric data, procedures and guidelines according to which respondent 1 actually implements the outline set forth in the procedure. However, over-all, it may be said that no response has actually been given to petitioners' application for information. The answers were partial and if data were given, they were irrelevant. With respect to other questions – no answers were given at all. For clarification purposes, respondents' response may be compared to the following answer: had the respondents been asked of the number of people who have changed their names as a result of marriage, their answer would have concerned the number of immigrants (*Olim*) who were registered in the Israeli population registry by virtue of the Law of Return.

21. The data - As the caption of the application clarifies, petitioners' questions pertained to **applications which were submitted according to the procedure only**. However, in their response, the respondents refer, time and again, to **irrelevant data concerning change of address applications**. It concerns general data regarding change of address, mainly under the political gesture which was mentioned above, rather than data regarding applications which were submitted **under the procedure**. It should be noted that the procedure concerns applications of Gaza residents to relocate to the West Bank, whereas the change of address procedure is designed, according to the respondents, for persons who have been residing in the West Bank at least since 2008, namely, people who do not wish to travel to the West Bank but only to change the address which appears in their identification cards. And note. While the procedure is dated March 2009, the respondents transferred data from 2006.

22. Moreover, the procedure itself provides that status shall not be granted automatically, but rather by a multi-phased proceeding which spans over seven years. The data which were received in the response pertain to **Palestinian residents whose addresses were changed** and therefore, obviously, they cannot relate to data under the procedure only. Hence, even if an application was submitted under the procedure and was approved in a speedy proceeding as early as March 2009, when the procedure was established, the change of address would not have been made before March 2016, at the earliest! **It is therefore clear that the data which were provided in the response are not relevant to the application and cast doubt on the relevancy of the other information which was provided**.

23. The proceedings – many question-marks are still pending concerning the proceedings themselves, namely, the manner by which the procedure is actually implemented. As specified above, the application pertained to applications under the procedure only and not in general. However, the data in the response pertain to all changes of address, and **therefore it is unclear whether the answers which were given pertain to the procedure itself or to the general procedure of change of address,** which also includes a change of address under the political gesture.

24. Furthermore, Respondent 2 writes in his final response that the question "To the extent there is a family member in the Gaza Strip, what are the procedures for the examination of his suitability and ability to take care of the applicant" is not clear enough. Respondents' inability to understand a

question which relates directly to the procedure, shows that the respondents did not relate to the procedure in their response and strengthens the suspicion that the response, as a whole, does not relate at all to applications under the procedure, but rather to the change of address procedure mainly under the political gesture, which does not include circumstances of illness, orphanage and old age.

The Requested Information

25. The honorable court is hereby requested to order the respondents to provide full and complete information as requested in the original application, information which would reflect what has indeed been resolved by the competent authorities and the manner by which such decisions were implemented.

26. As specified above, to date, the vast majority of petitioners' application for information has not been answered. Furthermore, respondents' response, the extensions taken and the reasons given thereto, raise a real concern that the respondents are trying to conceal information from the petitioners. This state of affairs does not reflect good governance and calls for arbitrariness, and even more so when a single procedure is concerned which regulates an issue that directly affects the rights of so many Palestinian residents.

27. Seven months following the original application and about two months following the application for clarifications and completions, no specific response has been received which relates to the requested information and complies with the application. Therefore, this petition is filed with this honorable court.

The Legal Argument

Preface

28. It is needless to elaborate on the consistent manner by which the Supreme Court upholds the principles of transparency and social values underlying the objective of the Freedom of Information Act. The government of Israel undertook to comply with the principles established in the law (see government resolution 4515 dated April 1, 2013 http://www.pmo.gov.i./Secretary/GovDecisions/2012/Pages/des5515.aspx).

    The Act enables to exercise supervision and control over the acts and omissions of the authority (see AAA 10845/06 **Keshet Broadcasting Ltd. v. The Second Authority for Television and Radio**, paragraph 65 of the judgment rendered by Justice Danziger (judgment dated November 11, 2008)) (hereinafter: **Keshet broadcasting**) and assists to promote social values such as the rule of law and protection of civil rights.

