

## Law on Public Information

### Part I

#### Article 1. Public Information

1. Public information is information that is reflected and documented by any means and at any mediums and was received or created in the process of the performance by subjects of public authority of their duties envisaged in the acting legislation or which is possessed by the subjects of public authority, other public information handlers determined by this law.
2. Public information is open except for the instances established by the law.

#### Article 2. Purpose and the range of validity of the Law.

1. The purpose of this Law is to ensure transparency and openness of the subjects of public authority and to create mechanisms of implementation of the right of everybody to have access to public information.
2. This Law does not extend to the relations regarding obtaining of information by the subjects of public authority during implementation of their functions and to the relations in the sphere of civic inquiries regulated by a special law.

#### Article 3. Guarantees of the ensuring of the right for access to public information

1. The right for access to public information is guaranteed by:
  - 1) Responsibility of the information-handlers to provide and promulgate information except for the instances envisaged by the law;
  - 2) Designation by the information-handlers of special structural units or officials, who organize access to public information in his possession
  - 3) Maximal simplification of the procedures of inquiries and obtaining of information
  - 4) Access to the meetings of collective subjects of public authority, except for the instances envisaged by legislation
  - 5) Parliamentary, public, and state control over the right for access to public information
  - 6) Legal liability for violation of legislation on access to public information

#### Article 4. Principles of ensuring of access to public information

1. Access to public information is performed of the principles of:
  - 1) Transparency and openness of the activity of subjects of public authority
  - 2) Unimpeded obtaining and dissemination of information with the exception of limitations imposed by the law
  - 3) Equality, irrespective of race, political, religious or other beliefs, gender, ethnic and social origin, financial standing, place of residence, language, etc.

### Part II

## Article 5. Ensuring of access to public information

1. Access to public information is ensured by:
  - 1) Systemic and operative promulgation of information in official print media, on official web-sites in the Internet, on information boards, by any other mediums
  - 2) Providing of information in response to inquiries

## Article 6. Public information with limited access

1. Information with limited access is:
  - 1) Confidential information
  - 2) Secret information
  - 3) Information for official use
2. Limitation of the access to information is imposed in accordance with the law under the combination of the following conditions:
  - 1) Exclusively in the interests of the national security, territorial integrity and civil order with the purpose of prevention of unrests or crimes, protection of public health, protection of reputation and rights of other people, prevention of the disclosure of information received confidentially, promotion of the authority and impartiality of justice
  - 2) Promulgation of information can significantly harm these interests
  - 3) Harm from promulgation of this information outweighs public interest in its obtaining
3. Limited access information shall be provided by an information-handler if he had legitimately promulgated it earlier.
4. Limited access information must be provided by an information-handler if there are no legal grounds for limitation of access to this information that previously existed.
5. Access to information about the use of budget funds, state and communal property, including access to copies of corresponding documents, conditions of the receipt of these funds or property, names of physical persons and legal entities that received these funds or property cannot be limited. Under the terms envisaged in part 2 of this Article, this provision does not apply to the instances, when promulgation or provision of such information may harm the interests of the national security, defense, investigation or prevention of crimes.
6. Income declarations of the following categories of people and members of their families do not belong to the limited access information:
  - 1) Individuals, who aspire or hold elected positions in the bodies of power;
  - 2) State government and local government employees of first or second category.
7. Limited access applies to information and not the document. If the document contains information with limited access, information with unlimited access must be presented for consideration.

## Article 7. Confidential information

1. Confidential information is information, access to which is limited by a person or legal entity, apart from the subjects of public authority, and that can be disseminated at their wish and under their conditions. Information specified in part 1 and 2 Article 13 of this Law cannot be considered confidential.
2. Information-handlers, specified in part 1 Article 13 of this Law, who possess confidential information, can disseminate it only upon consent of people, who limited access to information. If there is no such consent, the information can be disseminated only in the interests of national security, economic wellbeing, and human rights.

#### Article 8. Secret information

1. Secret information is information, access to which is limited in accordance with part 2 Article 6 of this Law, and disclosure of which may harm a person, society, and the state. Information that contains state, professional, banking, investigation secrets and other secrets envisaged by legislation shall be considered secret.
2. Access procedures to secret information are regulated by this Law and special laws.

