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LEGAL UPDATE

Ethiopia Replaces Its Access to Information Regime with a Dedicated and Enforceable Statute

Access to Information Proclamation No. 1427/2026 | Federal Democratic Republic of Ethiopia



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1. Introduction

Ethiopia is poised to enter a new chapter in the relationship between the public and the institutions that serve it. The Access to Information Proclamation No. 1427/2026 (the "Proclamation"), published in the Federal Negarit Gazette No. 55 of 26 August 2026, establishes a stand-alone statute governing the right to seek, receive, and impart information held by public bodies and by certain private organisations. It repeals Part Three of the Freedom of the Mass Media and Access to Information Proclamation No. 590/2008, which previously housed the subject within a broader media law, and it provides that any request, complaint, or appeal still pending under that Part shall be concluded under the former law.

The preamble records the legislature's own assessment that placing freedom of information within a single mixed proclamation had prevented the development of adequate detail, a complete administrative system, and transparency in implementation. The Proclamation is presented as the response to that assessment. It gives effect to Article 29 of the Constitution, assigns supervisory authority to the Ethiopian Institution of the Ombudsman, and takes effect upon publication in the Gazette. It further provides that, save for the Constitution, it prevails over any other law or administrative decision that restricts or prohibits disclosure by a public body or private organization.

2. Who Is Bound, and Who May Ask

The Proclamation draws a wide circle of persons entitled to make a request. Any person, whether natural or juridical, may seek access to information or records held by a public body, including information about that person. Mass media organisations are expressly recognised as requesters. The definition of a public body extends to institutions at federal and regional level, to bodies owned by or accountable to government, and to public enterprises. Addis Ababa and Dire Dawa are treated as regions for the purposes of the Proclamation.

The position of private organisations deserves careful attention. A private organisation is bound only where it performs a government function or where the government holds a financial or shareholding interest in it, and even then the right of access attaches only to information concerning that function or shareholding. Businesses with a government equity participant, or those that exercise delegated administrative functions such as the granting of permits or the provision of education, health, or transport services, should therefore anticipate obligations that did not previously form part of their compliance planning.

3. A Statutory Presumption in Favour of Disclosure and a Reversed Burden

The most consequential structural feature of the Proclamation is the allocation of the burden of proof. Where a refusal or any other act concerning access is challenged, it is the public body or private organization that must demonstrate that its decision is lawful and consistent with the Proclamation. A requester is not obliged to state the reason for a request, except in an urgent case, and the motive of the requester, whether stated or presumed, may not be used to restrict access. Information supplied is presumed to be accurate in content and form.

The practical consequence is that the institutional default shifts from confidentiality towards openness. A refusal must be grounded in a specific exemption, must be communicated in writing with reasons, and must inform the requester of the right to complain.

4. Proactive Publication, Records Management and Information Officers

The Proclamation is not confined to responding to requests. Every public body is placed under a continuing duty to publish information about itself without being asked. This includes its structure, powers, services, procedures and fees, governing legal instruments, and the identity of its information officer. Public interest information, including budgets, expenditure, audit documents, procurement processes, tender results, and contract agreements, must be published or notified within thirty days of its creation or discovery. Private organisations within the scope of the law must publish a description of available information at least annually, including, among other matters, the remuneration of their officials and employees.

Supporting these duties, the head of each institution bears primary responsibility for compliance, must designate one or more information officers, and must ensure their training and authority. Public bodies must also maintain, computerise, and preserve their records, and must retain information for twenty-five years. Taken together, these provisions seek to ensure that the information requested is in fact available, organised, and retrievable.

5. Exemptions: Defined Categories, Qualified by a Public Interest Test

The Proclamation contains an extensive catalogue of exemptions. These include personal information of third parties, commercial and confidential information of third parties, information whose disclosure would endanger the safety of persons or property, law enforcement and investigation material, privileged communications, defence and national security information, international relations, economic and financial information, the commercial information of government bodies, Cabinet documents, internal deliberative processes, and examination and recruitment materials before their completion.

Several safeguards temper these categories. A refusal is not permitted unless the harm to the protected interest outweighs the public interest in disclosure, and the information

officer is required to verify this before refusing. Documents containing both exempt and non-exempt content must be severed rather than withheld in full. Exemptions in the principal categories lapse after twenty-five years, and classified information loses its secrecy after twenty, ten, or five years depending on its classification, although release may still be withheld where safety, security, economic interests, or international relations would be endangered. Information concerning environmental or public safety risks, evidence of unlawful conduct, and the expenditure of public bodies are specifically identified as matters that may be disclosed notwithstanding certain commercial exemptions.

Businesses should note a procedural protection of direct relevance to them. Where a body intends to disclose information concerning a third party, it must notify that party in writing within seven days, the third party has seven days to object, and the information may not be released until the period for appeal has expired or an appeal has been decided.

6. The Request Process: Time Limits, Fees and Format

A request may be submitted in writing, electronically, or orally where the applicant cannot write, to the information officer or directly to the department believed to hold the information. No fee is chargeable for submitting a request, and a receipt must be issued. The standard response period is twenty-one working days, extendable by not more than fourteen days on specified grounds, and an urgent request concerning danger to life, property, or physical safety, or a time-sensitive request by the media, must be answered within forty-eight hours. A failure to respond within the prescribed period is deemed a refusal without sufficient cause.

