Episode Book

EPISODE #6067

Israel's Freedom of Information Law, Explained

PUBLISHED	17 October 2026 at 17:32 UTC
DURATION	20:53
LISTEN	myweirdprompts.com/episode/israel-freedom-of-information-law-78604/
HOSTS	Herman, Corn, Larry, Hilbert
SCRIPT MODEL	anthropic/claude-opus-5.5
VOICES	chatterbox-regular (chatterbox-local)
PIPELINE	V5.10
BOOK GENERATED	19 October 2026 at 17:43 UTC

SYNOPSIS

Israel's Freedom of Information Law of 1998 looks modest on paper: no reason required, a 30-day clock, fees that cap around 180 shekels. In practice, ministries simply don't answer — and when petitioners take them to court, the state loses 88% of the time. This episode walks through how the law actually works: why you must request a document rather than ask a question, how deadlines stretch to 120 days, and the small piece of leverage almost nobody uses (miss the deadline, lose the fees). Then the exemptions: seventeen bodies written out of the law entirely, cabinet secrecy, and the State Archives, where roughly 4% of government files are publicly accessible — under half a percent in the IDF and defence archives. Finally, the case law that built the law: Barak's 2006 ruling that an exemption is a permission and not a wall, Gisha's Red Lines, and the Netanyahu diaries.

TRANSCRIPT



Herman

Eighty-eight percent. When an Israeli government ministry gets taken to court over a freedom of information request and the judge rules, the ministry loses eighty-eight percent of the time.



Corn

Which sounds like a triumph for transparency until you ask why they keep getting taken to court.



Herman

Because they don't answer. Three quarters of those petitions last year were about requests that simply got no reply.



Corn

That's where Daniel wants to go next. We did the comparative version not long ago, freedom of information regimes around the world, the gap between what the laws promise and what they deliver, and Israel was the case study we kept coming back to. Now he wants the Israeli law on its own terms. What it actually says, how it actually works, and what you can actually do with it if you live here.



Herman

The plumbing, in other words. Last time was the view from the plane. This is lifting the floorboards.



Corn

You've been waiting all week to say floorboards.



Herman

I have. The statute is the Freedom of Information Law of nineteen ninety-eight. The short version people know is that you don't need to give a reason, and there's a thirty-day clock. What people don't know is how much of the law's real power lives in the regulations and the case law, and how much of it is about what the authority doesn't have to do.



Corn

Start with what it doesn't have to do, then. That's usually where a law tells you what it really thinks.



Herman

Section seven, subsection e. Information is given in the form the authority holds it. It doesn't have to process anything for you. That one line changes how you write a request completely. You don't ask a question. You ask for a document.



Corn

Meaning I can't write to the Ministry of Transport and say, how many buses were late in Jerusalem last March.



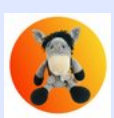
Herman

You can write it. They can say, we don't hold a document that answers that. What you ask for instead is, the punctuality dataset for Jerusalem bus lines for March, in its native electronic format. If that file exists, it's yours.



Corn

So the law rewards people who already know what the filing cabinet looks like.



Herman

That's a fair criticism, and it's one of the quiet reasons it favours journalists and NGOs over ordinary people. Then section eight, the grounds for just dismissing a request. Unreasonable resources. Information more than seven years old that's hard to find. Can't



Herman (continued)

be found after reasonable effort. Already published, in which case they have to tell you where. Or created by another authority, in which case they have to send you there.



Corn

Seven years old and hard to find. That's a very convenient definition of history.



Herman

It's there to stop people asking for every memo since the fifties. In practice, it means anything older than seven years depends on how tidy the authority's records are. Then the timeline, which is more elastic than people think. Thirty days. The head of the authority can extend it by another thirty with written reasons. And if the request is large or complex, another sixty on top. So the absolute ceiling is a hundred and twenty days.



Corn

Four months, in the best case of the worst case.



Herman

Once they approve it, they have fifteen days to actually hand it over. Plus, if your request touches a third party, a company, a person, they have to notify them and give them twenty-one days to object, and that time doesn't count against the clock.



Corn

Here's what I want to know, though. What does it cost? Because my assumption is that the fees are where governments quietly kill these laws.



