



**STATE OF ISRAEL**

# **THE OMBUDSMAN ANNUAL REPORT 30**

## **2003**

**Selected Chapters**



**OFFICE OF THE STATE COMPTROLLER  
AND OMBUDSMAN**

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**The Thirtieth Report of the Ombudsman** is hereby submitted to the Knesset.

The annual reports of the Ombudsman submitted to the Knesset reflect the multifaceted nature of the citizen's relations with the branches of government. In the framework of these relations there is frequently friction and resentment on the part of the citizen, both of which could have been avoided to a large extent with appropriate attention on the part of the authorities and with meticulous observance of the citizen's rights and dignity.

The descriptions of the handling of several of the complaints presented in this report indicate that government authorities do not always balance the need for efficiency in their actions and the attainment of their public goals with the observance of the citizen's right to privacy, which is a fundamental right entrenched in the Basic Law: Human Liberty and Dignity.

Hence, in a complaint described in the report, a public authority transmitted confidential information regarding a person's private affairs to another public authority, to a person with no legal authority to receive such information.

Other complaints concerned the dissemination of registered particulars of citizens to the public at large. Whilst the disclosure of the details was intended for an appropriate purpose and for the benefit of the citizen, I

determined that under the circumstances, the interest of protecting the privacy of the citizen prevailed over the need for efficiency in the authority's activities, even if under the circumstances they were intended for the citizen's benefit.

An additional fundamental right of the citizen is the right to plead and respond to a violation of his rights or to accusations made against him. This right applies where the findings of an audit report may be harmful to him. The right of response in such a case is also mandated by proper and fair audit procedures.

In two of the cases described in this report the authority did not observe this fundamental right and I therefore decided to point out to the authority the need to act accordingly.

All other comments concerning the investigation of complaints in the year 2003 appear within the report.

Upon the submission of this report, the Director of the Office of the Ombudsman, Adv. Avigdor Ravid, completes his term of office, having served in this capacity for twelve years. Adv. Ravid contributed greatly to the formulation of the work procedures in the Office of the Ombudsman and to the fortification of its position as the citizen's protector. His sense of mission was accompanied by his unceasing devotion to the work. For all of these, Adv. Ravid merits appreciation and gratitude.

A handwritten signature in black ink, appearing to read 'E. Goldberg', with a long horizontal flourish extending to the right.

**Eliezer Goldberg**

State Comptroller  
and Ombudsman

Jerusalem, 2004

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# GENERAL SUMMARY

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## **1. POWERS AND AREAS OF ACTIVITY OF THE OMBUDSMAN**

The State Comptroller also serves in the role of Ombudsman. He discharges this function by way of a special unit in the State Comptroller's Office, known as the Office of the Ombudsman. The Ombudsman investigates complaints against bodies that are statutorily subject to audit by the State Comptroller, including government ministries, local authorities, state enterprises and institutions and government companies, as well as their employees. The State Comptroller Law, 5718-1958 [Consolidated Version] (hereafter - the Law or the State Comptroller Law) regulates the Ombudsman's powers and his method of investigating complaints.

There are certain bodies engaged in the provision of services to the public which the law does not authorize the Ombudsman to investigate, such as banks, insurance companies and other non-governmental entities that serve the public. Complaints against these bodies are often forwarded to bodies statutorily charged with their supervision, examples being the Supervisor of Banks, the Supervisor of Insurance and the Director of Capital, Insurance and Savings.

The Ombudsman may investigate a complaint if it concerns an act - including an omission or delayed action - that is directly injurious to, or directly withholds a benefit from the complainant. In addition, the act must be contrary to law or without lawful authority, or contrary to proper administration, or it involves a too inflexible attitude, or gives rise to

flagrant injustice. Members of Knesset may also complain against an act that harms another person.

Once a complaint has been submitted, the Ombudsman initiates an investigation, unless the complaint does not comply with the statutory conditions for the investigation of complaints, or it is vexatious or intended to annoy, or the Ombudsman believes that he is not the proper body to investigate the complaint.

The Ombudsman may discontinue the investigation of a complaint if he is satisfied that one of the causes justifying the non-opening of an investigation exists, or that the matter to which the complaint relates has been rectified, or that the complainant has withdrawn the complaint or has not responded to the Ombudsman's requests addressed to him.

The Ombudsman may investigate a complaint in any manner he sees fit and is not bound by the rules of procedure or the rules of evidence. He may hear any person if he deems it beneficial and may require any person or body to give him any documents or information that are likely, in his opinion, to assist in the investigation of the complaint.

The State Comptroller Law enumerates the subjects that are not to be investigated and the bodies and officials against whom complaints will not be investigated: complaints against the President of the State, the Knesset, a Knesset committee or a Member of Knesset; against the Government and its committees and against a minister in his capacity as a member of government as opposed to his capacity as the head of a ministry or sphere of activity, and also against the Governor of the Bank of Israel, except with respect to his activities as head of the Bank. Furthermore, the Ombudsman cannot investigate complaints against judicial or quasi-judicial acts, or concerning matters pending in a court or a tribunal, or in which a court or tribunal has given a decision.

The Ombudsman will not investigate a complaint regarding a matter in which a decision has been given, against which a contestation, objection or appeal can or could have been filed under any law, or a complaint filed after a year has elapsed from the date of the act to which it relates or the

date on which such act became known to the complainant, unless the Ombudsman finds a special reason justifying the investigation.

The Ombudsman does not have the authority to investigate complaints filed by soldiers, police officers and prison officers concerning service arrangements, terms of service or discipline. The Ombudsman will not investigate complaints of State employees and employees of other audited bodies in matters concerning the service of employees, except for an act alleged to be contrary to any law, regulation, the Civil Service Regulations, a collective agreement or similar general agreements. Exceptions to this are laid down in sections 45A-45E of the State Comptroller Law, which provide for the investigation of a complaint filed by an employee of an audited body against his superior who violated his rights in response to the employee's reporting, in good faith and in accordance with proper procedure, acts of corruption committed in the body in which he is employed, as well as the investigation of a complaint of an internal auditor of an audited body, regarding his transfer from his position, or any other damage he suffered at the hands of his superior, in response to his activities as internal auditor in the fulfillment of his role.

## **2. SUBMITTING A COMPLAINT**

Any person may submit a complaint to the Ombudsman free of charge. The complainant is only required to sign the complaint and state his name and address.

A person may submit a complaint in several ways: in writing - by mail, fax and even email - or orally at the branch offices of the Ombudsman in Jerusalem, Tel-Aviv and Haifa.

The addresses of the Ombudsman's offices and of the offices for filing oral complaints, their reception hours and the fax numbers and email addresses for the submission of complaints are listed in the appendices, on page 95.

### **3. DATA ON THE NUMBER OF COMPLAINTS AND THEIR OUTCOME**

Below are details of the number of complaints received in the year 2003 (hereafter - the year reviewed) and the outcome of the investigation of complaints completed during that year.

1. During the year reviewed, 6,129 complaints were filed directly with the Ombudsman (in 2002, 6,147 complaints were filed). The Ombudsman also received copies of hundreds of complaints that were originally submitted directly to audited bodies. As a rule, the Ombudsman does not investigate these latter cases, on the assumption that the bodies concerned will investigate them. In such circumstances, the Ombudsman notifies the complainant that if the body to which he applied does not reply, or if the reply does not satisfy him, he may complain directly to the Ombudsman, who will determine whether the law provides for an investigation of the matter.

2. Of the 7,949 complaints handled during the year reviewed, (including 1,820 complaints remaining from the year 2002) the investigation of 6,378 complaints was completed, comprising 80.2% of all the complaints (in 2002, 76.4% of the complaints). These complaints included 6,532 subjects for investigation, as described below.<sup>1</sup>

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<sup>1</sup> The total number of subjects of complaints is greater than the number of complaints because some of the complaints refer to more than one subject.

<b>Outcome of Investigation</b>	<b>Subjects Investigated in the Year Reviewed</b>	
	<b>Number</b>	<b>Percentage</b>
Subjects resolved substantively <sup>(1)</sup>	3,506	53.7%
Subjects in which investigation was discontinued <sup>(2)</sup>	1,559	23.9%
Subjects summarily rejected <sup>(3)</sup>	1,467	22.4%
<b>Total Subjects in which Investigation was Completed</b>	<b>6,532</b>	<b>100%</b>

(1) Of which 1,250 subjects of complaints were found to be justified (35.7% compared to 36.5% in the year 2002).

(2) The investigation of these subjects was discontinued at different stages, either because the matter complained about was rectified, or because the complainant withdrew his complaint, or because he failed to respond to questions posed by the Ombudsman, or because the Ombudsman believed that the Office of the Ombudsman was not the proper investigative body.

(3) With respect to these subjects, it was found that they could not be investigated because they did not satisfy the criteria of sections 36 and 37 of the Law, which determine against whom a complaint may be filed to the Ombudsman and which matters may be the subject of a complaint, or because they involved matters not subject to investigation, as enumerated in sections 38, 39 and 40 of the Law.

At the end of the year reviewed, the handling of 1,571 complaints had not been completed.

3. (a) Data on the breakdown of the complaints according to bodies complained against and the outcome of their investigation are presented in Table 1 (p. 79) and Graphs 1-7 (p. 87).

(b) Table 2 (p. 83) indicates the breakdown of complaints according to principal subjects: welfare services, municipal services, services to the public and others.

#### **4. CORRECTION OF GENERAL DEFECTS FOLLOWING INVESTIGATION OF COMPLAINTS**

Occasionally, the investigation of complaints discloses defects that affect not only the individual complainant. In these circumstances, the Ombudsman points out the need to rectify the general defect in order to prevent future complaints on the same matter. The work of the Ombudsman over the years has led to the rectification of many such defects.

This report also describes cases where the investigation prompted the Ombudsman to express the need for a general rectification of the defect exposed by the investigation.

A complainant cancelled his son's participation in the annual school trip due to the security situation. The school management refused to refund his portion of the general expenses for the trip, claiming that according to the guidelines of the Director-General of the Ministry of Education, Culture and Sport, where participation in the school trip is cancelled, even for justified reasons, the sum for participation in general expenses shall not be refunded and only personal expenses shall be refunded.

The Ombudsman pointed out that if the school has not incurred any losses or additional expenses by reason of the student's cancellation of his participation in the trip, it should consider refunding any payment that was made. The Ministry of Education amended the Director-General's guidelines in accordance with the Ombudsman's ruling (complaint 1, p. 21).

The Ministry of the Interior sends by mail application forms for extension of validity of passports to citizens whose passports are about to expire. The forms are sent in envelopes bearing the name of the father and the identity number of the addressee. After the Ombudsman pointed out that the transmission of personal details of a person is only permitted with lawful authority or with the consent of the person concerned, the Ministry of the Interior discontinued the printing of the identity number and father's name on the envelopes (complaint 2, p. 25).

Parking stickers issued by the Licensing Authority for the disabled, allowing them to park in places in which parking is otherwise prohibited, indicate the disabled person's name and identity number, in addition to the registration number of his car. Under the provisions of the Parking for Disabled Persons Law, 5754-1994, in order to avoid receiving a parking report for parking in a prohibited place, the disabled person must put the parking sticker on the windshield of his car, publicly displaying his personal details.

After the Ombudsman pointed out that obligating the disabled person to display his personal details was a prima facie infringement of his right to privacy, the Ministry of Transportation gave notification that it would initiate an appropriate amendment to the law. Furthermore, the Ministry instructed the enforcement authorities that they should honor a disabled person's parking sticker even when his personal details were concealed (complaint 3, p. 29).

The investigation of a complaint concerning disclosure of information regarding criminal registrations revealed that information from the Crime Register was transmitted to a Military Police officer who was not legally authorized to receive it. As a result, guidelines were given to the relevant officials in the Police and the Military Police, which clarify the rules governing the request and transmission of information from the Crime Register (complaint 9, p. 53)

## **5. COMPLAINTS DEALING WITH DISCRIMINATION AGAINST WOMEN**

Section 6(c) of the Authority for Promotion of Women's Status Law, 5758-1998 (hereafter - the Law), prescribes the following:

“The Ombudsman shall submit an annual report to the Knesset regarding all the complaints filed with him which relate to discrimination against women as women and shall specify his conclusions.”

Under 6(a) of the Law, the Authority for Promotion of Women's Status (hereafter - the Authority) may forward complaints to the Ombudsman regarding any act within its area of activity, if it considers that the Ombudsman should investigate the complaint and if the complainant has given her consent.

During the year reviewed, the Authority forwarded one complaint to the Ombudsman from a woman employed via an employment agency for thirteen years as a committee coordinator in the Ministry of Justice. She alleged that she had received demeaning treatment from her place of work and had been employed via the agency for the entire thirteen years of her work in the Ministry of Justice without promotion and without tenure, despite her professional talents. The complainant claimed that she been discriminated against as a woman, especially in view of the fact that men who had been accepted to work in the committee over the last few years had received both promotions and salaries that were higher than hers.