#### Article 9. Information for official use

1. According to part 2 Article 6 of this Law information for official use is:
  - 1) Information in the documents of subjects of public authority – internal official correspondence, memoranda, and recommendations if they refer to the development of the direction of the activity of institution or performance of control and oversight functions by the bodies of state power and decision making process and precede public discussion and/or passing of the decisions;
  - 2) Information collected in the process of search, operative, and counterintelligence activity, in the defense sphere of the country and is not classified as state secret.
2. Documents that contain information for official use are classified “Limited Official Use”. Access to such documents is provided in accordance with part 2 Article 6 of this Law.
3. Access to the list of documents for official use that is compiled by the bodies of state power, bodies of local self-government, other subjects of public authority cannot be limited.

#### Article 10. Access to information about persons

1. Each person has the right:
  - 1) To know in the period of collecting of information but prior to its use what kind on information about him and with what purpose are being collected, by whom and with what purpose they will be used or disseminated, apart from instances, established by the law;
  - 2) To have access to information about him that had been collected and preserved;

- 3) To demand that inaccurate, incomplete, outdated information about him is corrected and that information that was collected, used, or preserved with violation of the law is destroyed;
  - 4) In accordance with a court decision, to get acquainted with information about other persons, if it is necessary for the exercise and protection of rights and legitimate interests;
  - 5) To get compensation in case the disclosure of information regarding this person was performed with violation of the provisions of the law.
2. The amount of information about a person that is collected, stored, and used by an information-handler must be maximally limited and used exclusively with the purpose and by means specified by the law.
  3. Information-handlers, who possess information about a person must:
    - 1) Provide it with no impediments and at no cost at the demand of the persons, whom it refers to, apart from instances specified by the law;
    - 2) Use it only with the purpose and by means specified by the law;
    - 3) Take measures to prevent unsanctioned access to it by other individuals;
    - 4) Rectify inaccurate and outdated information about a person individually or at the demand of persons this information refers to.
  4. Preservation of information about a person should not last longer than it is necessary for reaching the goal for which this information was collected.
  5. Denial to a person of access to information about him, withholding, illegal collection, use, preservation or dissemination of information can be appealed.

#### Article 11. Protection of a person, who promulgates information

1. Officials cannot be legally liable, despite the breach of their duties, for the disclosure of information about violations or information that deals with a serious threat to the health or security of citizens and environment if a person was guided by good intentions and had justify conviction that information was authentic and has evidences of violation or deals with serious threat to the health or security of citizens or environment.

#### Part III. Subjects of relations in the sphere of access to public information

##### Article 12. Definition and list of subjects

1. Subjects of relations in the sphere of access to public information include:
  - 1) Enquirers – physical persons, legal entities, associations of citizens without legal entity status apart from the subjects of public authority;
  - 2) Information-handlers – subjects specified in Article 13 of this Law
  - 3) Structural unit or an authorized person in the issues of inquiries for information from information – handlers

##### Article 13. Information-handlers

1. For the purposes of this Law, the information-handlers are:
  - 1) Subjects of public authority – bodies of state power, other state bodies, bodies of local self-government, bodies of the Autonomous Republic of Crimea, other subjects that perform public management functions in

- accordance with legislation and whose decisions are mandatory for execution;
- 2) Legal entities that are funded by the state and local budgets, budget of the Autonomous Republic of Crimea – regarding information about the use of budget funds;
  - 3) Persons, if they perform delegated authority of the subjects of public authority in accordance with the law or agreement, including delivery of education, health, social, or any other state services – regarding information connected with their duties;
  - 4) Subjects of economic activity that dominate on the market or have special or exclusive rights, or natural monopolies – regarding information about terms of supply of goods, services, and their prices.
2. Subjects of economic activity, who possess the following kinds of information are equated to the information-handlers, who are obliged to promulgate and provide information by means specified in the Law:
- 1) Information about the status of the environment;
  - 2) Information about quality of food products and household goods;
  - 3) Information about accidents, catastrophes, dangerous natural phenomena and other emergencies that had happened or may happen and endanger the health and security of citizens
  - 4) Other information of public interest (publicly important information)
3. The provisions of this Law apply to the information-handlers specified in points 2, 3, 4 of Part 1 and Part 2 of this Article only in the part of promulgation and responding to inquiries.
4. All information-handlers, irrespective of the legal act that determines their activity, must be guided by this Law when they make decisions regarding access to information.