Herman

That's the right instinct in a lot of countries. Israel's are actually modest. Twenty-four shekels to file. The first three hours of handling are free, then thirty-six shekels an hour. Copying is pennies a page. And you commit up front to pay up to a cap, which is now a hundred and eighty shekels, indexed to inflation every October.



Corn

A hundred and eighty shekels. So the fee is roughly what a Jerusalem parking ticket costs, and about as voluntary.



Herman

Less voluntary than you'd think. If they expect to go over the cap they have to tell you the estimate first. And there are exemptions. Information about yourself, no request fee. Registered nonprofits with a good-conduct certificate, and anyone doing academic research, no request fee and seven free hours instead of three. People on certain state benefits as well.



Corn

Any other surprises in the fine print?



Herman

My favourite one. Regulation six A. If the authority missed its deadline, it can't charge you handling or production fees at all.



Corn

So the slower they are, the cheaper it gets.



Herman

It's a small piece of leverage, and almost nobody uses it. If you're a month past the deadline and they suddenly want three hours of handling fees, you point at six A.

L

Larry

Are you tired of governments that tell you everything? Lying awake because the Ministry keeps sending you documents? Introducing the Exemption Blanket. Just drape it over any information and watch it become state security, foreign relations, or internal deliberations. Mosaic pattern included, so even harmless facts become dangerous when combined. Results not typical, blanket not a public authority, not valid in the District Court, not valid

L

Larry (continued)

in the Supreme Court, the court may examine the blanket ex parte, mosaic effect may cause disclosure, consult your information officer, offer void where transparent.



Herman

The mosaic effect is real, actually, it's section nine c, but it doesn't...



Corn

Herman. It's a blanket.



Herman

Fine. It is real, though, the mosaic thing. The exemptions also cover information that only becomes harmful when you combine it with other information. Which is a reasonable principle for intelligence and a very elastic one for everything else.



Corn

The exemptions we covered last time. What I'd like is the part that's not an exemption at all. The bodies that just aren't in the law.



Herman

Section fourteen. Seventeen items. The law does not apply to these bodies, or to information they create, collect, or hold. Military intelligence. The Shin Bet. The Mossad. Malmab, the defence establishment's security unit. The Atomic Energy Commission and the nuclear research centres. Certain units of the Foreign Ministry and the Prime Minister's Office. Police intelligence and investigations. The prisons' intelligence units. The witness protection authority. The biometric database. The National Cyber Directorate, for what it handles.



Corn

I'll say the obvious thing, and I'll say it as someone who is pro the security services. Most of that list I'm fine with. I don't want the Mossad answering requests in thirty days.



Herman

Nobody serious does. The argument is about the edges. The biometric database is on that list. That's a database of the faces and fingerprints of millions of ordinary citizens, and it's wholly outside the law. And the Justice Minister can add a body or subject for up to six months with Knesset committee approval.



Corn

The list has a door in it, then.



Herman

A door with a committee standing next to it. Then there's a second category of black box, which isn't in the statute at all. Cabinet transcripts. In twenty twenty-two the Supreme Court refused to release the Covid-era cabinet transcripts, because cabinet secrecy rests on the Basic Law on the Government, and that counts as a law barring disclosure. And in February of last year, the court refused to release the secret annex of the hostage deal. Security and foreign affairs decisions are secret by default, and the state doesn't even have to show harm.



Corn

Which, on the hostage annex, I think most people would accept.



Herman

Most would. But it tells you that the most important decisions in the country are structurally outside the reach of this law. And the third box is time. Section fourteen d. Once material is transferred to the State Archives, the Freedom of Information Law no longer applies to it. Archives law takes over.



Corn

Is archives law worse?



Herman

Archives law is a different universe. Restricted periods from fifteen years, the default, up to ninety for the intelligence agencies and the Atomic Energy Commission. The Akevot Institute put out a data sheet in January. Of roughly seventeen million government archive files, about four percent are publicly accessible. In the IDF and defence archives, under half a percent.



Corn

Under half a percent. So the archive isn't so much a library as a freezer.



Herman

The practical consequence is a tactic. If you want something, ask before it's transferred. While it's still sitting in a ministry, the FOI law applies.



Corn

Okay. So far you've described a law with modest fees, a reasonable list of no-go areas, and a clock. Where does the eighty-eight percent come from? What actually happens to a request?



Herman

Most requests are answered... most. Some are refused, and privacy was the most common ground for refusal last year. But a large share hit the wall of silence, and the law's answer to silence is the court. You file an administrative petition at the District Court sitting as a court for administrative affairs. And the courts have been remarkably consistent for twenty years.