29. A deep gap lies between respondent's conduct and the basic principles embedded in the Act. The respondents acted in outrageous bad faith and administrative inappropriateness. Their response relates to data concerning change of address applications, which are relevant mostly to persons who already reside in the West Bank, rather than to data concerning applications which were submitted, under the specific procedure, to move from Gaza to the West Bank for relocation purposes, and therefore it does not give an answer to the application.

30. Notwithstanding the above, the respondents tried to rely on the exceptions set forth in the Act. The respondents argued that they did not have statistical data, either computerized or manual, concerning the applications which were reviewed and denied. At the same time, the respondents argued that the request for the segmentation of the data required unreasonable resources. No

balancing of interests was carried out by the respondents and it is obvious that in this case the personal interest of the petitioners and their clients and public interest prevail and tip the scale in favor of the petitioners, if any one or more of the exceptions set forth in the Act are at all applicable.

31. The lightness by which the respondents take endless extensions or "pull from the hat" the exceptions set forth in the Act, and do not even deign to note that they rely on them, while it is clear that the application has not been thoroughly examined, is outrageous and requires further investigation.

Bad faith

32. The authority's duty to act fairly is regarded as the most basic duty imposed on it. The most basic manifestation of this duty is the prohibition to act in bad faith (see Daphna Barak Erez **The Administrative Law**, 630-631 (2010).

33. Dishonesty, if not malicious intention, are behind petitioners' disingenuous response, as if these were the requested data and as if they have used their best efforts to furnish them. The data which were given, relate, as aforesaid, to change of address applications rather than to applications under the procedure. There is no doubt that the respondents were aware of said difference, since the respondents themselves have already given the petitioners the same change of address data in December 2012, in response to another freedom of information application.

    A copy of respondents' response to a freedom of information application on the political gesture issue concerning change of address of December 2, 2012 is attached hereto and marked **Exhibit P/11**.

34. It is clear that the respondents understood that these were two different applications, since the application concerning changes of address was answered by them separately. If the respondents thought that this was the same application, why haven't they mentioned it?

35. The respondents claimed that they needed more and more extensions, but the data which was eventually delivered to us were in their possession, at the latest, when the response to the freedom of information application concerning change of address was sent, in December 2012 (Exhibit P/11).

36. If more proof is required to attest to respondents' bad faith, such may be found in their attempt to "reset" the response time to June 12, 2013, specifically when they were required to explain why they have completely failed to respond to the application. It should be noted that the respondents made a representation according to which said move was approved by the head of the governmental freedom of information unit, but nothing of the kind has ever happened.

The exceptions set forth in the Act

37. The respondents used two exceptions which are set forth in the Act, despite the fact that they have neglected to explicitly mention it. The respondents decided to deny part of the application because they did not possess data according to the exception established in section 8(3) of the Act. They decided to deny another part of the application since responding thereto would require unreasonable allocation of resources according to the exception established in section 8(1) of the Act. The above two arguments have no factual basis, they contradict each other and the provisions of the Act.

38. The respondents argued that they did not possess statistical data concerning the applications which were reviewed and denied, but they have not even tried to argue that they have invested any resources whatsoever for the purpose of locating the requested information. Section 1.3 of procedure No. 3 of the freedom of information unit at the Ministry of Justice "Response requirements in the denial of a freedom of information application" (hereinafter: the **response procedure**) provides that the authority must specify in its decision the reasonable measures taken by it.

For the response requirements in the denial of a freedom of information application see:

http://index.justice.gov.il/Units/YechidatChofeshHameyda/YechidatChofeshHameyada/Procedures/nohal3.pdf

39. Beyond that, it should be remembered that all of the figures which appear in the response relate to a question which was not asked. Therefore, even if the respondents invested resources they "barked at the wrong tree".

40. Furthermore, it is inconceivable that the authority does not possess this kind of information. A written and reasoned application is concerned, to which all relevant documents are attached, which is submitted by a Palestinian resident and transferred to the Israeli authorities. The latter should examine the application on its merits according to the outline set forth in the procedure, and thereafter give the resident a response with respect thereto through the Palestinian Authority.