The fee regime is restrictive. No charge may be made for searching, collecting, or reviewing a document, and any fee may not exceed the actual cost of reproduction. Reproduction fees are not chargeable for personal information, for persons lacking the means to pay, for electronic copies, and in certain other cases. Information is to be provided in the language and format requested, subject to practical limits. A request may nevertheless be refused where it is framed too broadly despite assistance, where compliance would disproportionately divert resources, or where the information is already published.

7. Oversight, Complaints and Appeals

The Proclamation constructs a layered system of redress. A dissatisfied requester may first lodge a complaint with the head of the institution within twenty days, who must decide within forty-eight hours in urgent matters and within ten working days in ordinary matters. Silence on the part of the head operates as an affirmation of the original decision. The requester may then appeal in writing to the Chief Ombudsman within twenty days. The Chief Ombudsman may negotiate or conciliate, summon persons, examine withheld material under conditions of confidentiality, set aside decisions, order compliance, and

impose administrative measures. Decisions of the Chief Ombudsman must be executed within twenty-four hours in urgent cases and ten days in other cases, failing which the matter may be referred to the competent court for enforcement. A party aggrieved by the decision of the Chief Ombudsman may appeal to the Federal High Court or the relevant Regional Supreme Court within twenty days.

The Ethiopian Institution of the Ombudsman is further empowered to audit compliance, to supervise private organisations, to report persistent defaulters to the House of Peoples' Representatives, and to conduct training and awareness programmes. The Proclamation also directs it to act independently and neutrally. A Sector Ombudsman for information freedom is to be appointed by the House.

8. Liability and Protection

The Proclamation attaches criminal consequences to specified conduct. The destruction, alteration, concealment, or falsification of records with intent to infringe access is punishable by imprisonment of up to five years, a fine of up to one hundred thousand Birr, or both. Lesser penalties apply to the repeated failure to respond, to non-execution of the Institution's decisions, to the refusal to accept a request, and to a failure to publish public interest information.

The Proclamation also affords protection. Officers and employees who act in good faith are shielded from criminal and administrative liability, as are persons who in good faith disclose information revealing an offence or a serious danger to public health, safety, or the environment. At the same time, the use or dissemination of information obtained under the Proclamation in a distorted manner is prohibited, and is punishable by rigorous imprisonment of between one and two years. Imprisonment of journalists before a conviction in respect of such conduct is prohibited. The scope of this offence and the standard by which distortion will be judged are matters on which practice and judicial interpretation will be of considerable importance.

9. Observations on Implementation

The Proclamation delegates considerable operational detail to subsequent instruments. Regulations may be issued by the House of Peoples' Representatives, and the Ombudsman Institution is to issue directives on matters including request forms, fee rates, systemic investigations, reporting, and supervision. Until these are in place, the practical operation of several procedures will remain unsettled.

Several additional points warrant observation. The application of the law to private organisations is limited to government-linked functions and shareholdings, which narrows the reach of the transparency obligation. The exemptions are numerous, and some employ broad formulations such as prejudice to international relations or economic interests, so that outcomes will depend heavily on how officers and the Ombudsman apply the public interest test. The deemed affirmation of a decision where the head fails

to respond may also limit the effectiveness of the internal complaint stage. Finally, the record-retention and proactive-publication duties will require institutions to invest in systems, personnel, and training if compliance is to be achieved in practice.

10. What This Means for the Public, Businesses and Institutions

For individuals, journalists, and civil society organisations, the Proclamation supplies a defined procedure, fixed timelines, limited costs, and an independent avenue of review. For public bodies and public enterprises, it creates obligations that extend beyond answering requests, including the maintenance of records, the proactive release of financial and procurement information, the appointment of trained officers, and exposure to audit and sanction. For businesses, the implications operate in two directions. Enterprises that contract with government or that are partly state-owned should expect that contract agreements, performance reports, and related documents may be published or requested, and should consider including appropriate notification and confidentiality arrangements in their agreements. Businesses supplying confidential or commercially sensitive material to public bodies should identify such material clearly, because the Proclamation grants them notice and objection rights before disclosure. Enterprises carrying out government functions or with state shareholding should review their internal records systems and designate an information officer.

11. Conclusion

The Access to Information Proclamation No. 1427/2026 constitutes a substantial restructuring of the legal framework governing public access to information in Ethiopia. It consolidates the right of access in a dedicated law, prescribes duties for publication and record-keeping, defines exemptions subject to a public interest test, and establishes an enforcement system led by the Ethiopian Institution of the Ombudsman. Its practical value will depend on the content of the implementing regulations and directives, the capacity of institutions to comply, and the manner in which the Ombudsman and the courts apply its provisions. Public bodies, enterprises with government links, and businesses that deal with public institutions are advised to assess their position under the Proclamation at an early stage.

Disclaimer

This legal update has been prepared on the basis of the draft regulation and not on the final version. The text, numbering, and content of the provisions discussed may therefore differ from the instrument as finally adopted. It is provided for general informational purposes only and does not constitute legal advice. The application of the law may depend on the specific circumstances of an institution, business, or transaction, and professional legal advice should be obtained before any action is taken in reliance on it.

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