Since the Ombudsman's investigation revealed that the subject of the complainant's status and position was currently pending in the Labor Court in the wake of a suit that she had filed against the Ministry of Justice, the Ombudsman notified the Authority that it could not investigate the complaint due to the provisions of section 38(5) of the State Comptroller Law, which provides that there will be no investigation of a complaint

regarding a matter pending in a court or tribunal, or in which a court or tribunal has given a decision with regards to the substance thereof.

In a complaint received by the Ombudsman against the Prisons Authority, the complainant alleged that in response to an advertisement published by the Prisons Authority in the press, she had applied for the Prison Wardens course but was told that women were not recruited into that course. The complainant maintained that the Prisons Service had rejected her candidacy because she was a woman, in violation of the Equality of Labor Opportunities Law, 5748-1988, which provides that an employer shall not discriminate against an applicant for employment by reason of gender.

The Ombudsman's investigation revealed that during the period in which the complainant submitted her candidacy for the course there was only a need for male candidates, since the positions for women prison wardens were already filled and the Prisons Service had a database of eight hundred women candidates for recruitment in different positions. The complainant was indeed registered among the candidates for recruitment in her area of residence but at that point in time, the Prisons Service was processing numerous previous applications and as such there was no position available for the complainant. The head of the Human Resources Division of the Prisons Service gave notification that he would contact the complainant should there be a possibility of her recruitment in the future. The Ombudsman had no reservations regarding the position of the Prisons Service.

## **6. INTERNATIONAL RELATIONS**

In October 2003, the Annual Meeting of the International Ombudsman Institute - European Region took place in Nicosia, Cyprus. Adv. Avigdor Ravid, Director of the Office of the Ombudsman, participated in the meeting.

The meeting dealt with the changing nature of the Ombudsman institution in Europe and focused on the following topics: the role of the Ombudsman in the protection of social rights; his role in the process of harmonization to E.U. legislation, standards, institution and practices; supporting and strengthening the Ombudsman institution.

# **SUMMARY OF SELECTED CASES**



# MINISTRY OF EDUCATION, CULTURE AND SPORT

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## **1. REFUSAL TO REFUND EXPENSES FOR SCHOOL TRIP**

1. In February 2002 the complainant filed a complaint with the Ombudsman against the Ministry of Education, Culture and Sport (hereafter - the Ministry). Following are the details of the complaint:

The complainant's son is a pupil in a school in Rechovot. At the beginning of the school year 2001-2002, the complainant paid the sum of 309 NIS for his son's participation in the annual school trip. On February 2, 2002 the complainant cancelled his son's participation due to the security situation. The school refunded him the sum of 137 NIS for personal expenses, but refused to refund the rest of the money, which constituted the relative contribution of each participant to the general expenses of the trip, such as payments for the medic, the guide and transportation.

The school management explained its refusal to refund the balance of the payment in view of the fact that it had already paid the companies that provided the above-mentioned general services to the school. It further mentioned that according to the guidelines of the Director-General from April 1, 2001 (hereafter - Director-General's guidelines), in the event of cancellation of participation even for justified reasons, personal expenses should be refunded but not general expenses.

2. The Ombudsman's investigation revealed the following:

(a) The school budget for social activities of the school year 2001-2002, including the budget for the annual trip, had already been planned in March 2001. General expenses for security, transportation and guides were budgeted in accordance with the number of pupils in every class (and not according to the number of participants). In order to reduce the cost of these services, contracts with the companies providing the services to the school had already been signed in the months of May and June 2001.

(b) (1) According to the provisions of the Director-General's guidelines, the calculation of expenses for the trip is based on 35 pupils per bus, even if the actual number of passengers on each bus is less. As such, there is no connection between the number of pupils participating in the trip and the total sum of general expenses. In the case before us only a few pupils cancelled their participation and thus there was no need to reduce the number of buses.

(2) From the above it emerges that the cancellation of the complainant's son's participation in the school trip did not cause the school financial loss or unnecessary expense.

(3) The Director-General's guidelines provide that in special cases the school's headmaster is entitled, at his own discretion, to refund the entire sum that was paid for the trip.

**3. The Ombudsman ruled that the complaint was justified.**

As explained above, the school did not incur any financial loss or unnecessary expense as a result of the complainant cancelling his son's participation in the school trip, because the payment to the companies providing the services to the school was based on a calculation of expenses determined in advance and was to be paid to these companies at all events.

4. Therefore, the Ombudsman pointed out to the Ministry that the school was unjustified in its refusal to reimburse the complainant for the general expenses of the trip and that it should refund him the entire sum paid.

The Ombudsman further determined that the Ministry should consider adding a clarification to the Director-General's guidelines, according to which if the school has not incurred any financial loss or unnecessary expense by cancellation of the pupil's participation in the trip, it should consider the refund of the entire payment.

5. The school notified the Ombudsman that it had reimbursed the complainant for the balance of his payment for the trip; furthermore, the Ministry amended the Director-General's guidelines in accordance with the Ombudsman's ruling.



# MINISTRY OF THE INTERIOR

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## **2. INDICATING NAME OF FATHER AND IDENTITY NUMBER ON ENVELOPES**

1. In February 2002 the complainant, a resident of Ramat-Gan, filed a complaint with the Ombudsman against the Ministry of the Interior (hereafter - the Ministry). Following are the details of the complaint:

(a) The Ministry sent the complainant, by regular mail, an application form for the extension of her passport which was about to expire. The addressee's particulars printed on the envelope included her name and address, the name of her father and her identity number.

(b) In her complaint, the complainant claimed that printing her father's name and her own identity number openly on the envelope violated her right to privacy.

2. The Ministry explained to the Ombudsman that the application forms were sent by mail in order to remind citizens that the validity of their passports was about to expire and to enable them to send the completed form to the Ministry, thus saving themselves the trouble of queuing in the Population Registrar for an extension of their passports. Printing the name of the father and the identity number of the addressee on the envelope ensured that the letters would also reach addressees living in settlements in which the addresses were not sufficiently specific, or in which some of the residents bore identical names.

According to the Ministry, printing the identity number and the father's name on the envelope does not violate the addressee's privacy, since although the Protection of Privacy Law, 5741-1981 (hereafter - Protection of Privacy Law), prohibits transmitting information regarding one person's personal details to another person, this prohibition does not apply to information that reaches another person incidentally and without intention.

3. (a) Section 2 of the Protection of Privacy Law provides:

"Violation of privacy is any of the following:

...

(9) Using, or transmitting to another, information concerning a person's personal details, other than for the purpose for which it was given;"

Section 23B(a) of the Law provides:

"Transmission of information by a public body is forbidden, unless it has been published by lawful authority, or made available for inspection by lawful authority, or the person to whom it relates has consented to its being transmitted."

Section 23A of the Law provides:

"The provisions of this chapter shall apply to any knowledge as to a person's personal details, even though it may not be defined as information, in the same way they apply to information."

Section 29(c) of the Population Registry Law provides:

"A person who has a prima facie interest may receive information as to the date of birth of a person registered in the registry as well as other particulars of registration determined by regulations."

Regulations 1(1) and (7) of the Population Registry Regulations (Receiving Particulars of Registered Persons), 5735-1975, prescribe:

"1. Other registration particulars of a registered person which may be given to a person who has a prima facie interest in them are:

(1) names of the parents;

.....

(7) identification number. "

(b) The expression "personal details of a person" in section 2(9) of the Law was given a broad interpretation in the courts' rulings. In C.A. 439/88<sup>1</sup> the Supreme Court ruled:

"The natural meaning of the words 'personal details' of a person is all information connected to the private life of that person, including his name, address, telephone number, place of work, the identity of his friends, his relations with his wife and other members of his family etc...., I see no difficulty in giving a broad interpretation to the phrase which is commensurate with its natural structure."

**4. The Ombudsman ruled that the complaint was justified.**

The prohibition in the Protection of Privacy Law on a public body giving information concerning a person's personal details generally means the prohibition of intentional imparting of information to another person or body. In terms of its purpose, however, the prohibition also applies to the incidental transmission of information to a person for whom it was not intended and for a purpose for which the transmission was not intended. This is the case where information regarding a person's personal details appears on an envelope sent by mail.

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<sup>1</sup> CA 439/88 *Data Bases Registrar v. Moshe Ventura*, 48 (3) 808,821.

This conclusion is similarly reached from the provisions of section 29(c) of the Population Registry Law, according to which only a person who has a prima facie interest in the matter is permitted to receive information regarding the names of a person's parents and his identity number. Accordingly, a person without such an interest is not permitted to receive this information, either directly or indirectly, when those details appear openly on the envelope.

This conclusion is also consistent with section 7 of the Basic Law: Human Dignity and Liberty, which provides: "All persons have the right to privacy and intimacy."

The formula for balancing between the interest of protection of privacy and other legitimate interests is determined, as said, in the Protection of Privacy Law and is embodied in the requirement that information only be transmitted with lawful authority or with the consent of the person concerned.

5. In view of the above, the Ombudsman indicated to the Ministry that it should discontinue the printing of the identity number and father's name on envelopes without lawful authority or the addressee's consent.
6. The Ministry notified the Ombudsman that it had complied with his ruling.

# MINISTRY OF TRANSPORTATION

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### **3. INDICATING NAME AND IDENTITY NUMBER ON PARKING STICKER OF DISABLED PERSON**

1. The complainant, who is disabled, filed a complaint with the Ombudsman against the Ministry of Transportation (hereafter - the Ministry). Following are the details of the complaint:

The complainant received a parking sticker for disabled persons from the Ministry. Cars bearing disabled-persons stickers may be parked in places where parking is otherwise prohibited. In addition to the license number of the car, the parking sticker also indicates the name and identity number of the disabled person.

According to the complainant, the indication of her name and identity number on the parking sticker, which is publicly displayed on the windshield of the car, violates her right to privacy and even paves the way for misuse of her personal details appearing on the sticker.

The complainant added that when she displayed the sticker in the car in a manner that concealed her name and identity number, she was fined for parking in a prohibited place, the claim being that a sticker lacking all the requisite details is regarded as forged and as such does not entitle its holder to park in places prohibited for parking.

2. (a) The Parking for Disabled Persons Law, 5754-1993, provides:

"1.(a) In this Law-

"parking sticker" - a sticker issued by the Licensing Authority to a disabled person, bearing his name, his identity number and the license number of up to two entitled vehicles;

2. A disabled person is entitled to park his vehicle bearing a parking sticker (hereafter - the vehicle) in a place in which parking is not permitted..."

Section 1 of the Protection of Privacy Law, 5741-1981 provides:

"No person shall violate the privacy of another without his consent."

Section 2 of the Protection of Privacy Law provides:

"Violation of privacy is any of the following:

...

(9) Using, or transmitting to another, information concerning a person's personal details, other than for the purpose for which it was given;"

Section 7 of the Basic Law: Human Dignity and Liberty provides:

"All persons have the right to privacy and intimacy."

Section 8 of the Basic Law: Human Dignity and Liberty provides:

"There shall be no violation of rights under this Basic Law except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required or in accordance with an express authorization by the above-mentioned law."

(b) The expression "personal details of a person" in section 2(9) of the Protection of Privacy Law was given a broad interpretation by the Supreme Court<sup>1</sup>, which stated:

"The natural and regular meaning of the words 'personal details' of a person is all information connected to the private life of that person, including his name, address, telephone number, place of work, the identity of his friends, his relations with his wife and other members of his family etc..."

3. The Ombudsman's investigation revealed the following:

(a) The Ministry explained to the Ombudsman that indicating the personal details of the disabled person on the sticker in accordance with the Parking for Disabled Persons Law, is intended to prevent family members and others from using the sticker in places in which parking is prohibited, other than for the use of the disabled person, and also in order to enable the enforcement authorities to ensure that the vehicle bearing the parking sticker, which is parked in a place prohibited for parking, is the vehicle driven by the disabled person who owns the sticker, or that it serves the needs of that particular disabled person.

(b) The Ombudsman pointed out to the Ministry that indicating personal details of the disabled person on the sticker is *prima facie* problematic, in view of the provisions of the Protection of Privacy Law and the Basic Law: Human Dignity and Liberty.

In view of the Ombudsman's comments and having conducted an additional investigation, the Ministry notified the Ombudsman that the enforcement agencies had informed it that for purposes of enforcement it was sufficient that the vehicle's license number appear on the disabled-

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<sup>1</sup> CA 439/88 *Data Bases Registrar v. Moshe Ventura*, 48 (3) 808,821

person's sticker in order to verify the other details of the owner of the sticker, given that the license number itself enables verification of the other details in the vehicle's computerized file in the Ministry of Transportation.

(c) Accordingly, the Ministry informed the Ombudsman that it would initiate legislative procedures to amend the Parking for Disabled Persons Law, so that the name and identification number would not be indicated on the disabled-person's sticker.