#### Article 14. Responsibilities of information-handlers

1. Information-handlers must:
  - 1) Promulgate information about their activity and decisions;
  - 2) Systematically account for documents in their possession;
  - 3) Account for inquiries;
  - 4) Allocate special places for the work of enquirers with documents or their copies, allow the enquirers to take notes, make photographs, copy, scan, save at any mediums, etc.
  - 5) Have special structural units or appoint authorized persons to insure access of enquirers to information;
  - 6) Provide true, exact, and full information and if the need be – verify the correctness and objectiveness of information.
  - 7)

#### Article 15. Promulgation of information by information-handlers

1. Information-handlers must promulgate:
  - 1) Information about organizational structure, mission, functions, authority, main tasks, directions of activity and financial resources (structure and

amount of budget funds, procedures and mechanism of expenditures, etc.)

- 2) Normative and legal acts, acts of individual action (apart from internal) passed by the handler, draft decisions that shall be discussed, information about normative and legal basis of the activity
  - 3) List and terms of obtaining of services that are provided by these bodies, examples of documents and form filling-in requirements;
  - 4) Procedures of preparing and submission of inquiries, contesting the decisions of information-handlers, its actions or inaction;
  - 5) Information about the system of registration, types of information preserved by the handler;
  - 6) Information about mechanisms or procedures with the help of which the public can represent its interests or in any other form influence the implementation of the authority of the information-handler;
  - 7) Schedule and agenda of its open meetings;
  - 8) Places, where inquirers can get necessary forms;
  - 9) General rules of the work of the institution, rules of internal office procedures
  - 10) Reports, including responses to inquiries;
  - 11) Information about activity of subjects of public authority, in particular:
    - Their location, postal address, telephone numbers, web-site address, e-mail;
    - Name, telephone, e-mail of the head and his deputies, heads of structural and regional departments, main functions of structural and regional departments, apart from instances, when this information has limited access;
    - Work schedule and public hours;
    - Vacancies, procedures and requirements of job interviews;
    - List and the terms of services, forms and examples of documents that are need for providing services
    - List and office phone numbers of enterprises and institutions that pertain to the sphere of their management, their leaders, apart from enterprises and organizations that have been established with the purpose of undercover activity, operative, counterintelligence activity;
    - Procedures of preparation and submission of inquiries, challenging the decisions of the subjects of public authority, their actions or inaction;
    - Registration system, types of information in the possession of the subject of public authority.
  - 12) Other information about activity of the subjects of public authority, procedures of mandatory promulgation of which is established by the law.
2. Information, envisaged in part 1 of this Article is subjected to mandatory promulgation immediately and no later than five working days from the date of the approval of a document. In case the information-handler has an official web-site, this information shall be posted on the web-site with indication of the

date of the promulgation of the document and the date when the information was updated.

3. Draft normative acts, decisions of the bodies of local self-government developed by corresponding handlers, shall be promulgated no later than 20 working days since the date of their consideration.
4. Any information about threats to life, health, and/or property of people, and measures that have been taken in their respect must be promulgated immediately.

#### Article 16. Officials, responsible for inquiries

1. Information-handler is responsible for defining and insuring of the activity of a structural unit or an authorized official for the work with inquiries, who shall be responsible for consideration, systematization, analysis, and control during the procedure of responding to the inquiry, and providing consultation during preparation of the inquiry.
2. The inquiry that was registered in accordance with the procedures established by the information-handler, shall be processed by authorized officials.

#### Article 17. Control over the ensuring of access to public information

1. Parliamentary control of ensuring of the right of a person for access to information is performed by Human Rights Ombudsman, ad hoc investigation commissions of the Verkhovna Rada of Ukraine, members of the Ukrainian Parliament.
2. Public control over ensuring by the information-handler of the access to public information is performed by the members of local councils, NGOs, public councils, individual citizens through public hearings, public expertise, etc.
3. State control over ensuring by the information-handlers of access to information is performed in accordance with special legislation.

#### Article 18. Registration of documents of the information-handlers

1. To ensure preservation and access to public information, documents that are in the possession of the subjects of public authority shall be mandatory registered in the system that must contain:
  - 1) Name of the document
  - 2) Date the document was generated
  - 3) Date the document was received
  - 4) Source of information (author, corresponding section)
  - 5) Legal ground for classification of the information as limited access information
  - 6) Term of limited access to information, in case it is classified as such
  - 7) Sphere
  - 8) Key words
  - 9) Type, medium (text document, tapes, video tapes, audio recordings, etc.)
  - 10) Type (normative acts, agreements, decisions, protocols, press releases)
  - 11) Draft decisions (memoranda, statements, proposals, letters, etc.)