Corn

Give me the case that set the tone.



Herman

The foundational one is from two thousand six, Council for Higher Education versus Haaretz, written by Aharon Barak. Haaretz wanted the minutes of the council's committees. The council said internal deliberations, exempt. Barak said, the exemption lets you withhold, it doesn't oblige you to. You have to actually weigh the public interest, case by case. The exemption is a permission, not a wall.



Corn

Barak, of course. I'd have guessed.



Herman

You would have. Then two thousand eight, the Movement for Freedom of Information and Raviv Drucker against the Tax Authority. They wanted the names of taxpayers who'd paid a settlement to avoid prosecution. The court said the public interest beat their privacy. And from twenty ten, the Tax Authority started publishing those names routinely.



Corn

That's the version of FOI I like. One request, and then the government just starts doing it.



Herman

The best outcome. Then my personal favourite. Two thousand twelve, the state against Gisha. Gisha asked for a defence ministry document called the Red Lines, which set calorie limits for what was allowed into Gaza. The state first ignored the request. Then claimed the document didn't exist. Then it turned out it did.



Corn

The full set. Silence, denial, discovery.



Herman

The Supreme Court ordered it released, said even a draft must be disclosed when the public interest prevails, and that the authority has to show concrete harm, not a general worry. And it slapped twenty-five thousand shekels of costs on the state, on top of twelve thousand in the lower court, specifically because of how it had behaved.



Corn

The prime minister's diaries, though. That's the one most people have actually heard of.



Herman

Two rounds. In twenty seventeen, Drucker again, the Supreme Court ordered the release of records of Netanyahu's calls with Sheldon Adelson and with the editor of Israel Hayom. Said the privacy harm was slight. And in twenty twenty-one Haaretz won the diaries for twenty sixteen to twenty eighteen in the Jerusalem District Court, later extended by consent to the end of that term. Since the war, the Movement for Freedom of Information has got his diary for September to November twenty twenty-three, including October seventh.



Corn

I'll be the one to say it. I'm not sure the prime minister's diary on that day tells us much we can fairly judge. It becomes a Rorschach test.



Herman

That's a fair objection, and it's what the Prime Minister's Office would say too. My view is that it's still the right outcome. A diary is a public record of how the most important office in the country spent its time. What people do with it is a separate fight.



Corn

Concede the principle, keep the scepticism. I can do that.



Herman

There's a war-era one that's quietly more revealing. Hatzlacha asked the IDF for the chief of staff's diary for October to December twenty twenty-three. They filed in February twenty twenty-four. The IDF ignored it. They petitioned. And in April of last year the IDF released Herzi Halevi's diary for those three months, while refusing anything longer on resource grounds.



Corn

So the IDF's answer took fourteen months and a lawsuit.



Herman

That's why the government unit matters, because this is the piece I don't think people understand. In twenty eleven the government created a Freedom of Information Unit in the Justice Ministry. It's been running since twenty twelve. It's created by a cabinet resolution, not a statute. It can investigate complaints about ministries, issue a finding that a ministry violated the law, order them to fix it. In practice, order them to answer.



Corn

But not order them to disclose.



Herman

It has no power to order a specific disclosure. And it only covers ministries and their units. Not local authorities, not government companies, not the Knesset, not the courts. Corn, honestly, what do you make of a regulator that can tell you to answer but not what to say?



Corn

I think it's a very Israeli solution. Create the body, then make sure it can't do the thing it's named after. But I'll give it this, answering is most of the problem.



Herman

That's what the numbers say. Its latest report came out in July, covering last year. Nearly seventeen thousand requests to government, up twenty-one percent. Eighty-two percent of complaints were about missed deadlines. And at the bottom of the table, the IDF answered three quarters of its requests after more than a hundred and twenty days. Past the legal maximum.



Corn

Three quarters past the legal maximum. So the absolute ceiling is, for the army, the floor.



Herman

It's worse in the later reporting. The IDF completed about eleven percent of its requests last year. It hasn't published an annual report since twenty twenty-two. It says the war diverted resources. The Movement for Freedom of Information disputes that.



Corn

The war has been the excuse for a lot of this, hasn't it.