41. For instance, paragraph 1A(2) of respondents' response provides that: "As a general rule, the resident must be personally interviewed." If this is the case, unlike other changes of address and other procedures, is it possible that respondent 1 does not have in its possession notes and transcripts of the interviews which were held? In their response (Exhibit P/6) the respondents claim that petitioners' request for the segmentation of the data requires unreasonable resources, and that it may therefore be denied by them. Respondents' above argument also refers to the same irrelevant data, namely, all change of address applications. However, the segmentation of all change of address applications was not requested, and therefore the scope of the resources required for their segmentation is also irrelevant.

42. Even if there was room for the argument concerning unreasonable allocation of resources, the respondents did not specify the grounds for their said argument and certainly did not show that the segmentation of the data would impose a material burden on the authority which was directly related to the authority's allocation of resources (AAA 2398/08 **Ministry of Justice v. Elitzur Segal** (judgment dated June 19, 2011)). Contrary to the provisions of section 1.1 of the above mentioned response procedure, the respondents did not quantify the required resources in their response and did not specify the type of required resources.

43. Moreover. There can be no dispute that contrary to the 4,000 changes of address which were counted by the respondents in their response, a number, the segmentation of which could have possibly caused an unreasonable allocation of resources, the number of applications which were submitted according to the procedure from 2009 only (rather than from 2006), taking into consideration the fact that high prerequisites are concerned, is presumably quite limited, maybe a few dozens or even less than that. Therefore, the argument that unreasonable allocation of resources is required is in and of itself unreasonable under the circumstances of the matter.

The Duty to respond to a freedom of information application expeditiously and efficiently

44. Section 7 of the Freedom of Information Act establishes the procedure for the submission of information applications and the processing thereof. The respondents abused said procedure in bad

faith when they took endless extensions for themselves and even tried to turn the hourglass established in the Act over again, with no pertinent reason.

45. Beyond the fact that the Act outlines a clear schedule, the duty to act expeditiously and efficiently also stems from the obligation of the administrative authority to act fairly, loyally and reasonably which are "the fundamental principles of good governance" (Itzhak Zamir, **the Adminstrative Authority – Volume B** 717 (1996). Furthermore, information furnished to applicants must be precise, usable and relevant and the delivery of unrelated information does not comply with the requirements of the Act as written by Dr. Hillel Sommer:

> "An application for the receipt of information must be responded quickly, efficiently, at low cost and in the vast majority of the cases (which do not fall under the exceptions for the delivery of information under the Act) without unnecessary delay which requires confrontation with the authority and the initiation of legal proceedings. Any hardship imposed on the exercise of the right to receive information impinges on the democratic objective of said right."
>
> (Hillel Sommer, Freedom of Information Act: the law and the reality, **Hamispat** 8, 5763)

46. The respondents have cynically exploited the options set forth in the Act to extend the provision of a response, and claimed that the application required the comments of various agencies, that it was broad in scope and complex. However, when respondents' time to "pay" the bill has come, they have transferred to the petitioners data which was not at all relevant. In addition, respondents' reasons for the entire extension are not compatible with the response, since it is inconceivable that after four months of deliberations over the "complexity" of the application, only irrelevant data were delivered to the petitioners, most of which have already been transferred to petitioner 1 within the framework of another application, in which data regarding changes of address were indeed requested (see Exhibit P/11).

47. And if that weren't enough, when the respondents were requested to amend the grave flaws in their response, they have used this request in an attempt to "calibrate" the schedules set forth in the Act to earn for themselves another four months, based on the claim that the application from April 2013 (Exhibit P/7) was a new application and on an ostensible consultation with the freedom of information unit at the Ministry of Justice which has approved said "calibration".

48. The taking of endless extensions without any real cause, eventually discourages the applicant of the information and invalidates the Freedom of Information Act and its important objectives. In view of the fact that the information which was received does not constitute a real answer, not only that petitioners' condition has not improved relative to their condition before their receipt of the information, but it has rather worsened, since they were left with the same questions, but have meanwhile waited in vain for a significant period of time.

Petitioners' interest in having the requested information published

49. Beyond need, and although according to section 7(a) the applicant of the information does not have to specify the grounds of the application for information or to present the purpose of his application, the petitioners will shortly present the purpose for having the information which was requested of the respondents.