4. The Ombudsman pointed out to the Ministry that prior to the amendment of the Law, a temporary solution ought to be considered.

Following this, the Ministry notified the Ombudsman that from November 2003, the Licensing Authority would print the license number at the top of the sticker, while the disabled person's name and identification number would be printed at the bottom. This would enable the disabled person to conceal his personal details by folding the sticker or in some other manner, should he so desire.

The Ministry informed the Police and the Center of Local Government of the change in the manner of printing the sticker. It further requested that instructions be given to the enforcement authorities of the Police and the local authorities to the effect that a disabled-person's sticker that concealed the personal details should be honored and not considered invalid.

Similarly, the Ministry brought the new enforcement policy to the attention of the Commissioner for Equality of Persons with Disabilities so that the latter could spread this information among the community of disabled persons.

#### **4. NATIONAL INSTITUTE FOR TRANSPORTATION - REFUSAL TO GIVE REPORT TO PERSON CONCERNED**

1. The complainant filed a complaint with the Ombudsman on January 2, 2002 against the National Institute for Transportation (hereafter - the Institute).

The Institute was established by the National Council for Prevention of Road Accidents pursuant to an agreement between the Institute and the State, in order to provide driving courses. The Institute is an audited body under section 9(5) of the State Comptroller Law, 5718-1958 [Consolidated Version].

Following are the details of the complaint:

In conducting its courses, the Institute is assisted by lecturers who are not its employees and whose fields of expertise or qualification pertain to the topics being studied. The complainant, too, was occasionally invited to lecture at the Institute.

During a lecture given by the complainant, a clandestine evaluation was conducted by the Institute to review his performance as a lecturer. Having been informed that an evaluation had been conducted during his lecture, the complainant requested that the Institute provide him with a copy of the report that had been prepared following the evaluation. The Institute rejected his request, but offered to give him an oral account of the evaluation.

The complainant filed a complaint with the Ombudsman against the Institute's refusal to give him a copy of the report that was prepared following the evaluation.

2. The Ombudsman's investigation revealed the following:

(a) The Institute informed the Ombudsman that the Institute had district directors who conducted a system of evaluation and supervision of lectures being given under its auspices, which included occasional clandestine evaluations in which a particular visiting lecturer would evaluate the lecture of another lecturer. This was also the case regarding the evaluation of the complainant's lecture.

(b) The Institute claimed that it did not make a practice of giving the reports to the evaluated lecturers, but if the evaluation produced negative findings, the Institute summoned the lecturer to discuss the matter, with the intention of improving his performance.

(c) The Institute justified its practice of not giving the evaluated lecturer a copy of the report by its concern that this would disclose the identity of the report's author. Such disclosure could cause friction between lecturers and deter them from evaluating their colleagues. Furthermore, the Institute claimed that if the reports were to be given to the evaluated lecturers, they would become familiar with the criteria for assessing the lecture and thus be able to "prepare" for evaluation. The Institute added that if the report was given to one lecturer, then all the other lecturers would demand copies of the reports concerning themselves, thus imposing a heavy burden on the Institute.

3. The Institute is not listed among the bodies and institutions that are subject to the Freedom of Information Law, 5758-1998. Nonetheless, even prior to the enactment of this law, Israeli courts recognized the right of every person to examine official documents relating to him. This right may be qualified or limited in view of the necessity of striking a balance between the right of examination and the relevant considerations of the authority for not allowing examination of the documents, for example, the fear that disclosure of these documents would impair the functioning of the

authority or of another person. It also ruled that the right of examination of a document included the right to receive a copy thereof.

**4. The Ombudsman ruled that the complaint was justified.**

(a) The complainant is entitled to receive a copy of the evaluation report prepared concerning him. The Institute's claim regarding the burden that would be imposed due to the requests of other lecturers to receive copies of reports concerning them does not prevail over the right to receive a copy of the report, irrespective of the burden imposed on the Institute.

(b) The Institute's claim that lecturers would "prepare" for evaluations in accordance with the criteria appearing in the evaluation reports is unacceptable, given that the evaluations are clandestine and their dates are not known to the lecturer. Furthermore, examination of the report indicates that the criteria are general and basic, of the kind that would be anticipated by all lecturers.

(c) Nevertheless, there are reasons for preferring the selective conveying of information. These reasons include the concern for damage to the fabric of relations between lecturers and their willingness to serve as evaluators for their colleagues.

(d) Having consideration for the Institute's claims on the one hand and the complainant's right to receive a copy of the report on the other hand, the Ombudsman pointed out to the Institute that it should give the complainant a copy of the report regarding his performance as a lecturer, while deleting the particulars of the person who prepared the report.

Following the Ombudsman's ruling, the Institute gave the complainant a copy of the report, having deleted the particulars of its author.



# LOCAL AUTHORITIES

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## 5. SETTING OFF OLD WATER DEBTS

1. In June 2002 the complainant, a resident of Jerusalem, filed a complaint with the Ombudsman against the Jerusalem Municipality (hereafter - the Municipality). Following are the details of the complaint.

(a) The Municipality granted the complainant a reduction in municipal taxes for his apartment in Jerusalem - a reduction granted in the case of unoccupied apartments. The reduction amounted to 1,450 NIS, which the Municipality was supposed to refund to the complainant. However, instead of refunding the amount in full, the Municipality set off two old water debts of the complainant, one from the year 1984 for the sum of 310 NIS and the other from the year 1991, for the sum of 210 NIS (hereafter - water debts or debts).

(b) The complainant claimed that he did not owe any water debts, because one of them was incurred about 18 years ago and the other about ten years ago and accordingly, they were subject to prescription. He argued that prior to setting off the debts from his municipal tax reduction, the Municipality had never sent him a payment demand regarding the debts.

Furthermore, according to the complainant, one of these debts related to water consumption in an apartment that was owned by his late parents and which he and his brother, as the heirs, had sold in the year 1984. Accordingly, even if the debt was not subject to prescription, he was only

liable for half of the sum. Moreover, when the apartment was sold the Municipality issued a certificate that there were no debts on the apartment.

(c) In its response to the complainant's complaint, the Municipality claimed that the water debts were not subject to prescription and that it had set off the debts from the complainant's municipal tax reduction pursuant to its authority under the Local Authorities (Interest and Linkage Differentials on Compulsory Payments) Law, 5740-1980 (hereafter - the Authorities Law). The Municipality also informed the complainant that should he be of the opinion that another person was liable for part of the water debt, he should settle the matter directly with him, this being of no concern to the Municipality.

2. The Municipality claimed before the Ombudsman that on several occasions it had sent the complainant demands for payment of the water debts, but it did not provide any proof of having sent such demands. The Municipality further claimed that owing to the small amounts of the debts, it had not deemed it appropriate to file a legal action against the complainant or adopt administrative measures for their collection and since prescription only applies to taking court action and not to the debt *per se*, it had set the debt off against the municipal tax reduction.

**3. The Ombudsman ruled that the complaint was justified.**

The presumption of proper administration, which applies also to the sending of notifications for payment, does not apply in the circumstances of this case. The Municipality's inaction for such a prolonged period, until the actual set-off, attests to irregularity in all matters pertaining to the handling of the collection of these debts. While the Municipality is entitled to exercise its authority for undertaking collection procedures without the restrictions of prescription, it must exercise this authority in accordance with the principles of good faith, fairness and reasonability, principles to

which it is bound in its relations with the citizen. To this effect, consideration must be given to the passage of time since the debt was incurred and the measures adopted by the Municipality for its collection. A debt that the Municipality unsuccessfully attempted to collect over many years is not analogous to a debt that the Municipality waited to collect for a long period, longer even than the accepted period for purposes of civil prescription, without acting.

During all those years the Municipality had waited until an opportunity presented itself for collecting the debts.

The accumulated circumstances indicate that the presumption of proper administration was also contradicted with respect to the sending of notifications of payment to the complainant regarding the debts, in order to give him an opportunity to raise his objections and exhaust the objection proceedings conferred by law.

4. In view of the above, the Ombudsman indicated to the Municipality that there was no basis for collecting the water debts from the complainant and that it should therefore cancel the set-off.

## **6. FAILURE TO CONNECT BUILDING TO ELECTRICITY NETWORK**

1. The complainant, a resident of Tarshicha, filed a complaint with the Ombudsman against the Israel Electric Corporation and the Municipality of Ma'alot-Tarshicha (hereafter - the Municipality). Following are the details of the complaint:

In 1996 the complainant built a house in Tarshicha in accordance with a building permit that he had received from the Local Committee for Planning and Building of Ma'aleh Naftali (hereafter - the Local Committee). The Local Committee also gave him certification that construction had been completed (Form 4), this form allowing him *inter alia* to connect his house to the electricity network. Despite his applications to the Electric Corporation and to the Municipality, his house was not connected to the electricity network, each body blaming the other for the non-connection.

2. The Ombudsman's investigation with the Electric Corporation revealed the following:

(a) Already in February 1997, the Electric Corporation had completed its plans for supplying electricity to the complainant's house by way of an overhead electricity network, after the Municipality had given its consent to the plan. However in May of that year, the Municipality withdrew its consent and requested that the network be installed underground.

(b) The complainant's house is located on mountainous and rocky terrain with significant height differences and there is a plan to construct the Tarshicha bypass road (hereafter - the road) in the area adjacent to his house. Due to the special conditions of the area, the Electric Corporation claimed that it was impossible to construct an underground electricity network prior to the completion of land development works by the Municipality for the purpose of constructing the road.

(c) According to the Electric Corporation, the Municipality had agreed that the complainant's house would be connected to the electricity network by way of a temporary overhead network to be constructed by the Corporation. However, it had also demanded that the Corporation subsequently replace it with an underground network at its own expense.

The Corporation had not agreed, due to the high cost of executing such a project.

3. The Ombudsman's investigation with the Local Committee and the Municipality revealed the following:

(a) According to the documentation of the Local Committee, the building permit issued to the complainant on April 24, 1994 indicated that it was issued in accordance with the Local Outline Plan or Detailed Outline Plan 4370/3 which was not valid (hereafter - Outline Plan). The provisions of the Outline Plan did not determine that electricity would be supplied to properties in the area of the plan exclusively via an underground network. It could therefore be inferred that the plan also allowed electricity to be supplied via overhead electricity wires.

(b) The Outline Plan was filed on April 11, 1988 and approved on July 5, 1999. The building permit for the complainant was granted prior to the Outline Plan's approval in accordance with section 97A of the Planning and Construction Law 5725-1965 (hereafter - Planning and Construction Law), which permits granting a permit in accordance with a plan that was filed but not yet approved.

(c) On June 30, 1996 the Local Committee issued an approval under section 157A of the Planning and Construction Law, which determined *inter alia* that electricity could be supplied to the complainant's house.

(d) In March 1998 the Municipality prepared a new detailed plan (C/9962), known as the "Central Tarshicha Bypass Road" (hereafter - the New Plan). According to this plan, a road would be constructed and subsequently integrated into the city's future development trend. The New Plan was approved on August 26, 2002 in principle only, with a request for amendments.

Regulation 14 of the New Plan provides that "all of the infrastructures planned in the area of the plan, including electricity, lighting, communications, water lines, sewage etc. are to be underground". The Municipality claimed that even though the New Plan had yet to be finally approved, it anticipated its approval shortly and therefore, it could not agree at this stage to the installment of a permanent overhead electricity network. The Municipality insisted that the Electric Corporation connect the complainant's house to an underground network, or alternatively, that it connect him to a temporary overhead connection, replacing it subsequently with an underground connection, all at the Corporation's expense.

**4. The Ombudsman ruled that the complaint was justified.**

(a) The Outline Plan, which had already been filed in 1988 and was the basis for issuing the building permit to the complainant in 1994, did not prohibit the installation of overhead electricity lines. Furthermore, by giving its approval for supplying electricity to the complainant's house, the Local Committee had in fact affirmed that from a planning perspective, electricity could be supplied to the complainant's house by way of an overhead line.

(b) For more than five years the Municipality had objected to the connection of the complainant's house to an overhead electricity network, on the basis of the New Plan which had only recently been filed and which had yet to be approved. Furthermore, the establishment of an underground electricity network was impossible until the Municipality had completed the preliminary development works for the construction of the road. The Electric Corporation was prepared to construct a temporary overhead connection but not to bear the costs of its subsequent replacement by an underground network. As a result of this situation, the complainant had been left without electricity for all these years.

5. In view of the above, the Ombudsman indicated both to the Electric Corporation and the Municipality that they must take the actions necessary for the construction of a temporary overhead electricity network to the complainant's house. The Municipality was to refrain from opposing the construction of a temporary overhead electricity system or from making its establishment contingent upon any conditions. When the time comes to transfer the electricity infrastructure to underground lines, a decision shall be reached between the Electric Corporation and the Municipality as to who should bear the costs for transferring the infrastructure.

6. The Electric Corporation notified the Ombudsman that in coordination with the Municipality, it had acted in accordance with the Ombudsman's ruling and had connected the complainant's house to the electricity network.



