



Freedom of Information Policy

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Terminology and Definitions

Name	Description
Ministry	Ministry of Commerce
Ministry's Office	Data Management Office, Ministry of Commerce
Office	National Data Management Office
Personal Information	Any statement of any origin or form that may lead to specific knowledge of individual or allow him or her to be identified directly or indirectly, such as: personal ID number, addresses, contact numbers, license numbers, records of personal property, bank account numbers, credit cards, the individual's fixed mobile photographs, and other personal data.
Data	A collection of unrestricted or unorganized facts, such as numbers, letters, photos, visual recordings, audio recordings, or emojis.
Data accessibility	Access to the entity's technical data and resources, both logically and physically.
Verification	Determine the identity of any user, action, or device as a prerequisite for granting access to technical resources.
Authorization	Define and control the rights and powers of any user, program, or process to access data and technical resources.
Protected data	Data classified as "top confidential, confidential, restricted".
Public Information	Unprotected processed data received, created, or handled by public entities regardless of origin, form, or kind.
Levels of Data Classification	The levels of classifications that were approved by the Board of Directors are "Confidential", "Confidential", "Restricted", "Public"
Applicant	Any public or private sector, third party organization, or individual requesting data access.
Data owner	The person to whom the personal data pertains, whom he or she represents, over whom he or she has legitimate jurisdiction.
Data Management	Development and execution of plans, policies, programs, and procedures to enable entities to manage data and increase its value as a valuable asset.

Introduction

Freedom of information is a set of regulations and processes that govern the exercise of the right to or access to public information about the acts of entities, as well as the promotion of the principle of transparency and free circulation of such information.

Document's purpose

This document seeks to define freedom of information policy in order to encourage a culture of freedom of information and the transparency principle.

Policy Scope

This policy applies to all requests filed by individuals to have access to or obtain public information produced by the Ministry of Commerce and classified as "generic," regardless of their source, form, or type. This includes paper records, emails, computer-stored information, audio, video, maps, photographs, manuscripts, handwritten documents, and any other type of recorded information.

Objective of Freedom of Information:

- To facilitate access to information.
- To enhance transparency by promoting a culture of freedom of information within the Ministry.

Key Principles of Freedom of Information

- **Transparency:** The individual has the right to know information related to the activities of the Ministry to enhance integrity, transparency and accountability.
- **Necessity and Proportionality:** Any restrictions on requesting access to or access to protected information that the Ministry receives, produces, or deals with must be justified in a clear and explicit way.
- **Information should be disclosed by default:** Every individual has the right to access unprotected public information, and it is not essential for the applicant to have a certain status or interest in this information in order to receive it, nor is the individual liable to any legal accountability for exercising this right.
- **Equality** All requests for access to or acquisition of public information are handled on the basis of individual equality and non-discrimination.

Provisions of Freedom of Information Policy

1. The Rights of Individuals regarding Accessing or Obtaining Public Information:

- **The right to access and obtain any unprotected public information with the Ministry.**
- **The right to be informed about the reason for the denial of the request for access to information.**

- **The right to file a notice of appeal against the decision to deny the request for access to information.**

2. This policy does not apply to protected information, including the following:

- **Information that, if disclosed, may harm the Kingdom of Saudi Arabia's national security, policies, interests or rights;**
- **Military and security information;**
- **Documents and information obtained in agreement with another state and classified as protected.**
- **Inquiries, investigations, checks, inspections and monitoring in respect of a crime, a violation or a threat;**
- **Information that includes recommendations, suggestions or consultations for issuing governmental legislation or decision not issued yet;**
- **Commercial, industrial, financial or economic information that, if disclosed, may result in gaining profits or avoiding losses in an illegitimate manner;**
- **Scientific or technological research, or rights including intellectual property rights that, if disclosed, may result in the infringement of an incorporeal right.**
- **Tender and bidding Information that, if disclosed, may give rise to violation of fair competition.**
- **Information that is protected, confidential or personal under another law, or requires certain legal actions to be accessed or obtained.**

Ministry of Commerce's Obligations toward Freedom of Information

- **The Ministry develops an administrative entity that will be linked to the Ministry's office, which was founded by Royal Decree No. 59766 dated 11/20/1439H. The entity will be tasked with developing, documenting, and monitoring the implementation of policies and procedures pertaining to the right to access information.**
- **The Public Data Unit must be in charge of developing and implementing policies and processes for exercising the right to access public information or obtaining it and having it approved by the Minister.**
- **The Public Data Unit offers a public information access service as well as a public information request form, allowing users to view or get public information.**
- **The Public Data Entity verifies the identity of individuals before granting them the right to view or obtain public information in accordance with the controls approved by the National Cybersecurity Authority and the relevant authorities.**
- **The Public Data Unit sets the necessary criteria for determining the fees involved in processing requests to access or obtain public information based on the nature and volume of the data, the effort exerted and the time spent, in accordance with the data monetization policy document.**
- **The Public Data Unit shall prepare and document the procedures required for the management, processing, and documentation of extension requests, rejected requests, and the assignment of tasks and responsibilities to a task force, as well as cases in which the Director of the Ministry's Office is notified in accordance with the time limit for processing requests.**
- **The Public Data Entity must prepare and document the policies and procedures for maintaining and disposing of records of requests in accordance with the backup and approved retention policy.**
- **The Public Data Unit documents all records of requests to access or obtain information and decisions taken regarding these requests, provided that these records are reviewed to address cases of misuse or non-response.**

