

LAW

ON AMENDMENTS TO THE LAW ON FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE

Article 1

In the Law on Free Access to Information of Public Importance ("Official Gazette of RS", nos. 120/04 and 54/07) in Article 12 the full stop at the end of the sentence shall be amended with a comma and the following shall be added: "and inform him that the remaining content of the document is not available".

Article 2

The title above Article 16 shall be amended as follows: "Execution of Requests".

In Paragraph 3 of Article 16 after the word: "shall", the word: "promptly" shall be erased, a coma inserted and the following shall be added: "within seven days from the receipt of the request at the latest,".

In Paragraph 10 after the words: "it shall be obliged to" the following shall be added: "without delay, and within 15 days from the receipt of the request at the latest,".

Article 3

In Paragraph 2 of Article 18, the full stop at the end of the sentence shall be amended with a coma and the following shall be added: "and where applicable, in the requested form".

Article 4

In Paragraph 1 of Article 22 the following shall be erased: " within 15 days from the receipt of the public authority's decision ".

Item 1) shall be amended as follows:

„1) the public authority shall reject or deny the applicant's request, within 15 days from the receipt of the decision or another document."

In item 5) the full stop at the end of the sentence shall be erased and the word: "or" added.

After item 5), item 6) shall be added as follows:

„6) the public authority makes it harder of impossible, in any other way, for the applicant to exercise his/her right to free access to information of public importance, in contravention to the provisions of this law. ".

Article 5

Par. 4 and Par. 5 shall be added to Article 24, as follows:

"The Commissioner shall in his decision order the public authority to provide free access to information of public importance to the applicant, when it determines that there were grounds for complaint.

If the public authority, after the filing of the complaint for not acting upon request, and before reaching a decision on the complaint, provides access to information to the applicant, or reaches a decision on the request, the Commissioner

shall make a conclusion and discontinue appellate proceedings. The appellate proceedings shall be discontinued when the applicant decides to drop the complaint.”

Article 6

In the title above Article 27 after the word: “decisions” the following shall be added: “and conclusions”.

After Paragraph 1, Paragraph 2 shall be added as follows:

”Administrative dispute regarding exercise of the right to free access to information of public importance shall be urgent.”

Article 7

The title above Article 28 shall be amended as follows: “Obligatory Character and Execution of the Commissioner’s Decisions”.

Paragraph 1 of Article 28 shall be amended as follows:

”The Commissioner’s decisions shall be obligatory, final and executive.”

In Paragraph 2 the words: “and conclusions” shall be erased.

After Paragraph 2 a new Paragraph 3 shall be added as follows:

”The government of the Republic of Serbia shall provide the enforcement of the Commissioner’s decisions and may further determine the manner of enforcement of the decision, if necessary.” „

Article 8

In Paragraph 2 of Article 34 the words: “the National Assembly”, shall be amended as follows: “Administrative Committee of the National Assembly”.

Article 9

In Item 7) of Article 35, the full stop at the end of the sentence shall be erased and the following shall be added: “and other laws.”

Article 10

In the title above Article 38 after the word: „authority” the following shall be added : “and the protection of the source of information of public importance”.

In Paragraph 1 of Article 38 the words: “Public authority” shall be amended as follows: “responsible person of the public authority”.

In Paragraph 3 the words: “the head of the public authority shall be in charge” shall be amended with the following: “the responsible person of the public authority shall be in charge.”.

After Paragraph 3, Paragraphs 4 to 8 shall be added as follows:

”The employee of the public authority who has provided access to information of public importance, whose access cannot be restricted pursuant to Articles 9 and 14 of the Law, as well as to the information to which access has already been granted, pursuant to the Law, can neither be held liable, nor bear injurious consequences on that account, on condition that the information indicates existence of corruption, exceeding of powers, irrational disposal of public funds and illegal action or dealings of a public authority.

An employee has the right to protection under Paragraph 4 of this Article on condition that he has had cause to believe the accuracy of the information; that he

has neither asked for, nor received any benefit in relation to providing access to information; and that he has informed the competent person in the public authority, who has not taken any action towards resolving irregularities, before he provided access to the information.

An employee who is held liable or suffers any damage, in contravention of provisions of Par. 4 and Par. 5 of this Article, has the right to compensation from the public authority employing him.

An employee, who provides access to information of public importance pursuant to Paragraphs 4 to 7 of this Article, may be rewarded by the public authority employing him.

Provisions from Paragraphs 4 to 7 of this Article shall apply *mutatis mutandis* to public officials, contracted persons, as well as to persons receiving services from a public authority or persons having the status of a party in a procedure before a public authority."

Article 11

In the title above Article 40, after the words: "for", the following shall be added: „compiling and”.

In Article 40 after the words: "according to which", the following shall be added: "compiled and”.

Article 12

In Article 43 the words: "a state body authorized person" shall be amended with the following: "a state body, by 20th January, of the current year, for the previous year,".

After Paragraph 1, Paragraph 2 shall be added as follows:

„The data referred to in, Paragraph 1, Items 1) to 3) of this Article shall be presented as a total and individually for applicants in the following categories: citizens, media outlets, citizens' associations, political parties, public authorities and other applicants.”

Article 13

In Article 45 the words: "information affairs", shall be amended with: "administrative affairs”.

After Paragraph 1, Paragraph 2 shall be added as follows:

„Inspection of the implementation of the Law shall be performed by the ministry responsible for administrative affairs through administrative inspection.”

Article 14

Article 46 shall be amended as follows:

„A fine between 5,000 and 50,000 dinars shall be imposed upon the responsible person in a public authority, if the public authority:

- 1) conditions access to information with a proof of justified or other interest (Article 4);
- 2) Acts in contravention of the principle of equality (Article 6);
- 3) Discriminates against a journalist or a media outlet (Article 7);

4) Fails to specify the information medium, where and when the requested information was published (Paragraph 2 of Article 10);

5) Fails to communicate, i.e. fails to allow insight in a document containing accurate and complete information, and challenges accuracy and completeness of the published information, (Article 11);

6) Refuses to receive the applicant's request (Paragraph 1 of Article 15);

7) Does not keep special records (Paragraph 7 of Article 15);

8) Does not act upon the request for information pursuant to the Law, i.e. forwards incomplete or incorrect information (Article 16);

9) Conditions access to information with payment of expenses in the amount exceeding the prescribed one (Article 17);

10) Fails to issue the information in the requested form, despite existing technical possibilities to do so (Paragraphs 2 and 3 of Article 18);

11) Refuses to issue a copy of the document containing the information in the language in which the request was submitted, without grounds. (Paragraph 4 of Article 18);

12) In any other way, in contravention of provisions of the Law, precludes exercise of the right to free access to information of public information (Item 6, Paragraph 1 of Article 22);

13) Fails to allow the Commissioner insight into the information medium (Paragraph 2 of Article 26);

14) Fails to act upon the Commissioner's decision (Paragraph 1 of Article 28);

15) Does not maintain the information medium pursuant to the Law (Article 41);

16) Fails to conduct the training of the employees and instruct the employees on their obligations regarding the rights regulated by this Law. (Article 42);

17) Prevents the administrative inspector in performing inspection and fails to execute the decision of the administrative inspector (Paragraph 2 of Article 45).

Article 15

In Article 48 the words: "authorized person", shall be amended with: "responsible person".

Article 16

The Legislative Board of the National Assembly is authorized to determine the clarified text of the Law on Free Access to Information of Public Importance.

Article 17

This Law shall come into effect the eight day upon publication in the "Official Gazette of the Republic of Serbia".