# NATIONAL INSURANCE INSTITUTE

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## **7. UNLAWFUL DENIAL OF ENTITLEMENT TO CHILD ALLOWANCE**

1. The complainant filed a complaint with the Ombudsman against the National Insurance Institute (hereafter - the NII). Following are the details of the complaint:

(a) The complainant and his family had lived for 20 years in the Wadi Jose neighborhood of Jerusalem, located within the municipal boundary and governed by Israeli law, jurisdiction and administration (hereafter - the boundary) and the NII had paid him child allowance (hereafter - the allowance).

(b) Due to extensive renovation of his apartment, in April 2001 the complainant and his family went to live temporarily in Aram, a village situated outside the boundary. On August 1, 2001 the complainant and his family returned to their house inside the boundary.

(c) The NII cancelled the complainant's entitlement to the allowance for the months April - July 2001 during which he was living temporarily in Aram, and set off the allowance that he had received for those months from his ongoing allowance.

The complainant contended that his entitlement to the allowance for the above-mentioned months should not have been revoked in the same way

that absence from Israel for a period of up to six months does not invoke cancellation of entitlement. Furthermore, he claimed that even while living outside the boundary he had continued to work in Jerusalem, his children had continued attending schools there and Jerusalem had continued to be the geographical center of his life. As such, it could not be claimed that he was not an Israeli resident during that period.

(d) In his complaint the complainant contended that the NII had canceled his entitlement to the allowance and refused to refund the sums that it had set off from his allowance. He requested the Ombudsman to instruct the NII to refund him the sums which had been unlawfully deducted from his allowance.

2. (a) According to the provisions of sections 65-66 and 240 of the National Insurance Law [Consolidated Version], 5765-1995 (hereafter - the Law), **a parent who is a resident of Israel** and is at least 18 years old is entitled to receive a monthly child allowance for each of his children, **provided that the child is in Israel** and is not yet 18 years old.

The Labor Courts have ruled that the term "resident of Israel" for the purposes of the National Insurance Law, means a person whose customary place of residence is in the area of the State of Israel.<sup>1</sup>

The Labor Courts also gave the following ruling:

"The legally prescribed rule is that an Israeli citizen residing outside the borders of the State of Israel and the Zone for an extended period for the purpose of his private work (and not having been sent for a fixed period as emissary of an Israeli body) or for personal reasons, is not regarded as a 'resident of Israel'."<sup>2</sup>

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1 LC 51/0-140 *Mussa Taha v. National Insurance Institute*, P.L 24 382, 384.

2 *ibid*, see also: LC 52/0-75 *Sarid v. National Insurance Institute*, P.L 25(4) 156.

Furthermore:

"For the purposes of the National Insurance Law, the meaning of "resident" is connected to a factual situation that attests to Israel as being the resident's home and not a temporary residence - everything depending on the facts."<sup>3</sup>

(b) Section 65(3) of the Law provides:

"A child shall not be regarded as being outside Israel if he left Israel for a period that does not exceed six months; however the Institute is permitted to regard the child as if he were in Israel even if he left Israel for a period exceeding six months."

3. The Ombudsman's investigation revealed the following:

(a) The NII's investigation of the complainant's place of residence indicated that he had stopped living within the boundary (in Wadi Jose) in April 2001 and had returned in August of the same year. As a result, the NII's Jerusalem branch cancelled his entitlement to the allowance for the months April - July 2001. In September 2002 the Jerusalem branch renewed his allowance retroactively from August 2001, the period of his return to the boundary, and paid the allowance for the months August - September 2001. As stated above, from that amount it deducted the sums paid to him for the months April-July 2001, during which he had lived outside the boundary.

(b) The Jerusalem branch manager of the NII (hereafter - the branch manager) informed the Ombudsman that the complainant's entitlement to the allowance had been denied by reason of his having been resident outside the boundary, which cancelled his status as a resident of Israel under the National Insurance Law.

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3 LC 44/0-10 *National Insurance Institute v. Akdam*, P.L 15 417, 421.

The branch manager claimed that the complainant's transition to Aram was not analogous to the exit of an insured person abroad for a period of less than six months as claimed by the complainant, because the transition occurred without any border control and the complainant had failed to inform the NII of his exit, which is the practice of those going abroad.

(c) The head of the NII's Insurance Department affirmed the branch manager's decision and ruled that the complainant had not been a resident of Israel during the period of his residence outside the boundary.

(d) The head of the Family Stipend Department of the NII informed the Ombudsman that in view of the ruling of the head of the Insurance Department that the complainant had not been a resident of Israel during the period in which he had lived outside the boundary, he was not entitled to the allowance from the NII for that period.

4. The Ombudsman pointed out to the NII:

(a) The complainant's absence from the boundary for four months only, during which he had continued to work in Israel, his children had continued studying in Israel and Israel had continued to be the center of his life, indicated that Israel continued to be his permanent place of residence and his residency was not interrupted.

(b) Under section 65(b) of the Law, the complainant's children are regarded as having been in Israel even during their period of residence outside the boundary, in as much as they lived outside the State borders for less than six months.

(c) Following the Ombudsman's comments, the Legal Advisor of the NII informed the head of the Insurance Department and the head of the Family Stipend Department, that the complainant should be recognized as a

resident during the period of his residence outside the boundary and should receive the allowance for that period.

(d) The Institute paid the complainant the sum of the allowance to which he was entitled for the months of April-July 2001, with the addition of linkage differentials.

## **8. SETTING OFF CHILD ALLOWANCE DUE TO DEBT OF ANOTHER INSURED PERSON**

1. The complainant, a resident of Carmiel, filed a complaint with the Ombudsman against the National Insurance Institute (hereafter - the NII). Following are the details of the complaint:

(a) The complainant is the mother of three children and receives child allowance from the NII. The complainant claimed that she had recently become aware that during the last four years the NII had been paying only half the child allowance owing her, having neither informed her nor given her any explanation.

(b) The complainant's investigation in the NII's Public Complaints Department (hereafter - the Complaints Department) and in the Carmiel branch of the NII revealed that the reason for the deduction in the child allowance was that the NII had set off an old-age pension that had been mistakenly paid to another insuree (hereafter - the debtor), who was not legally entitled to those payments. All the complainant's attempts to explain to the NII that she had no connection with the old-age pension paid to the debtor were to no avail.

(c) In her complaint to the Ombudsman, the complainant requested the Ombudsman to order the NII to pay her the entire child allowance owing to her.

2. The Ombudsman's investigation revealed the following:

(a) According to the NII's procedures, should it transpire that the NII has deposited in the bank account of a person entitled to receive an allowance sums to which that person is not entitled, the NII shall apply to the bank in which the account is managed and request that it return the money paid in excess. If the money has already been withdrawn from the account, the NII shall request the bank to furnish it with the particulars of the drawer of the money.

(b) In 1998 the NII sent a letter to the branch of the bank in which the debtor's account is managed (hereafter - the bank branch) requesting the return of the old-age pension to the sum of 22,313 NIS that had been paid to her. This action was taken after it emerged that the debtor had left the country and was therefore no longer entitled to the allowance that had been paid to her since February 28, 1997.

(c) At the NII's request, the bank branch returned the sum of 4,070 NIS to the NII from the debtor's account and informed the NII that the balance had been withdrawn from the debtor's account by the complainant.

(d) Following the bank branch's notification, in July 1998 the NII sent the complainant notification stating that according to information it had received from the bank branch, the complainant had withdrawn the balance of the old-age pension from the debtor's account, to the sum of 18,214 NIS, and was therefore requested to return the sum she had withdrawn within 30 days. The notification stated that she should apply to the NII for clarification.

(e) As stated above, in her complaint to the Ombudsman the complainant claimed that she had not received any notification from the NII regarding the debt. However, the investigation revealed that contrary to her statements, already in 1999 the complainant had requested that the NII's Carmiel branch investigate why the NII was charging her for the debt, despite the fact that she had not withdrawn the balance of the old-age pension from the debtor's bank account and had no connection with the debt.

Following the complainant's request, on May 16, 1999 a branch worker sent a letter to the Banks, Financing and Computerization Department at the Head Office of the NII (hereafter - the Banking Department), requesting the Banking Department to examine the complainant's aforementioned claim. The Ombudsman's investigation revealed that the examination was never conducted and in November 1999 the NII began collecting the debt from the complainant by way of set-off from her child allowance.

(f) In January 2003 the complainant returned to the Complaints Department of the NII to clarify why she was receiving only half of the child allowance. The Complaints Department informed her that the sum of the child allowance was reduced because according to the notification received from the bank, she had withdrawn the old-age pension that had been paid in excess to the debtor. The complainant stated to the Complaints Department that her only connection with the debtor consisted in her having received a check from the debtor to cover a small debt owed to her by the debtor's son. This check was presented for payment in the bank branch. The Complaints Department told her that she had to present a detailed letter from the bank certifying that the information given by the bank to the NII, to the effect that she had withdrawn the balance of the debtor's pension, was mistaken. However, the complainant contended that the bank had refused to give her the letter requested by the NII, for reasons of banking confidentiality.

(g) It was only following the Ombudsman's investigation that the Banking Department actually verified whether or not there was a connection between the complainant and the debtor's debt and discovered that the complainant's claim was correct and that she had not withdrawn any sums from the old-age pension that had been paid in excess to the debtor and that the bank's notification had been mistaken.

(h) Following this, the NII returned the sum of 17,292 NIS to the complainant (including 747 NIS as linkage differentials according to the consumer price index), this being the sum that was deducted from the child allowance on account of the debt during the period from November 1999 until April 2003.

**3. The Ombudsman ruled that the complaint was justified.**

(a) The NII had charged the complainant for the debtor's debt without properly examining the complainant's claims denying any connection with the debt.

(b) Despite the request of the branch worker to the Banking Department to examine whether there was any connection between the complainant and the debt, no investigation was conducted and the NII began collecting the debt by setting it off from the complainant's child allowance.

(c) Even after the complainant applied to the Complaints Department to clarify the matter, the NII did not conduct any examination of the matter and instead, referred her to the bank, while the NII continued setting off the debt from her allowance.

4. The Ombudsman pointed out these defects to the management of the NII in order that requisite measures be taken to prevent similar defects in the future.

# ISRAEL POLICE FORCE AND MILITARY POLICE

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## **9. UNAUTHORIZED TRANSMISSION AND RECEIPT OF INFORMATION REGARDING ERASED CONVICTION**

1. The complainant filed two complaints with the Ombudsman, one against the Israel Police (hereafter - the Police) and the other against the Military Police. Following are the details of the first complaint:

(a) The complainant was criminally convicted in 1993. On October 1, 1998 the President of the State decided to erase the conviction by virtue of his authority under the Crime Register and Rehabilitation of Offenders Law, 5741-1981. Nonetheless, in 1999 the Police transmitted information regarding the conviction to the Officer of the Knesset (hereafter - the Knesset Officer), who requested information from the Crime Register in order to examine the complainant's candidacy for a position in the Knesset.

(b) The complainant inquired of the Police regarding the matter and the Police responded, in 1999, that the computerized database of the Police (hereafter - the computerized system) had received information regarding an additional conviction against him. Consequently, the erased conviction appeared in the computerized system as a valid conviction and as such was included in information transmitted to the Knesset Officer. The Police notified the complainant that the mistaken registration in the computerized system had been rectified and apologized to him for the mistake. Despite

this, at the end of 2001 the Police again disclosed information regarding the conviction to the Knesset Officer, following an additional application by the complainant for employment in the Knesset.

2. The Ombudsman's investigation revealed the following:

(a) According to the Police, due to a fault in the programming of the computerized system a conviction erased by virtue of Presidential pardon reappeared in the system as a valid conviction whenever the system recorded an additional conviction. This had occurred in the complainant's case.

(b) After the complainant complained to the Police in 1999, its Investigations Department requested that the Unit for the Development of Computer Applications in the Police rectify the fault. However, priority considerations delayed its rectification until the end of 2001. Consequently, when the information from the Crime Register was transmitted to the Knesset Officer for the second time, it included the erased conviction.

(c) The Police claimed that the information regarding the erased conviction appeared in the computerized system as a valid conviction. Accordingly, a manual examination of the information printout prior to its transfer to the Knesset Officer could not have revealed that it included a conviction that was erased.

(d) The investigation revealed that technically speaking it was possible to correct the particular registration in the complainant's case even without rectifying the general defect in the computer system.

3. **The Ombudsman ruled that the complaint was justified.**

The Ombudsman pointed out to the Police that upon discovering the mistaken registration in 1999, it should have corrected the registration pertaining to the complainant without waiting for the rectification of the

general fault in the system. The Police failed to do this. The information on the conviction was only corrected and registered as an erased conviction in 2001, when it once again emerged that the registration was mistaken.