- **The Public Data Unit prepares awareness programs to promote a culture of transparency and raise awareness in accordance with the freedom of information policies and procedures approved by the Ministry.**
- **The Public Data Unit is responsible for identifying and documenting the corrective actions that will be taken in the event of non-compliance and notifying the director of Ministry's Office.**
- **The Public Data Unit is responsible for monitoring compliance with freedom of information policies and procedures regularly and presenting it to the director of the Ministry's Office.**

Steps to follow when requesting access to information:

- **Submission of a request to access or obtain public information.**
The application includes the means of communication with the applicant, whether SMS or email. The application is submitted through one of the following channels:
 - In writing by filling out the Request for Public Information Form and submitting online at the Ministry's website.
 - Electronically through a public information request service.
- **Processing the Request for Access to Information through the Public Data Unit during a period of time not exceeding 30 days.** The following decisions must be taken:
 - **Consent:** In the event that the public authority has approved the request to access or obtain information in whole or in part, the individual must be notified in writing or electronically of the applicable fees. The Ministry must make this information available to the individual within a period of time not exceeding (10) working days from receipt of the amount.
 - **Rejection:** In the event that the request to access or obtain information is rejected, the rejection must be sent electronically and should include the following information:

- * Determine whether the application was rejected entirely or partially (information is available on the Ministry's website, or outside the Ministry's jurisdiction, or it is protected, or outside the scope of the policy).
- * The right to complain about this refusal and how to exercise this right.
- **Extension:** In the event that the request for access to information cannot be processed in the specified time, the public entity should extend the period in which the response will be responded to a reasonable period depending on the volume and nature of the information requested. The applicant must be provided with the following information:
 - The date on which the application is expected to be complete and the reasons behind the delay.
 - The right to complain about this extension and how to exercise this right.
- **To complain about the refusal of a request for access to information, the applicant may send a written or electronic notice of complaint to the Public Data Unit within 10 working days of receiving notification from the Ministry. The grievance committee of the Ministry's Office must review the application and electronically inform the the applicant of revision fees applied within 10 working days of payment receipt. The following decisions must be taken:**
 - **Consent to a complaint:** If the complaint is granted a consent, and thus the request to access or obtain the information in whole or in part, the consent notice must be sent electronically and must show the applicable fees and the amount of the revision fee. This information must be made available to the individual within 10 working days of payment receipt.
 - **Rejection of complaint:** If the complaint is denied, the rejection notice must be in an electronic form and explain the grounds for rejection.

General provisions for policy on freedom of information

- **The Public Data Unit is in charge of aligning this policy with the Ministry's organizational documents and circulating them within the Ministry to ensure integration and achieve the goal.**
- **When processing requests, the Public Data Unit must balance between the right of accessing the information and the right of obtaining it as well as other relevant requirements such as national security and protection of private data.**
- **After consulting with the Office, the Ministry's Office develops mechanisms, procedures, and controls for handling grievances within a particular time limit.**
- **If the information is within the Ministry's scope, the Ministry Office must send a copy of the notification declining the request for access or obtaining the information, if the information is within the Ministry's scope.**
- **When contracting with other entities that provide public services, the Public Data Unit must periodically verify compliance with policy using the defined mechanisms and procedures.**

Timetable for information freedom operations

- **The Public Data Unit of the Ministry processes the application within 30 days of its receipt and notifies the applicant of the decision.**
- **Information must be made available to the applicant within 10 working days of the applicant's fees being received.**
- **The applicant has the right to file a written or electronic complaint with the Public Data Unit within 10 working days of receiving the rejection or extension from the Ministry.**

Management of Freedom of Information Policy

Policy Effective Date

This policy will take effect on the date of signing this document as shown underneath the signatures in this document. The Ministry office publishes a certified copy of the document.

Policy Review Committee

- **The policy must be reviewed and updated on a regular basis to reflect any changes that have occurred or to improve the contents of this policy.**
- **Any changes to this policy must be approved by the Minister or his delegate after being reviewed by the Ministry Office.**

1. Monitoring of Compliance

Compliance with the open data policy must be measured in accordance with the Ministry's Office's standards and performance indicators, as well as the requirements of the National Data Management Office. The Data Unit reviews compliance standards on a regular basis by providing an annual report to the Director of the Ministry's Office, which includes, but is not limited to:

- **The Ministry's progress and level of achievement in its specific plan.**
- **List of awareness-raising programs in conformity with the policy on freedom of information**
- **Records of requests for access to or obtaining information, as well as decisions made in response to those requests.**
- **Monitor policy process compliance and document corrective steps to be implemented in the event of noncompliance.**

References

Laws and regulations consulted when developing this policy:

- **The National Data Governance Policies issued by the National Data Management Office.**