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Date: 13 November 2008
Please cite 56300 in response

To
Adv. Yosefa Margolin-Valency
Jerusalem District Attorney's Office
7 Mahal Street
Jerusalem

By registered mail and fax:
02-5419582

Dear Att. Margolin-Valency,

Re: **Adm. Pet. 8476/08 HaMoked: Center for the Defence of the Individual v. The Minister of the Interior et al.**
Request for clarification regarding the response of the Freedom of Information Commissioner

On 3 November 2008, our office received the response of the Freedom of Information Commissioner (hereinafter: **your letter**) to our appeal of 4 February 2008 (hereinafter: **our appeal**).

We seek a number of clarifications regarding the content of this letter:

1. **Regarding sections 8 and 11 of your letter and section 3(A) of our appeal:**

In these sections you informed us that in the year 2005, 220 of East Jerusalem's residents were revoked of their status; in 2006, 1360 were revoked of their status and in 2007, 289

were revoked of their status.

With respect to the years 2005 and 2006, the figures are different from those provided to B'Tselem on 4 February 2007 (see appendix p/13 of the petition), according to which in 2005, 222 residents were revoked of their status and in 2006, 1363 residents were revoked of their status. As regards the year 2007, on 5 October 2008, you informed me that in that year 271 residents were revoked of their status.

We request that you clarify: What is the reason for the inaccuracies and which figures are correct?

Additionally, in your letter, you ignored the remainder of section 3(A) of our appeal, in which we requested figures regarding the revocation of the status of minors in those years. We therefore request that you respond to this inquiry.

2. Regarding section 2 of your letter and sections 3(B) to 3(D) of our appeal:

In these sections you note that you are unable to “perform a computerized break down of expirations by cause as the computerized coding for the expirations is uniform”. On this issue you cite Sections 8(1) and 9(b)(1) of the Freedom of Information Act.

On this issue, we shall note that a telephone inquiry we have recently made to the East Jerusalem Population Administration Bureau leads to a different conclusion. The inquiry reveals that staff at the Bureau are able to obtain the information detailed below regarding each person whose residency was revoked, and this according to the information which appears on their computer monitor, without having to leave their desks and without opening the personal file of the individual: the date of the residency revocation; **the cause of the revocation (under Regulation 11a of the Entry into Israel Regulations); whether the decision to revoke was appealed;** and whether the person is currently in Israel.

It shall be noted that even if review of the files were indeed necessary in order to provide a response to this question, it still would not constitute “unreasonable allocation of resources” as detailed below.

As is well known, only “considerable investment of resources, which is not proportional to the importance of the specific requisite information, can justify the rejection of a request for disclosure of information... it is appropriate that a public authority be able to reject a request for information only if the investment of many resources is exceedingly unreasonable...”

(see, Zeev Segal *The Right to Know in Light of the Freedom of Information Act*, p. 166 [Hebrew]). (Adm. Pet. (Jerusalem) 814/07 **Segal v. The State of Israel – Ministry of Justice et al. Takdin - District Courts 2008(1), 9271**; Adm. Pet. (Jerusalem) 1084/07 **Cordova et al. v. Jerusalem Municipality et al. Takdin – District Courts 2008(2), 13035**).

We shall note, as an example, that the allocation of resources and labor required by the employees of the authority in the aforementioned Adm. Pet. 814/07 was, on its face, higher than what is required in our matter. In the same proceeding it was also established that an

authority may not refrain from providing information based on the aforementioned sections of the Act.

It follows from the above, that the claim regarding the unreasonable allocation of resources allegedly required in order to provide the requested information, is baseless. However, if you maintain this claim, we request that you relay exactly what the required allocation of resources is and how many staff hours it requires. We also request that a claim of this nature be supported by an affidavit.

3. Regarding section 3 of your letter and section 3(H) of our appeal:

Your response on this matter is incomplete. In our appeal, we requested to know how the Interior Ministry is made aware of the acquisition of a foreign citizenship or permanent permit by residents of East Jerusalem. According to your response, the Interior Ministry is made aware of this information through, *inter alia*, Israel's diplomatic missions abroad. This is a vague statement from which it is impossible to ascertain how Israel's diplomatic missions abroad obtain this information and how it later gets updated by the Interior Ministry. We request, therefore, that you elucidate your response in this matter.

4. Regarding section 5 of your letter and section 3(G) of our appeal:

On this matter too, your response is incomplete. Your letter ignores our question: "How was notice served?" That is, was notice served to those individuals in person or by mail? Was notice sent by regular mail or registered mail? Were notices which were mailed but did not reach their destination returned to the Interior Ministry? What is the Interior Ministry's policy regarding returned notices? Is there an alternative to the method of serving notice mentioned in your letter?

Since many residents of East Jerusalem are revoked of their status while abroad, indeed, a response to our question must address the issue of how these individuals are served notice. We request, therefore, a complete answer to this question, as detailed above.

You further claimed in this section that: "With regard to the number of appeals against expiration decisions and the hearings held in the process of reviewing the appeals, a response to this inquiry requires unreasonable allocation of resources as the computerized system does not include a special general indication for appeals of this kind". On this matter, kindly refer to our response to section 2 of your letter, which clearly indicates that there is no impediment to receiving this information, and this without examining the files themselves. On this issue also, we request that, should you maintain your claim, you relay exactly what the required allocation of resources is and how many staff hours it requires. We also request that this claim be supported by an affidavit as well.

5. Regarding section 8 of your letter and section 3(J) of our appeal:

Your response on this issue is perplexing. Indeed, if you are able to provide information

regarding the number of revocations due to relocation to the Territories, how is it that it is impossible to break down the various countries to which those residents whose status was revoked allegedly immigrated and in which they acquired status? On this issue also, we request that, should you maintain your claim, you relay exactly what the required allocation of resources is and how many staff hours it requires. We also request that this claim be supported by an affidavit as well.

Respectfully,

Yotam Ben Hillel, Att.
Counsel for the Petitioner