In August 2002 the Police notified the Ombudsman that the general fault in the computerized system had been rectified. It further informed the Ombudsman that the Investigations Department was currently examining the convictions that had been erased pursuant to Presidential pardon, in order to ascertain that they were not mistakenly registered in the computerized system as valid convictions.

#### **TRANSMISSION OF INFORMATION REGARDING ERASED CONVICTION TO MILITARY POLICE**

1. While the first complaint was under investigation, the complainant filed an additional complaint with the Ombudsman, claiming that the Police had also transmitted information concerning an erased conviction to the Military Police, for the purpose of an inquiry that they were conducting against his son. Furthermore, it had given this information to a Military Police Investigator who in accordance with the obligatory provisions, was not authorized to request and receive that information.

2. (a) Section 4(a) of the Crime Register and Rehabilitation of Offenders Law, 5741-1981 (hereafter - the Law) states as follows:

"The Register shall be open to the following bodies, and they may transmit information from it between themselves, to the extent required for the discharge of their functions:

- (1) the Police, in accordance with standing orders;

...

(3) the Military Police, under rules prescribed by the Head Officer of the Military Police;"

(b) Section 4(b) of the Law provides:

"Rules under subsection (a) require the approval of the Attorney General and the Constitution, Legislation and Law Committee of the Knesset and do not require publication in *Reshumot*."

3. (a) The Crime Register Rules (Access to Information under section 4 of the Crime Register and Rehabilitation Law) 5741-1981, The Military Police), 5758-1998 (hereafter - the Rules), were promulgated by the Head Officer of the Military Police with the approval of the Attorney General and the Constitution, Legislation and Law Committee of the Knesset. Rule 3 determines that information regarding the Crime Register is confidential and access thereto is exclusively for the purpose of discharging duties and illegal transmission or receipt thereof, including its transmission to commanders and other IDF functionaries, constitutes a criminal offense.

(b) Rule 6 enumerates the officials in the Military Police who are entitled to receive information: certain officials who are commissioned officers, certain department heads and intelligence coordinators in the Investigating Military Police. Rule 7 establishes a list of senior officials in the Military Police who are entitled to receive information concerning a "sealed registration", as defined in the National Police Headquarter Ordinance, 14.03.18: "access to information - in accordance with section 4 of the Crime Register and Rehabilitation Law" (hereafter - the National Headquarter Ordinance), including with regard to erased convictions.

(c) The National Headquarter Ordinance provides that the transmission of information regarding criminal registrations to people belonging to the

bodies stipulated in sections 4(2)-(4) of the Law, *inter alia* the Military Police, shall be in accordance with the rules prescribed by each one of the bodies.

(d) In all matters relating to the transmission of information to the Military Police regarding erased convictions, it was incumbent on the Police to act in compliance with the Rules established by the Head Officer of the Military Police.

4. The Ombudsman's investigation revealed that the request to receive information about the registration pertaining to the complainant was filed to the Police by a Military Police investigator who is not included among the officials permitted by the Rules to receive information concerning a "sealed registration", and the Police transmitted the information directly to him. As stated, the information given to the Military Police investigator included the erased conviction.

**5. The Ombudsman ruled that the complaint was justified.**

By law, the Investigating Military Police is entitled to receive information regarding a conviction that was erased but in this case the information had been both requested and received by an unauthorized person.

The Ombudsman pointed out to the Police that when it receives a request to transmit information from the Crime Register, it must ascertain carefully whether, in accordance with the binding provisions, the official is indeed authorized to request and receive such information. Furthermore, the Police must instruct the officials concerned to act accordingly.

Following the Ombudsman's ruling, the Police notified the Ombudsman that it would instruct the relevant officials in the Police to refer external bodies requesting information from the Crime Register to the Department for Criminal Information, which has the requisite professional knowledge

to examine the entitlement of the applying body to request and receive the information.

The Ombudsman indicated to the Military Police that its investigating officers had to ensure that only those officials authorized to receive criminal information in accordance with the Rules, may apply to the Police to receive information from the Crime Register and they should instruct their subordinates to act accordingly.

Following the Ombudsman's ruling, the Military Police notified the Ombudsman that it had issued a guideline, emphasizing that a request for information from the Crime Register and receipt of such information should be conducted in accordance with the Crime Register and Rehabilitation of Offenders Law, and in accordance with the regulations and the Rules, including in joint investigations by the Military Police and the Israel Police.

# ISRAEL LAND AUTHORITY

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## **10. PROVIDING MISLEADING REPLIES TO APPLICANT**

1. In August 2002 the complainants filed a complaint with the Ombudsman's office against the Israel Land Authority (hereafter - ILA). Following are the details of the complaint:

(a) In July 2001 the complainants applied to the Tel Aviv District Office of the ILA (hereafter - the District Office) requesting information regarding the procedures for purchasing rights in a plot managed by the ILA (hereafter - the plot). In August 2001 the complainants sent an additional letter, writing that it had come to their attention that the ILA was conducting negotiations with a financial body regarding the purchase of the plot, disregarding the requirement for a tender.

(b) In December 2001 the ILA responded: "We are currently examining the manner of allocating the land ... the allocation of the land will be in accordance with the Obligatory Tenders Law and its regulations. We are therefore unable to assent to the request for allocation without a tender."

(c) The complainants made additional applications to the District Office requesting to be informed of the date of the tender for purchase of the plot, asking that the ILA confirm that the plot had not been allocated to any other body without a tender.

(d) In June 2002 the District Office informed the complainants that "the allocation of the land will be in accordance with the Obligatory Tenders

Law and its regulations" and that it was unable to give them any information regarding a transaction to which they were not a party.

(e) In their complaint to the Ombudsman, the complainants contended that the ILA was suspiciously avoiding giving them clear answers regarding the plot.

(f) In August 2002, after the complaint had been filed with the Ombudsman, the District Office notified the complainants that the allocation of the land had been conducted in accordance with the Obligatory Tenders Law, 5752-1992 (hereafter - Obligatory Tenders Law) and the Obligatory Tenders Regulations 5753-1993 (hereafter - Obligatory Tenders Regulations). The District Office once again informed the complainant that it was unable to give them information regarding a transaction to which they were not a party, in view of the legal provisions relating to the right of privacy.

2. The Ombudsman's investigation revealed the following:

(a) On the date on which the complainants had first applied to the ILA in July 2001, the management of the ILA had already given its approval in principle to allocate the plot to a particular company (hereafter - the company) without a tender, in return for the company's waiver of a plot in another place. In February 2002 the management gave its final approval to the transaction with the company.

In June 2002, about ten days after the District Office's response that the allocation of the plot would be in accordance with the Obligatory Tenders Law, the company paid the ILA the consideration for the transaction.

(b) In its response to the Ombudsman's enquiry, the District Office claimed that in its opinion the complainants had received substantive replies to their enquiries and that the allocation had been conducted

lawfully in accordance with the exemption granted under regulation 25 of the Obligatory Tenders Regulations. According to the Regulations, a contract with the ILA for a land transaction concerning land under ILA management is exempt from tender *inter alia* if the contract is for the grant of land rights in consideration of a waiver of land rights.

(c) In reply, the Ombudsman asked the District Office to explain what had prevented it from informing the complainants that negotiations were being conducted in respect to the plot, in response to the complainant's letters of Summer 2001 (when in fact, there was already a decision in principle regarding the transaction) or alternatively after the transaction's final approval in 2002.

The District Office reiterated that the ILA "does not make a practice of giving information to parties who are not party to the transaction" and that in its response to the complainant's enquiry, it had taken into account that the allocation was still in the preliminary stages.

(d) Nevertheless, the District Office stated that it would request the company's response to the complainants' request to receive details concerning the transaction, in accordance with the provisions of the Freedom of Information Law, 5758-1998 (hereafter - Freedom of Information Law).

Following the District Office's request, the company expressed its objection to giving information to the complainants. The District Office rejected the objection and gave notice accordingly. Since the company failed to file a petition with the Administrative Court within 30 days as stipulated by section 17(a) of the Freedom of Information Law, the District Office gave the complainants the particulars of the transaction.

(e) The ILA management further claimed that the complainants had not requested information in the manner prescribed in the Freedom of

Information Law and that in any case, according to section 9(b)(3) of the Freedom of Information Law, a public authority is not obligated to impart information regarding the particulars of negotiations with another body or person external to the authority.

**3. The Ombudsman ruled that the complaint was justified.**

The ILA's responses to the complainants from December 2001 to June 2002 were not consistent with the facts; in fact they misled the complainants into thinking that a tender was about to be issued in respect of the plot.

If the ILA believed that the complainants were required to request the information by filing an application in accordance with the Freedom of Information Law, it should have informed them of this when the complainants first enquired of it.

The ILA's actions as stated contravened the rules of proper administration and the Ombudsman notified it to that effect.

4. Following the Ombudsman's ruling, the Director of the ILA informed the Ombudsman that it had instructed the District Office managers to ensure that they give clear answers which do not mislead their recipients, in accordance with the principle of transparency and subject to the Freedom of Information Law.

# EMPLOYMENT AUTHORITY

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## **11. DISMISSAL DUE TO EXPOSURE OF ACTS OF CORRUPTION**

1. On February 18, 2003 the complainant, an employee of the Employment Authority (hereafter - the Authority), filed a complaint with the Ombudsman in which he contended that his superiors in the Authority were conspiring against him in response to his having reported acts of corruption which in his opinion had occurred in the Authority. Following are the details of the complaint:

(a) The complainant began working in the Authority in February 1998, having the status of a temporary employee. In October of that year his employment was terminated but he was returned to work in the Authority in April 2000 and employed as a placement clerk in one of the Authority's branches (hereafter - the Branch) with the status of a temporary employee.

(b) The complainant claimed that he began to suspect that the Branch manager (hereafter - the Manager) was forging the complainant's work attendance card so that it showed a deficit of many hours, and was also forging his own attendance cards and those of other employees too. In order to verify his suspicions, at the end of each month the complainant photocopied his own attendance card, the Manager's card and that of another employee in the Branch.

(c) On August 19, 2002, following an argument with the Manager, the complainant submitted the photocopies of the attendance cards to the

Director General. He claimed that these attested to forgeries made on the cards. The information was given to an internal auditor of the Authority and thereafter to the Civil Service Commission.

Upon receiving the information, the Director General of the Authority sent the complainant on forced vacation until an alternative place of work was found for him and he was not returned to work in the Branch; instead, he began working as the coordinator of the appeal committee.

(d) On November 19, 2002 the complainant filed a complaint with the Ombudsman contending that the Authority was about to dismiss him because he had reported acts of corruption. However, the Authority notified the Ombudsman that the decision to dismiss the complainant had been suspended and that he had been transferred to another position in order to give him an additional opportunity to prove his suitability for work.

(e) The complainant claimed that the Authority's management was conspiring against him: he had no permanent place to sit, he was forbidden from entering some of the branches, his boarding and lodging reports were not approved and the Authority intended to dismiss him, ostensibly on the basis of cutbacks.

(f) On March 20, 2003 the Authority notified the complainant of its intention to dismiss him. At the Ombudsman's request, the Authority stayed the dismissal proceedings until completion of the investigation of the complaint.

2. The complaint was investigated in accordance with sections 45A-45E of the State Comptroller Law, 5718-1958 [Consolidated Version] (hereafter - the Law), which deal with a complaint filed by a public servant concerning an infringement of his rights by his superior in response to his reporting in good faith and in accordance with proper procedure, acts of corruption committed in the body in which he is employed.

The Ombudsman's investigation revealed the following:

(a) The Authority's management (hereafter - the Management) denied that the measures adopted against the complainant were in response to the complainant's reporting his suspicions regarding the forging of attendance cards.

(b) The Management claimed that the complainant had been accepted for work in the Authority in February 1998 due to his political connections and had been dismissed some eight months later, both because the employee he had replaced had returned to work and because of his unsatisfactory performance. The Management contended that in April 2000, the complainant was returned to work in the Authority due to heavy pressure exercised by political elements.

(c) According to the Management, during the entire period of his employment in the Authority the complainant had been an unsatisfactory employee and his superiors had many complaints about his performance. Already on July 20, 1998 the manager of the branch in which he worked had written to the Management, raising claims of his unsatisfactory performance, his harassment of women seeking work and his receiving of perks. The superior also had complaints regarding the complainant's performance but had failed to put them in writing, being fearful of the complainant's political connections with elements both internal and external to the Authority.

(d) The investigation revealed that during the entire period of the complainant's employment his superiors had not filed a periodic report about him and the Management informed the Ombudsman that the Authority did not make a practice of filing periodic reports on its employees.

(e) The Management claimed that the complainant's notification of August 19, 2002 regarding his suspicions concerning the forging of attendance cards had created a situation in which it was impossible to continue employing him in the Branch. The Management wished to transfer him to another branch, but the branch managers and their employees refused to accept him because in their opinion he was a problematic employee. As a result, the Management was considering his dismissal.

