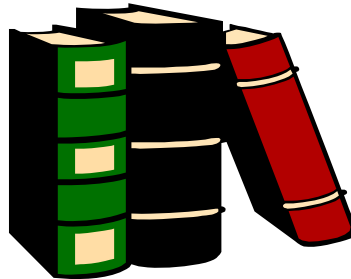




Emerika Bluma 1, 71000 Sarajevo
Tel. 28 35 00 Fax. 28 35 01

Department for Legal Affairs



LAW ON AMENDMENTS TO THE FREEDOM OF ACCESS TO INFORMATION ACT FOR BOSNIA AND HERZEGOVINA

“Official Gazette of Bosnia and Herzegovina”, 62/11

NOTE: The Freedom of Access to Information Act for Bosnia and Herzegovina was published in the “Official Gazette of Bosnia and Herzegovina”, 28/00.

LAW
ON AMENDMENTS TO THE FREEDOM OF ACCESS
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Article 1

In the Freedom of Access to Information Act for Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, 28/00, 45/06 and 102/09), in Article 1, line b), after the word: “every”, the words: “natural or legal” shall be added.

Article 2

Article 3 shall be amended to read:

“Article 3
(Definitions)

1. The terms used in this Act shall have the following meaning:
- a) “information” means any material which communicates facts, opinions, data or any other content, including any copy or portion thereof, regardless of physical form, characteristics, when it was created, or how it is classified;
 - b) “public authority” means any of the following in Bosnia and Herzegovina:
 - 1) an executive authority;
 - 2) a legislative authority;
 - 3) a judicial authority;
 - 4) a body appointed or established by law to carry out a public function;
 - 5) any other administrative authority;
 - 6) a body that is either owned or controlled by a public authority;
 - c) “control” means either possession of, or control of access to, information;
 - d) “personal information” means any information relating to a natural person who can be directly or indirectly with facts, including particularly: an identification number or that person’s physical, mental, economic, ethnic, religious, cultural, or social identity;
 - e) “competent authority” means a public authority that has control of the requested information and is the authority by whom or for whom the information was brought into existence. If the latter cannot be determined, the competent authority shall be the public authority whose function most closely relates to the requested information.

Article 3

Article 12 shall be amended to read:

“Article 12

1. Should a public authority be unable to comply with a request owing to the absence of formal requirements as provided for in Article 11(2) and (3), it shall, as soon as possible and no later than eight days from receipt of the request, notify the requester

in writing, where such notification is possible, that the request cannot be processed for that reason. The said conclusion shall inform the requester of the availability of appeal, the title and address of the body to whom the appeal should be filed, the deadline for and cost of filing an appeal and the instruction on the requester's right to apply to the Ombudsman, and shall include the necessary contact information.

2. For requests that fail to comply with Article 11(2)(b), notification referred to in paragraph (1) of this Article shall also include any specific clarification questions and a copy of the guide referred to in Article 20(a).

3. Conclusions referred to in paragraphs 1 and 2 of this Article shall inform the requester that a reformulated request will be treated as a new request."

Article 4

In Article 14, paragraph 2, the words: "either in whole or in part" shall be replaced with words: "either in whole or in part" (*Translator's remark: N/A to English version, it is already translated as it should read in the amended version*).

In line c), after the words: "Article 16", words: "of this Act" shall be added.

Paragraph 3 shall be amended to read:

"3. If access to the information is denied, either in whole or in part, the competent authority shall notify the requester by a decision thereof. The said decision shall:

- a) include the legal grounds for the exempt status of the information for the purpose of this Act, including all material issues relevant for enactment of the decision and taking into account public interest factors; and
- b) inform the requester of the availability of appeal, the address of the body to whom the appeal should be filed, the deadline for and cost of filing an appeal and the instruction on the requester's right to apply to the Ombudsman, and shall include the necessary contact information."

In Paragraph 4, the first sentence shall be amended to read:

"Decisions referred to in paragraphs (2) and (3) of this Article shall be sent out as soon as possible and no later than 15 days from receipt of the request."

Article 5

In Article 16, the words: "first ten" shall be replaced with words: "first twenty".

Article 6

In Article 20, the title shall be amended to read: "Requirement to Publish and Disseminate"

In paragraph 1, after the word: "shall", the words: "publish and" shall be added.

In line a), the words: "in clause (b)" shall be amended to read: "in paragraph 1, line b) of this Article".

In line b), the words: “in clause (a)” shall be amended to read: “in paragraph 1, line a) of this Article”.

In line d), the words: “a report at least once every year” shall be replaced with words: “annual report”.

Article 7

In the title of Section VI and in the title of Article 21, the word: “Ombudsman” shall be replaced with words: “Human Rights Ombudsman of Bosnia and Herzegovina”.

Article 8

In Article 21, the words: “Ombudsman for Bosnia and Herzegovina” shall be replaced with words: “Human Rights Ombudsman for Bosnia and Herzegovina”.

Article 9

In Article 22, paragraph 1, the words: “Ombudsman for Bosnia and Herzegovina” shall be replaced with words: “Human Rights Ombudsman for Bosnia and Herzegovina”.

Article 10

Article 23 shall be deleted.

Article 11

In Article 24, the word: “access” shall be replaced with words: “freedom of access”.

Article 12

In Article 26, the title and paragraph 1 shall be amended to read:

“Article 26 (Relationship to Other Laws)

1. For the purpose of implementation of this Act, the general common principles of administrative law contained in the laws on administration and the laws on administrative procedure of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and of Republika Srpska shall apply insofar as the same subject matter is not otherwise regulated by this Act.”

In paragraph 2, in the end of the text, a new sentence shall be added to read:

“This Act shall not limit the rights of the persons pertaining to filing of appeals in an administrative procedure and rights to consideration of the case before the court.”

Article 13

This Law shall enter into force on the eighth day from the day of publication in the “Official Gazette of Bosnia and Herzegovina”.