Herman

There was a moment in October twenty twenty-three that's worth knowing about. The Justice Ministry drafted a temporary law freezing all FOI deadlines from October seventh to January of twenty twenty-four, with an option for ninety more days. More than three thousand public objections. And the final version cut it to one month, October seventh to November sixth.



Corn

Three thousand objections, during a war, about freedom of information deadlines. That's genuinely moving, in a strange way.



Herman

It surprised me too. It was a country that had just been attacked, and people still filed.



Corn

What did the war-era requests themselves turn up?



Herman

Small, telling things. That a senior adviser to the prime minister, Yonatan Urich, entered the military headquarters in Tel Aviv a hundred and thirty-eight times during the war, which only came out after a petition. Early figures on how many soldiers had died from friendly fire or accidents. Records of the prime minister's meetings with bereaved and hostage families. And the Military Censor, which is outside the law, released its own statistics voluntarily. Over six thousand items partly cut in twenty twenty-four.



Corn

Here's the obvious question for Daniel. If he wants to use this himself, as a resident, what's the playbook? Not the theory, the steps.



Herman

Four things. One, search first. Ministries post past answers in a central database, and if it's already published they'll just point you there. Two, ask for documents, not answers, and narrow it. A named period, a named type of record, the native electronic format. Narrow keeps you out of the unreasonable resources refusal. Three, for a ministry, if you're ignored, complain to the government unit, it's free and it can at least force a reply. Then if they still don't answer, you treat the silence as a refusal and go to court, where the odds are very good.



Corn

What nobody does, realistically, is chase one clerk for years. That's not a plan, that's a hobby.



Herman

There's a fourth, softer one. Four...



Hilbert

Four, you write to the clerk by name, every month, until he retires.



Corn

That's not in the statute, Hilbert.



Hilbert

It wasn't in anything. There was no statute. I started in seventy-nine. The water department at the Jerusalem municipality, about the drain outside my building on Rehov Ussishkin. The clerk was a man called Yehuda Mizrahi. Second floor, the window with the cactus. I wrote to him on the first of every month. Carbon copy for me. He answered ten times in four years. Nine. I don't count the one where he sent back my own letter with a coffee ring on it. A reply has to have words on it that he wrote.



Herman

That's the thing you called a hobby, Corn. Writing to an office over and over with no right to an answer.



Hilbert

It's not a hobby. It's slow. I've still got the carbons. They're in a fruit crate under the bed, the oranges one, sorted by year, and inside each year by what kind of no it was. Mizrahi had six kinds of no. I numbered them. A three was, the matter is under consideration. A six was, the matter was never under consideration. In eighty-one I got a five and a six in the same letter.



Corn

You're still doing it?



Hilbert

Under the law now. Since the law came in. Same drain. Different man. A woman, now, Mrs. Ohayon, she's very good. She sends a reference number. Mizrahi never sent a reference number. I asked him for one in eighty and he wrote back that a reference number was itself information and he would have to consider whether to release it.



Herman

In a way he was ahead of his time. That's a section eight dismissal before section eight existed.



Hilbert

He'd have liked section eight. I wanted a photocopier in eighty. Gestetner, the tabletop. Four thousand two hundred shekels, old shekels, at the shop on Jaffa Road. I didn't buy it. The carbon paper was cheaper and it made Mizrahi think I had a typing pool.



Corn

So the drain outlasted the shekel.



Hilbert

The drain outlasted the shekel and Mizrahi. It still floods. Mrs. Ohayon sent me the maintenance log last spring. Forty-one pages. It was in there from nineteen seventy-four.



Herman

Forty-one pages of maintenance log on one drain is exactly what this law is for, actually. That's the dull, specific, local record nobody would ever publish, and he had a right to it.



Corn

It took the law to get it, though. Mizrahi had the same log for four years and sent a coffee ring.



Herman

That's the real test of the whole statute. Not the prime minister's diary. A forty-one page log about a drain on Ussishkin that a resident can get by asking.



Corn

The last thing I'd want Daniel to hear is that he doesn't need to be a journalist to do this. The rules are modest, the fees are small, and the courts are on his side. What it takes is the patience to ask for the file and not the answer.



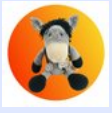
Herman

And to keep asking.



Corn

Thanks as always to our producer, Hilbert Flumingtop.



Herman

This has been My Weird Prompts. Every episode is at my weird prompts dot com.



Corn

We'll be back soon.