(f) The Authority claimed, as stated, that the complainant's appointment on September 17, 2002 as a coordinator in the appeal committee department was exclusively in order to find him work and to provide him with an additional opportunity to prove his suitability for work in the Authority, despite the fact that there was no actual need for this position in the department. Consequently, in the framework of cutbacks required of the Authority and by reason of the complainant's unsatisfactory performance, it was decided to cancel the position and dismiss him.

3. (a) During the investigation of the complaint, the Management furnished the Ombudsman with different explanations for the decision to dismiss the complainant. Initially the dismissal was explained by cutbacks and later on by work unsuitability.

(b) The Ombudsman's investigation revealed that the Authority had indeed been requested to reduce its manpower quota and to dismiss employees, but the cutback process was subsequently frozen and not a single employee of the Authority had been dismissed.

(c) The investigation further revealed that the Authority had no documentation to substantiate its claim regarding the complainant's unsuitability for work in the Authority, nor had there been a fair and proper procedure required to establish the unsuitability of an employee to his position. The claims raised against the complainant in the above-mentioned

Branch manager's letter of July 20, 1998 were never actually examined by any other source in the Authority, nor was the complainant requested to respond to them. Similarly, with respect to his period of work as a placement clerk there was no written assessment of his work. While the Manager claimed to the Ombudsman that he had not been satisfied with the complainant's performance, there was no evidence that the complainant had been apprised to that effect and of the need to improve his work. Nor was there any indication that the possibility of his transferral to another position, or the termination of his employment, had been considered by the Authority prior to the complainant's submitting the photocopies of the attendance cards to the Director General.

(d) Notably, the current superior notified the Ombudsman that he was satisfied with the complainant's performance and was interested in his continued employment in the department.

(e) The Ombudsman's investigation revealed that the complainant's claims were well founded and that Authority employees had attempted to prevent his entrance into the branches, thus disturbing him in the discharge of his present duties.

(f) Regarding the failure to pay board and lodging reports submitted by the complainant, the Authority informed the Ombudsman that payment had been delayed due to suspicion of false reports of board and lodging by the complainant but that since the current manager had approved the reports, the Management had approved the payments in accordance with the complainant's reports, even though the suspicions were still being examined.

**4. The Ombudsman ruled that the complaint was justified.**

The investigation findings indicated that the complainant's notification of suspicion of acts of corruption which he believed had been committed in

the Authority, given in good faith and according to proper procedure, was the real basis for his transfer from one position to another and had also led the Authority to consider the termination of his employment.

The causal connection between the complainant's dismissal and his disclosure of acts of corruption is indicated *inter alia* by the following facts:

(a) The determination that the complainant was unsuitable for work in the Authority, both in his previous position and in his current position, was not properly substantiated by documentation.

(b) The complainant's placement in his current position cannot be seen as a sincere and authentic attempt to provide him the opportunity of proving his suitability, as claimed by the Authority, because from the beginning the Authority was of the opinion that the position was superfluous.

(c) The current manager was satisfied with the complainant's performance.

(d) The plan for a general cutback was frozen and only the complainant stood to be dismissed.

(e) The Authority's suspicions of the complainant having submitted false board and lodging reports were not grounds for dismissal due to unsuitability. Rather, they constituted a suspicion of a disciplinary offense, which should be handled in the framework of a disciplinary procedure.

5. Having established that there was a causal connection between the complainant's reporting of acts of corruption which he believed were occurring in the Authority and his transfer from his position that culminated in the decision to terminate his employment with the Authority, and having further considered the entirety of the circumstances, the Ombudsman decided to exercise his authority under section 45C(a) of the

Law to issue an order instructing the Authority management to continue employing the complainant in the Authority, in an appropriate position which answered the Authority's needs, and to provide him with appropriate work conditions.

In his decision the Ombudsman stated that the decision did not confer the complainant immunity against dismissal if indeed the general cutbacks plan was implemented and the employee was included in it for relevant reasons only. Furthermore, the decision did not prevent the Authority from substantively examining the complainant's suitability for employment in the Authority, this being subject to conducting a fair and appropriate procedure and to the factual substantiation of any decision.

6. The Management of the Employment Authority notified the Ombudsman that it would comply with the order issued by the Ombudsman.



# BROADCASTING AUTHORITY

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## **12. FAILURE TO GRANT RIGHT OF RESPONSE TO INTERNAL AUDIT REPORT**

A. Two complaints were filed with the Ombudsman against the Broadcasting Authority (hereafter - Authority) concerning failure to grant the right of response to an internal audit report prior to its submission.

### **Complaint A**

1. The complainant, who in the past served as Chairman of the Authority, filed a complaint with the Ombudsman against the Authority in March 2003. Following are the details of the complaint:

(a) On March 3, 2003 the internal auditor of the Authority (hereafter - Auditor) submitted an audit report to the Chairman of the Authority regarding a tender for the selection of a company charged with matching employees to managerial positions (hereafter - Report 1). In Report 1 the Auditor referred to the complainant's activities in the framework of his duties in the Authority.

(b) The complainant claimed that the Auditor had not given him a copy of Report 1 and had not enabled him to respond to its contents prior to the submission of the report to the Chairman of the Authority.

2. The Ombudsman's investigation revealed the following:

(a) The Auditor informed the Ombudsman that indeed, Report 1 had not been brought to the attention of the complainant prior to its submission to the Chairman of the Authority. As a result, he had not been given the opportunity to respond to the findings and conclusions of Report 1 regarding his actions.

(b) The Auditor informed the Ombudsman that the reason that the complainant had not been requested to respond to Report 1 was that there had been no contact with the complainant during the year after his resignation nor was his home or work address known. She further explained that she had assumed that due to his work, the complainant spent most of his time abroad.

(c) Following the Ombudsman's enquiry with the Auditor, on March 17, 2003 the Auditor gave the complainant a copy of Report 1 and requested his response to its contents. She further informed him that his response would be brought to the Audit Committee of the Authority when they discussed the report.

3. The Ombudsman ruled that the Auditor's explanations regarding the failure to give the complainant the right of response were unacceptable. It was inconceivable that there was no way of locating the complainant's address in order to forward him a copy of the report, which in fact the Auditor did following the Ombudsman's enquiry.

The Ombudsman indicated to the Auditor that upon receiving the complainant's response to Report 1, she was obligated to consider it and determine her conclusions and opinion with regard to its contents, and that until the procedures involved in preparation of the report had been completed, it could not be regarded as a final report.

4. On June 23, 2003 the Auditor informed the Ombudsman that after receiving the complainant's response on April 14, 2003, the report had been amended accordingly.

### **Complaint B**

1. The complainant was the legal advisor of the Authority. In April 2003 she filed a complaint with the Ombudsman against the Authority. Following are the details of the complaint:

(a) On February 23, 2003 the Auditor submitted to the Chairman of the Authority a report on the Jerusalem Symphony Orchestra NPO - Broadcasting Authority (hereafter - Report 2). On February 27, 2003 the Auditor submitted Report 2 to the Chairman of the Audit Committee of the Authority.

In Report 2 the Auditor referred to the complainant's activities in her capacity as a member of the managerial committee of the Jerusalem Symphony Orchestra NPO - Broadcasting Authority.

(b) The complainant claimed that the Auditor had not given her a copy of Report 2 and had not enabled her to respond to its contents prior to the submission of the report to the Chairman of the Authority and the Chairman of the Audit Committee of the Authority.

2. The Ombudsman's investigation revealed the following:

(a) The Auditor informed the Ombudsman that indeed, Report 2 had not been brought to the attention of the complainant prior to its submission to the Chairman of the Authority and the Chairman of the Audit Committee of the Authority. As a result the complainant had not been given the opportunity to respond to the findings regarding her activities.

(b) However, the Auditor contended that a copy of Report 2 had been given to a representative of the Legal Department and that he had presumably brought it to the complainant's attention. It should be pointed out that in her letter to the Chairman of the Audit Committee dated March 12, 2003, the complainant responded to the contents of Report 2.

(c) The Auditor claimed to the Ombudsman that she had not forwarded Report 2 to the complainant in order to receive her response because she had relied on the audit procedure of the Authority which determined that a draft of the audit report was to be submitted to those in charge of the matter under audit, and that they had the right to respond on behalf of all the subordinate audited bodies referred to in the report, after having brought its findings to their attention. She claimed that by submitting Report 2 to the Chairman of the Authority she had complied with the audit procedure of the Authority.

3. The Ombudsman ruled that the Authority's audit procedure rules provide no exemption from the duty of acting in accordance with the rules of natural justice and audit principles, according to which any person liable to be harmed by the contents of an audit report has the right to respond to its contents prior to its submission to the relevant bodies.

4. On April 27, 2003 the Auditor informed the Ombudsman that the final version of Report 2 already included the complainant's comments regarding the report, which had been enumerated in her letter of March 12, 2003 to the Chairman of the Audit Committee, and that this report would be submitted for discussion in the Audit Committee.

On June 23, 2003 the Auditor notified the Ombudsman that following an additional letter from the complainant to the Chairman of the Audit Committee dated June 11, 2003, containing a correction of her previous

response to Report 2, the contents of this additional letter would also be included in the final report.

**B. The Ombudsman found that both of the complaints were justified.**

It is a fundamental principle of the rules of natural justice and audit that a person liable to be harmed by the contents of an audit report must be afforded the right to respond to its contents.

This right does not require explicit stipulation in rules and applies even when not explicitly referred to,<sup>1</sup> and as such, those dealing in audit must ensure its fulfillment within the framework of the audit activities being conducted.

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<sup>1</sup> H CJ 7805/00 *Roni Aloni - Member of Jerusalem Municipal Council v. Auditor of Jerusalem Municipality et al.* Tak-El 2003(2) 1121.



# **APPENDICES**



**Table 1**  
**Breakdown of Complaints according to Bodies Complained Against**  
 (1.1.2003 - 31.12.2003)

Bodies	New Cases		Cases Resolved During Report Year (Including Cases Received Previously)			
	Total Compl- aints	Total Subjects <sup>1</sup>	Number of Compl- aints	Number of Subjects	Subjects Resolved Substan- tively	Compl- aints Found Justified
<b>Prime Minister's Office</b>	19	21	18	19	16	7
<b>Ministry of Finance<sup>2</sup></b>	250	253	279	283	203	72
Income Tax	115	117	114	116	88	26
Capital, Insurance and Savings Department	48	48	57	57	35	16
<b>Civil Service Commission</b>	22	22	27	28	19	6
<b>Ministry of the Environment</b>	36	36	44	44	32	15
<b>Ministry of Defense<sup>2</sup></b>	73	73	79	80	42	8
Rehabilitation Department	39	39	46	47	26	5
<b>Israel Defense Forces</b>	91	93	97	99	41	18
<b>Ministry of Public Security</b>	4	7	6	9	4	3
<b>Israel Police Force</b>	321	327	338	345	147	60
<b>Prisons Service</b>	41	41	32	32	24	4
<b>Ministry of Construction and Housing</b>	173	173	173	173	84	8
<b>Housing Companies<sup>3</sup></b>	113	114	110	114	85	23
Amidar, the National Housing Company of Israel Ltd.	85	86	82	85	65	18
Others	28	28	28	29	20	5
<b>Ministry of Health</b>	146	147	166	171	98	18
<b>Health Funds<sup>3</sup></b>	136	137	145	147	89	25
Clalit Health Services	95	95	100	100	58	15
Others	41	42	45	47	31	10

1 Some of the complaints refer to more than one subject.

2 Detailed data have been presented only on bodies particularly subject to complaints - generally twenty five complaints or more.