- 12) Form and place of preservation of the document
2. Access to the registration system is ensured by means of:
  - 1) Promulgation of such information on official web-sites or by any other means
  - 2) Providing access to the system in response to inquiries
3. Registration system cannot be treated as information with limited access
4. Information-handlers bear responsibility for ensuring access to the registration system in accordance with the law.

#### Part IV. Implementation of the right for access to information on the basis of inquiry

##### Article 19. Preparation of inquiries

1. An inquiry – is a request of a person to an information-handler to provide public information in his possession.
2. An enquirer has the right to refer to an information-handler with an inquiry irrespective of whether information refers to him personally or not and he does not have to explain the reasons of the inquiry.
3. Inquiries can be individual or collective. Inquiries can be submitted orally, in writing, or in any other form (by mail, fax, phone, e-mail, etc.)
4. A written inquiry can be of any form.
5. The inquiry must contain:
  - 1) The name of the enquirer, postal address or e-mail, phone number if it exists;
  - 2) General description of information or type, name, number, or content of a document, if the enquirer knows it;
  - 3) Signature and date if the inquiry is submitted in writing
6. To simplify the procedure of preparation of written inquiries, a person can fill in corresponding inquiry forms that should be available from the handler and on the official web-site. The forms must contain a brief instruction on how the inquiry must be submitted.
7. If because of solid reasons (disability, limited physical ability, etc.) a person cannot submit a written inquiry, it shall be prepared by an authorized official indicating his name, contact phone, and a copy must be provided to the enquirer.

##### Article 20. Terms of consideration in inquiries

1. Information-handler must respond to the inquiry no later than five working days from the date of the receipt of the inquiry.
2. In case the inquiry deals with information that is needed for the protection of life of freedom of an individual, status of the environment, quality of food products and household goods, accidents, catastrophes, dangerous natural phenomena and other emergencies that have happened or may happen, the answer must be provided no later than 48 hours from the date of the receipt of the inquiry.
3. Request for an urgent consideration shall be substantiated.
4. If the inquiry requires providing of a big amount of information or requires substantial data search, the handler can extend the term of consideration to 20

working days with substantiation of this extension. The handler informs the enquirer about the extension in writing no later than five working days since the receipt of the inquiry.

#### Article 21. Payment for information

1. Information in response to inquiries is provided free of charge/
2. If the response requires photocopies of more than 10 pages, the enquirer must compensate the factual expenditures for copying and printing.
3. The amount of factual expenditures is determined by the handler within the framework established by the Cabinet of Ministers of Ukraine. In case the handler has not established the price for printing and copying, the information is provided free of charge.

#### Article 22. Refusal and delay in meeting an information inquiry

1. Information handlers have a right to refuse meeting an inquiry in the following cases:
  - 1) the information handler does not have and is not obligated in accordance with his capacity envisaged by the legislation to have requested information;
  - 2) requested information belongs to another, qualified information category in accordance with part 2 Article 6 of this Law;
  - 3) the person who requested information failed to pay actual copying and printing fees envisaged by Article 22 of this Law;
  - 4) information inquiry requirements envisaged by part 4 Article 20 of this Law were not met.
2. The information handler's answer that information can be obtained by the inquirer from public sources, or an irrelevant answer are considered an unlawful refusal to provide information.
3. The information handler, who does not have requested information yet who by his status or the nature of his activity is aware or should be aware of who has it, is obligated to refer this inquiry to the appropriate handler with simultaneous notification of the inquirer thereof. In this case, the term of inquiry consideration begins on the day of receipt of the inquiry by the appropriate handler.
4. In case of refusal to meet an information inquiry the following should be indicated:
  - 1) the last, first and paternal names and the position of the person responsible for the meeting of the inquiry by the information handler;
  - 2) the date of the refusal;
  - 3) grounded reasons for the refusal;
  - 4) procedure to appeal the refusal;
  - 5) signature.
5. A refusal to meet an information inquiry should be provided in writing.

6. A delay in meeting an information inquiry is acceptable in case requested information cannot be provided for examination within the term envisaged by this Law due to force majeure. The inquirer should be notified of the decision about the delay in writing with accompanying instructions how to appeal the decision.
7. The decision to delay meeting an information requirement should indicate the following:
  - 1) the last, first and paternal names and the position of the person responsible for the meeting of the inquiry by the information handler;
  - 2) the date of mailing and delivery of the delay notification;
  - 3) reasons of failure to meet the information inquiry within the term envisaged by this Law;
  - 4) deadline for meeting the inquiry;
  - 5) signature.