50. The requested information, which has not yet been delivered, is essential for the applicants represented by the petitioners whose applications for relocation from the Gaza Strip to the West Bank are in the dark which covers the information concerning the options and the actual implementation of relocation from the Gaza Strip to the West Bank. These applications are being currently considered by different instances, including within the framework of petitions to the High Court of Justice and the requested information may have crucial effect on these proceedings.

51. Petitioners' application for information concerns factual information and statistical data regarding the procedure. According to the respondents this is the main procedure which governs the critical issue of relocation to the West Bank for Palestinian residents whose registered address is in the Gaza Strip and who reside in the Gaza Strip. Therefore, the requested information facilitates the examination of respondents' actions, and constitutes critical information from the pragmatic and practicable aspect as far as specific applications of Palestinian residents are concerned, as well as from the general and material aspect as far as their rights for freedom of movement, freedom of occupation, access to opportunities and integrity of the family are concerned.

Public interest in the publication of the requested information

52. In **Keshet broadcasting** the court held that the main interest in the disclosure of information was the ability to review the authority's actions in order to hold an informed public discussion and facilitate public scrutiny over the authority (**Keshet broadcasting**, sections 77-81).

53. Petitioners' experience and the experience of many other organizations, both international and local, indicates that the information concerning the options and actual implementation of the transfer from the Gaza Strip to the West Bank is concealed – under these circumstances the Palestinian residents who are anyway weakened are injured, and the principles of governmental transparency and clarity are violated.

54. This is not only a general question of transparency. In the **procedure case**, the Supreme Court recommended to make changes in the procedure. The court has further clarified that "this policy will be periodically revisited according to security assessments" (see section 20 of the **procedure case**). The respondents declared in a host of different petitions, that they were currently working on having the procedure updated. In this context, the receipt of the information which relates to the procedure as implemented prior to any such changes is as doubly as important in order to evaluate forthcoming updates therein and have it scrutinized, as ordered by the Supreme Court.

Conclusion

55. Petitioners' application was submitted on November 26, 2012 and the fee therefore was paid on that date. The maximum 120 days prescribed by the Act ended on March 26, 2013. Hence, more than seven months have elapsed from the application's submission date and more than three months have elapsed from the termination of the extensions which the respondents have generously granted to themselves, and yet, the petitioners have not received the information.

56. The petitioners have an interest in the receipt of the information, both for the purpose of carrying out their work and due to the public interest in the requested information. In view of the public interest and the personal interest of the petitioners and the applicants represented by them, the concealment policy concerning the scope and manner by which the outline set forth in the procedure is implemented, is peculiar. The respondents are obligated to disclose the information, unless it falls under the exclusions specified in the Act. In our case, these exclusions are not relevant, at least *prima facie*, for as long as the relevant information has not been provided and thoroughly examined.

57. There can be no dispute that the requested data should be in respondents' possession, readily available for publication, in view of the fact that respondent 1 has the exclusive authority to examine the applications which are submitted according to the procedure, he has the authority to interview the applicants and he is the one who issues the temporary permits. Had detailed applications been submitted, according to the very specific criteria established in the procedure, all statistical data should have been in the possession of the respondents and readily available. As aforesaid, the procedure outlines unique proceedings. Hence, there is no basis for the argument that a distinction cannot be drawn between applications which were submitted under the procedure and all other applications.

58. The respondents also failed to explain why the application should be denied, since respondents' response did not refer to the information requested by the petitioners, but rather to information which has not been requested. In view of the fact that no reason was presented for holding back on the information, the authority must provide it without delay since this information belongs to the public.

59. Even if any relevant reason was given for holding back on the information, and as aforesaid no such reason has been given until this very day, the public interest in the disclosure of the requested information justifies the delivery thereof. The petitioners reserve the right to elaborate on this issue, to the extent the respondents raise any argument concerning a legal justification for holding back on the information.

60. **In view of all of the above, the honorable is hereby requested to order the respondents to respond to petitioners' application and provide them with the requested information in its entirety. In addition, the honorable court is requested to order the respondents to pay petitioners' costs, including legal fees.**

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Ido Katri, Advocate
Counsel to the Petitioners

July 14, 2013