3 Data have been presented on local authorities and other bodies against whom twenty five or more complaints were filed.

**Table 1 (Continued)**  
**Breakdown of Complaints according to Bodies Complained Against**  
 (1.1.2003 - 31.12.2003)

Bodies	New Cases		Cases Resolved During Report Year (Including Cases Received Previously)			
	Total Compl- aints	Total Subjects <sup>1</sup>	Number of Compl- aints	Number of Subjects	Subjects Resolved Substan- tively	Compl- aints Found Justified
<b>Ministry of Religious Affairs</b>	59	62	60	62	32	23
<b>Ministry of Foreign Affairs</b>	7	7	7	7	7	3
<b>Ministry of Education, Culture and Sport</b>	176	182	193	198	109	67
<b>Ministry of Agriculture and Rural Development</b>	14	14	14	14	6	2
<b>Ministry of Science and Technology</b>	1	1	2	2	2	1
<b>Ministry of Justice<sup>2</sup></b>	171	172	189	189	84	24
Legal Aid	28	29	33	33	17	2
State Attorney's Office	25	25	32	32	11	0
<b>Courts System<sup>2</sup></b>	182	182	202	202	54	16
Courts Administration and Courts	133	133	145	145	37	14
Execution Offices	48	48	56	56	17	2
<b>Ministry of the Interior</b>	342	346	337	344	192	41
<b>Ministry of Immigrant Absorption</b>	44	44	48	48	30	8
<b>Ministry of Social Welfare</b>	29	30	38	39	30	12
<b>Ministry of Transportation<sup>2</sup></b>	190	200	201	210	154	89
Licensing Division	85	93	96	104	74	48
<b>Ministry of Tourism</b>	7	7	6	6	5	1
<b>Ministry of Industry, Trade and Employment</b>	100	100	109	110	65	29
Employment Service	77	79	84	86	30	8
<b>Ministry of Communications</b>	12	12	15	15	11	3

**Table 1 (Continued)**  
**Breakdown of Complaints according to Bodies Complained Against**  
 (1.1.2003 - 31.12.2003)

Bodies	New Cases		Cases Resolved During Report Year (Including Cases Received Previously)			
	Total Compl- aints	Total Subjects <sup>1</sup>	Number of Compl- aints	Number of Subjects	Subjects Resolved Substan- tively	Compl- aints Found Justified
<b>Bezeq, Israel Telecommunications Corporation Ltd.</b>	89	91	85	87	51	17
<b>Postal Authority<sup>2</sup></b>	116	120	96	99	74	22
Postal Bank	26	27	15	15	13	1
<b>Ministry of National Infrastructure</b>	29	30	34	35	16	9
<b>Israel Lands Administration</b>	93	93	101	101	56	26
<b>Bank of Israel<sup>2</sup></b>	43	43	39	39	32	1
Supervisor of Banks	33	33	32	32	26	4
<b>National Insurance Institute</b>	648	682	680	717	527	190
<b>Broadcasting Authority</b>	188	191	173	175	147	85
<b>Local Authorities<sup>3</sup></b>	1,282	1,323	1,308	1,358	808	282
Jerusalem Municipality	92	96	79	81	53	19
Tel Aviv-Yaffo Municipality	132	136	145	150	85	22
Haifa Municipality	71	75	76	81	42	11
Beer Sheva Municipality	32	32	34	34	22	6
Bnei Brak Municipality	42	47	34	37	12	3
Bat Yam Municipality	30	31	18	18	11	6
Holon Municipality	34	36	46	49	28	9
Netanya Municipality	29	30	30	31	22	10
Petach Tikva Municipality	33	33	22	22	9	1
Rishon Lezion Municipality	32	32	26	26	17	5
Rehovot Municipality	27	29	24	26	18	8
Ramat Gan Municipality	29	29	25	25	14	4
Other Municipalities	392	405	393	410	250	92

**Table 1 (Continued)**  
**Breakdown of Complaints according to Bodies Complained Against**  
 (1.1.2003 - 31.12.2003)

Bodies	New Cases		Cases Resolved During Report Year (Including Cases Received Previously)			
	Total Compl- aints	Total Subjects <sup>1</sup>	Number of Compl- aints	Number of Subjects	Subjects Resolved Substan- tively	Compl- aints Found Justified
Local Councils	161	165	198	206	126	45
District Councils	69	69	84	85	57	28
Local Planning and Building Committees	44	45	46	49	24	7
Others	33	33	28	28	18	6
<b>Other Agencies<sup>3</sup></b>	161	162	179	181	100	18
Israel Electric Corporation Ltd.	44	44	50	50	34	5
Others	117	118	129	131	66	13
<b>Bodies Not Subject to Ombudsman Investigation</b>	644	644	664	664		
<b>Total</b>	<b>6,129</b>	<b>6,261</b>	<b>6,378</b>	<b>6,532</b>	<b>3,506</b>	<b>1,250</b>

**Table 2**  
**Breakdown of Complaints according to Principal Subject**  
 (1.1.2003 - 31.12.2003)<sup>1</sup>

Subject	Total Complaints Received	Cases Resolved During Report Year (Including Cases Received Previously)		
		Total Subjects <sup>2</sup>	Substantively Resolved	Found Justified
<b>A. Welfare Services</b>	1,548	1,634	1,119	338
1. Housing	316	304	185	35
Improving housing conditions	61	55	31	1
Construction defects	36	41	29	12
Immigrant housing	50	46	24	5
Entitlement by criteria	28	31	21	2
Arrangements for paying rent	49	50	34	3
2. Welfare	243	253	206	40
Income support benefit	122	105	77	28
Social Workers	28	30	29	2
3. Education	191	219	139	74
Schools	79	96	54	28
Kindergartens	27	28	15	4
Higher Education	51	55	41	28
4. Disabled persons	218	249	155	55
Disabled persons (general)	189	211	133	50
IDF/defense agencies disabled persons	29	38	22	5
5. National Insurance	386	408	319	110
Insurance premiums	87	105	88	32
Unemployment payments	29	35	26	5
Return of overpaid pension payments	37	26	24	11
Child Allowance	28	24	20	10
Work-related injuries	33	40	29	12

1 The numbers under the headings of the principal subjects and the numbered sub-headings, which classify the sub-subjects, relate to principal matters that the complaints involved. Some of the complaints in each subject or sub-subject relate to matters that cannot be classified according to significant groups and are, therefore, not included in the table. As a result, the numbers appearing alongside the headings are not identical to their sum total.

2 The overall number of subjects of complaints appearing in this table is larger than the number of complaints received, because many complaints relate to two or more subjects.

**Table 2 (Continued)**  
**Breakdown of Complaints according to Principal Subject**  
 (1.1.2003 - 31.12.2003)<sup>1</sup>

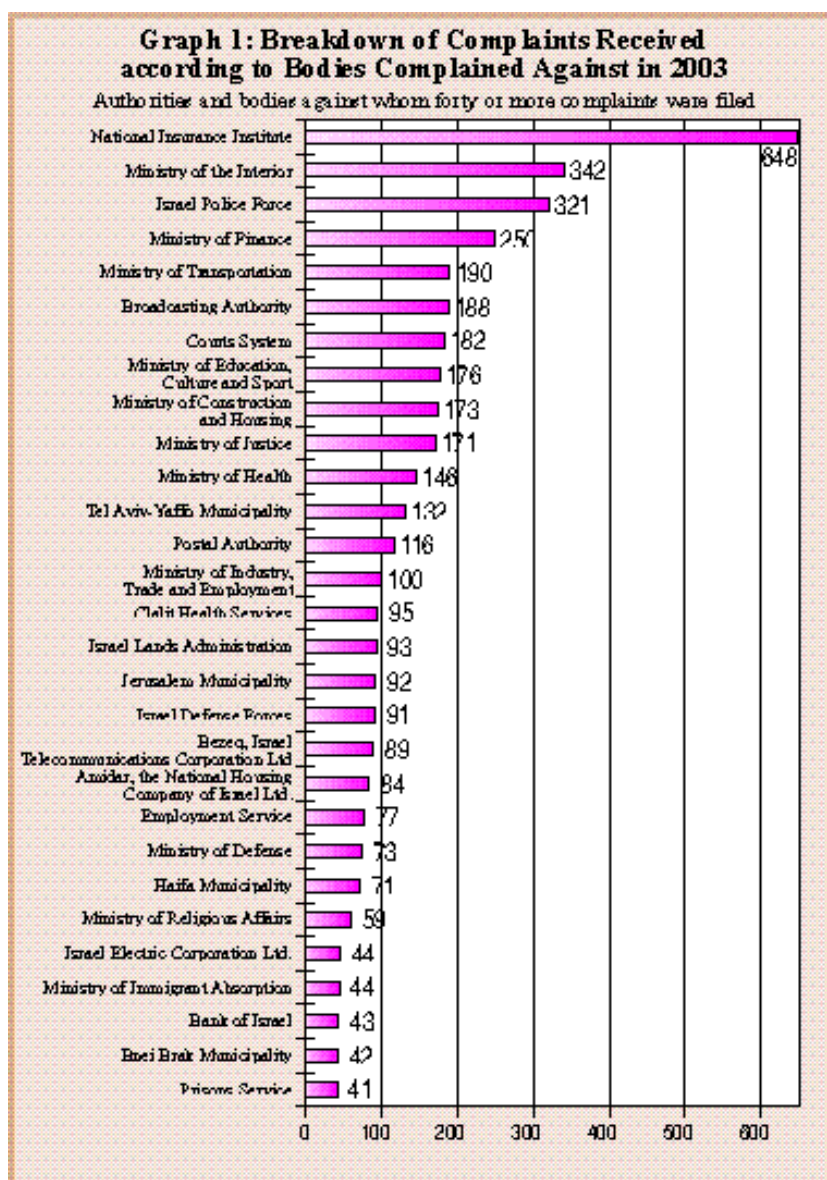
Subject	Total Complaints Received	Cases Resolved During Report Year (Including Cases Received Previously)		
		Total Subjects <sup>2</sup>	Substantively Resolved	Found Justified
6. Health	194	201	115	24
National Health Insurance	115	115	68	17
<b>B. Services by Local Authorities</b>	638	630	320	140
Nuisances and hindrances	190	202	113	60
Building and building permits	210	198	82	33
Roads, sidewalks and garbage disposal	65	58	30	11
Fines for parking in violation of municipal by-laws	83	67	35	10
<b>C. Provision of public services</b>	1,037	1,071	669	315
Failure to provide response	526	549	361	202
Population Registry matters	140	140	79	13
Faulty service to citizen in public institution	71	61	44	27
Improper conduct by public servant	53	63	43	11
<b>D. Telephone and postal services</b>	151	137	96	32
Telephone services	79	72	46	13
Postal services	72	65	50	19
<b>E. Taxes and fees</b>	526	553	409	152
1. Income tax	77	82	68	16
2. Radio and television fees	160	141	126	71
3. Local authorities' taxes and fees	247	278	176	53
Municipal property tax	160	165	98	29
Water charges	45	61	43	12
<b>F. Employees' rights and employment</b>	324	367	164	53
Wages and salary	51	42	22	12
Dismissal and severance pay	26	28	8	2
Employment	83	96	43	10

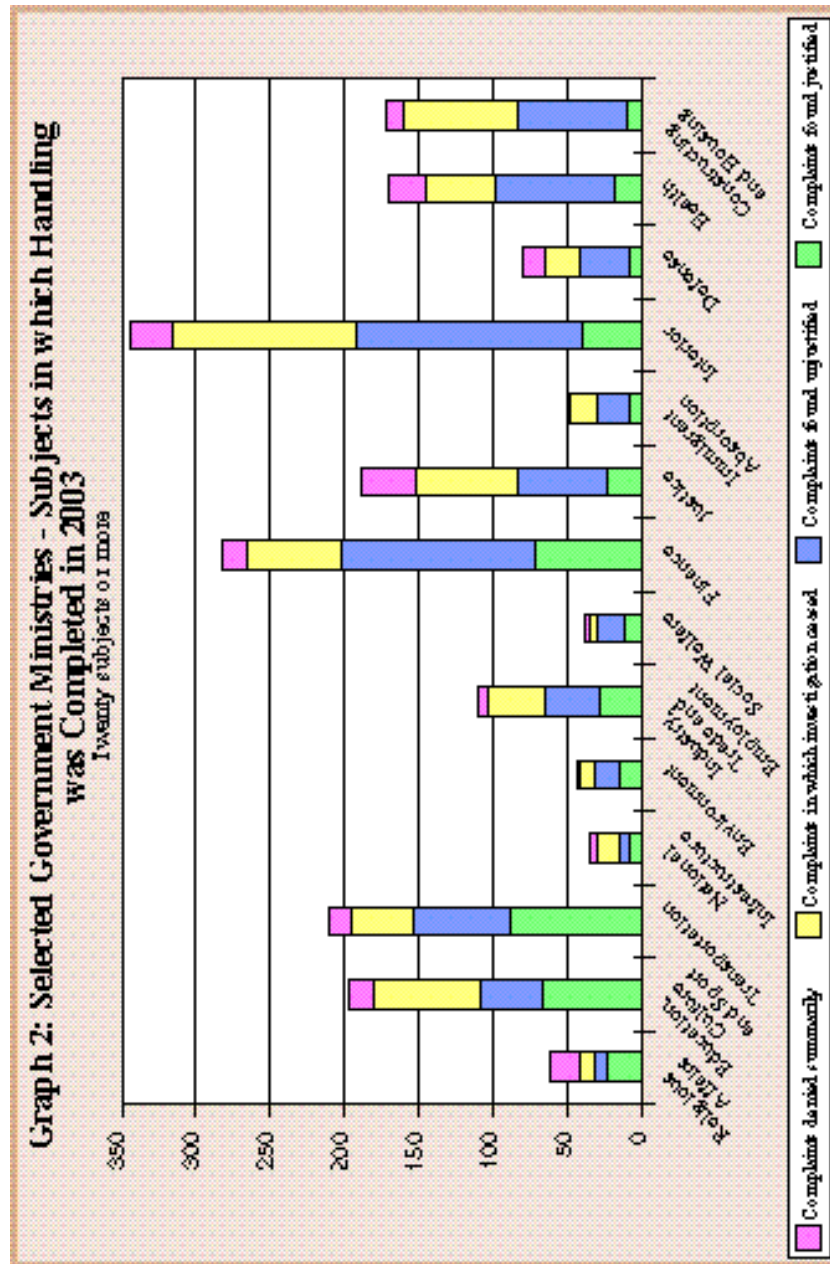
**Table 2 (Continued)**  
**Breakdown of Complaints according to Principal Subject**  
 (1.1.2003 - 31.12.2003)<sup>1</sup>