#### Chapter V. Appealing decisions, actions or inaction of information handlers

##### Article 23. Right to appeal decisions, actions or inaction of information handlers

1. Decisions, actions or inaction of information handlers can be appealed to the handler's supervisor, a higher authority or a court.
2. The inquirer has the right to appeal:
  - 1) a refusal to meet an information inquiry;
  - 2) a delay in meeting an information inquiry;
  - 3) failure to meet an information inquiry;
  - 4) provision of false or incomplete information;
  - 5) untimely provision of information;
  - 6) handlers' failure to meet their obligation to promulgate information in accordance with Article 15 of this Law;
  - 7) other decisions, actions or inaction of information handlers that violated legal rights and interests of the inquirer.
3. Appeals about decisions, actions or inaction of information handlers should be filed to a court in accordance with the Code of Administrative Courts of Ukraine.

##### Article 24. Responsibility for the violation of the legislation about access to public information

1. Responsibility for the violation of this legislation about access to public information shall be borne by persons guilty of the commission of the following offenses:
  - 1) failure to provide an answer to an inquiry;
  - 2) failure to provide requested information;

- 3) ungrounded refusal to meet an inquiry;
  - 4) failure to promulgate information in accordance with Article 15 of this Law;
  - 5) provision of promulgation of false, inaccurate or incomplete information;
  - 6) untimely provision of information;
  - 7) ungrounded reference of information to qualified information;
  - 8) failure of register documents;
  - 9) intended withholding or destruction of information or documents.
2. Persons who believe their rights and legal interests were violated by information handlers have the right to seek compensation for material and moral damages in accordance with procedure defined by the civil legislation.

#### Chapter VI. CLOSING PROVISIONS

1. The Law shall come into effect in three months upon its publishing.
2. Before the legislation of Ukraine is brought into accordance with this Law legislative acts of Ukraine shall be applied in the part that is without prejudice to this law.
3. Alterations shall be made to the following legislative acts of Ukraine:
  - 1) in the Code of Ukraine About Administrative Offenses (The Vidomosti of the Verkhovna Rada of URSR, 1984, Addendum to #51, p. 1122):
    - a) to complete part one of Article 212-3 after the words and marks "About information" with the words and marks "About access to public information"; a note should be laid out in the following wording: "Note. Persons defined in the note to Article 212-26 of this Code shall be held responsible for actions described by this Article in accordance with Article 212-26.";
    - b) to complete part one of Article 212-26 after the words and marks "About information" with the words and marks "About access to public information";
  - 2) in the name and paragraph one of part one of Article 330 of the Criminal Code of Ukraine (The Vidomosti of the Verkhovna Rada of Ukraine, 2001, #25-25 p. 131) the words "that is the property of the state" shall be replaced with the words "that is in ownership of the state";
  - 3) part 10 of Article 9 of the Law of Ukraine "About investigative activities" (The Vidomosti of the Verkhovna Rada of Ukraine, 1992, # 22, p. 303; 2000, # 10, p.79) shall be completed with the sentence "It is prohibited to promulgate or provide collected information, as well as information concerning the conducting or not conducting of investigative activities applied to a certain person prior to making a decision based on the outcome of such activities. The issue of promulgation or provision of such information after a decision is made shall be regulated by the law.".

- 4) Article 9 of Law of Ukraine "About counterintelligence activities" (The Vidomosti of the Verkhovna Rada of Ukraine, 2003, # 12, p. 89) shall be completed with a sentence with the following wording: "It is prohibited to promulgate or provide (disclose) collected information, as well as information concerning the conducting or not conducting of counterintelligence activities and measures applied to a certain person prior to making a decision based on the outcome of such activities or measures";
  - 5) Article 13 of Law of Ukraine "About copyright and neighboring rights" (The Vidomosti of the Verkhovna Rada of Ukraine, 2001, # 43, p. 214) shall be completed with part five with the following wording:  
"5. The mentioned provisions do not apply to cases of promulgation or provision of information based on Law of Ukraine "About access to public information".
4. The Cabinet of Ministers of Ukraine during two months after this Law has come into effect shall:
- a) approve limiting norms of copying and printing expenses envisaged by Article 22 of this Law;
  - b) submit for consideration of the Verkhovna Rada bills concerning bringing laws of Ukraine into accordance with this Law;
  - c) bring its normative and legal acts (norms and regulations) into accordance with this Law;
  - d) ensure that the executive authorities bring their its normative and legal acts into accordance with this Law.