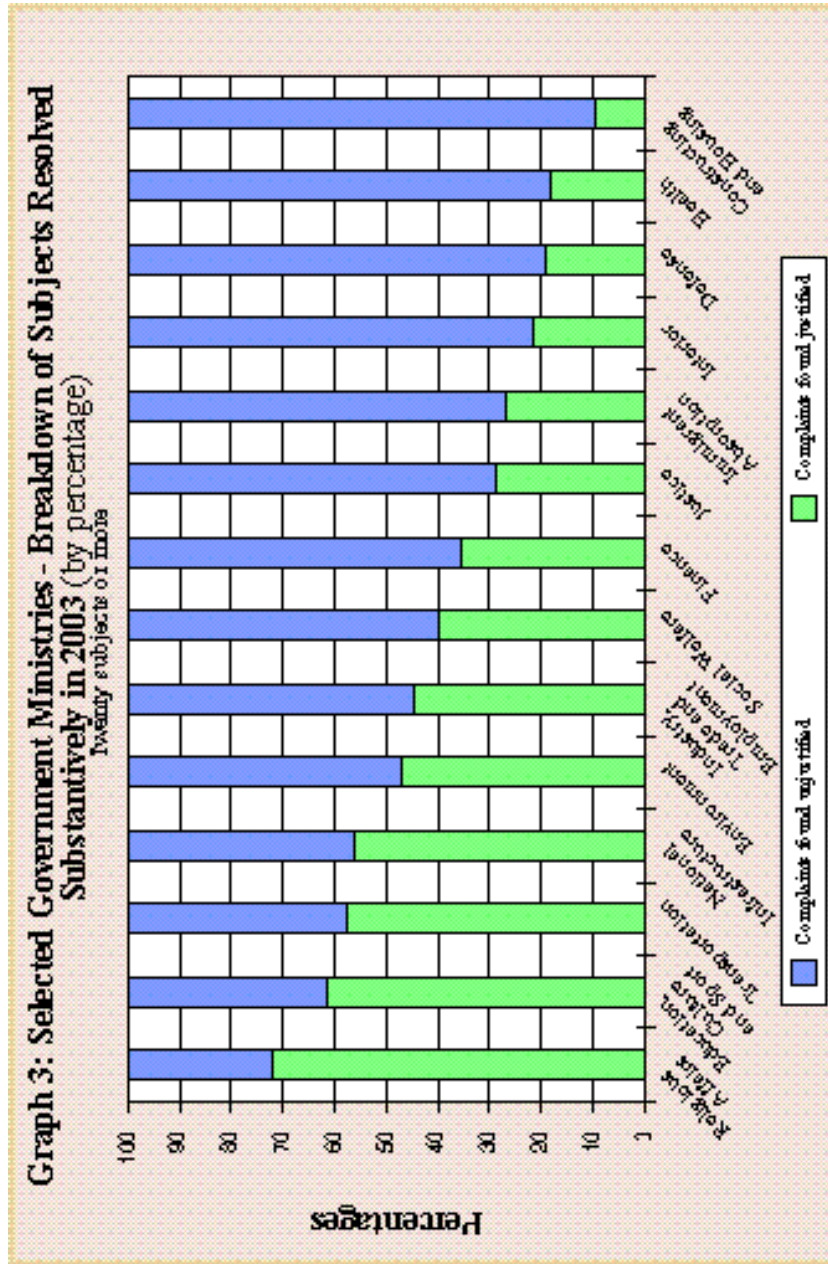
Subject	Total Complaints Received	Cases Resolved During Report Year (Including Cases Received Previously)		
		Total Subjects <sup>2</sup>	Substantively Resolved	Found Justified
<b>G. Miscellaneous</b>	2,037	2,140	729	220
1. Police	315	334	136	50
Traffic violations	68	67	23	11
Failure to handle complaints	59	66	29	12
2. Courts	156	163	37	11
Judicial ruling	28	28	2	1
State Attorney's Office	34	36	12	2
3. Legal Aid	27	31	17	2
4. Prisoners	34	30	22	4
5. Execution Office	47	54	16	2
6. Transportation	141	144	86	31
Motor Vehicle	75	81	48	20
Public transportation	49	52	32	8
7. Purchase and expropriation of land	61	73	37	13
8. Lease and consent fees	27	26	15	6
9. Minorities - Unification of families	71	68	42	1
10. Banks	49	40	36	3
11. Electricity	39	42	31	6
12. Tenders for work and services	32	37	23	6
13. Israel Defense Forces	43	52	18	8
14. Objections to procedures for investigating complaints	51	57	31	14
<b>Total<sup>2</sup></b>	<b>6,261</b>	<b>6,532</b>	<b>3,506</b>	<b>1,250</b>

<sup>2</sup> The overall number of subjects of complaints appearing in this table is larger than the number of complaints received, because many complaints relate to two or more subjects.

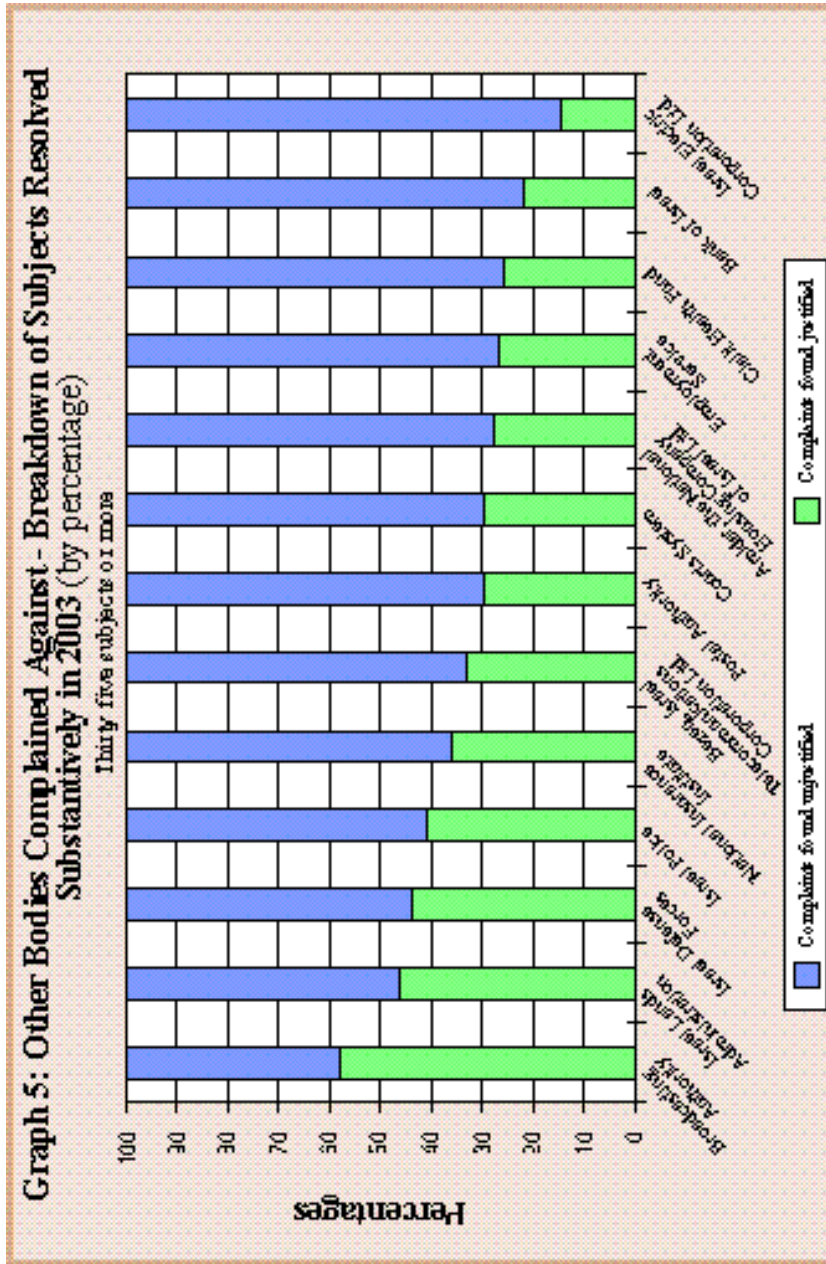




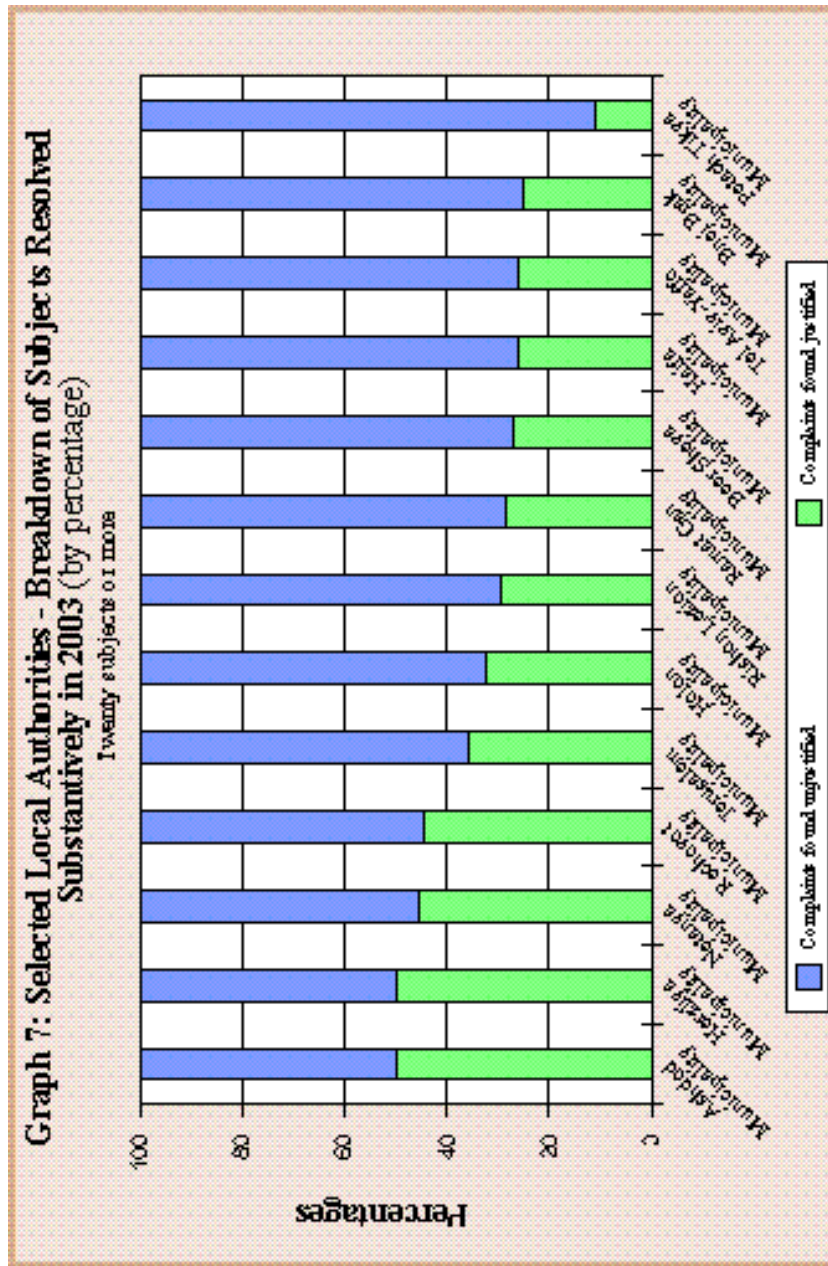














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## **Offices of the Ombudsman and Branch Offices Accepting Oral Complaints: Addresses and Reception Hours**

### **Main Office, Jerusalem**

12 Beit Hadfus Street, Givat Shaul, PO Box 1081, Jerusalem 91010

Telephone 02-6665000, Fax 02-6665204

### **Tel Aviv Office**

19 Ha'arba'ah Street, PO Box 7024, Tel Aviv-Yaffo 61070

Telephone 03-6843555, Fax 03-6851512

### **Haifa Office**

12 Omar al-Kayyam Street, Hadar Hacarmel, PO Box 4394, Haifa 31043

Telephone 04-8673291, Fax 04-8642588

### **RECEPTION HOURS**

Sundays – Thursdays, 8:30 A.M.-12:30 P.M.

Wednesdays, also from 3:00 P.M.-5:00 P.M.

**E-Mail**    [ombudsman@mevaker.gov.il](mailto:ombudsman@mevaker.gov.il)