

The Law on Information Accessibility

Chapter I General Questions

Article 1. Terms used in the law

The following terms are used in the law:

- 1) information, a fact or an collection of facts in any technically possible form of filing, preserving or delivery;
- 2) circulation of information, the initiation, creation, summarisation, accumulation, processing, usage and destruction of information;
- 3) documented information, that information the placing of which into a circulation of information can be identified.

Article 2. Purpose of the law and sphere of operation

- (1) The purpose of this law is to ensure public accessibility to information which, for the execution of those functions determined in normative acts, is at the disposal of state administrative institutions and local government institutions. This law determines a unified procedure by which physical or legal persons have the right to acquire such information within state administrative institutions and local government institutions (henceforth - institutions) and to use it.
- (2) This law applies to documented information which is in the circulation of information of institutions.
- (3) The information shall be accessible to the public in all cases where it is not provided otherwise by law.
- (4) This law does not apply to the exchange of information between institutions.

Chapter II Classification of Information

Article 3. Groups of information

The information to which this law applies shall be classified as:

- 1) generally accessible information;
- 2) limited accessibility information.

Article 4. Generally accessible information

Generally accessible information is information which is not classified as limited accessibility information.

Article 5. Limited accessibility information

(1) Limited accessibility information is that information which is intended for a limited range of persons in connection with carrying out work or service duties and the divulging or loss of which, because of the character and content of such information, interferes with or may interfere with the operation of an institution, or which causes or may cause harm to the legal interests of persons.

(2) Limited accessibility information shall be considered as that information:

- 1) for which such a status is determined by law;
 - 2) which is intended and determined for the internal use of an institution;
 - 3) on secrets of entrepreneurial activity;
 - 4) on the private life of a physical person;
 - 5) which refers to attestations, examinations, submitted projects, competitions and other evaluation processes of a similar character.
- (3) The author of information or the manager of an institution has the right to determine the status of limited accessibility information by his/her decree, indicating the basis as provided for in this Law or other laws
- (4) Facts which are accessible to the public without restrictions anticipated by law or which are already published shall not be considered information of limited accessibility.

Article 6. Information for the internal use of an institution

(1) Information for the internal use of an institution shall be considered that information which is necessary for the institution when preparing for resolving matters.

(2) Limited accessibility applies also to those documents which are drafted in connection with preparation of an institution for resolving matters and which have been created by:

- 1) advisors or experts invited especially for a particular matter;
- 2) by one institution for the use of another institution.

(3) The status of limited accessibility information for the internal use of an institution in the process of preparation of matters can be applied only until the moment when a decision of (the institution in the corresponding matter has been adopted or the document, which has not been classified as a document of limited accessibility, is sent to an addressee.

(4) Information for internal use which is classified as limited accessibility information shall be registered by the

corresponding institution in the procedure determined by normative acts.

Article 7. Information on commercial secrets

(1) Information shall be qualified as a commercial secret if an institution, by divulging it, can harm the competitive ability of that person who provided the information.

(2) Protection of the commercial secrets of physical and legal persons may not be limited by the rights of other physical and legal persons to receive information which is accessible according to the normatives of other laws.

Article 8. Information about the private life of a person

Information about private life of a physical person is protected by law.

Article 9. Registration of information

(1) Every institution, according to the type and character of the information existing at its disposal, shall register such information in accordance with the record-keeping as established by the institution, indicating:

- 1) the category of information;
- 2) the name of the information, documents, necessary requisites according to the regulations for record-keeping;
- 3) the source of the information.

(2) An applicant for information has the right to examine the register of generally accessible information.

Chapter III

Providing Information and Protection of the Rights of Applicants for Information

Article 10. Obligation to provide information

(1) Generally accessible information shall be provided to anybody who wishes to receive it, considering the equality of persons in the acquisition of information. An applicant shall not have to substantiate his/her interest about such information, and it can not be denied to him/her on the grounds that such information does not concern the applicant.

(2) The procedure by which the information existing at the disposal of an institution shall be made accessible, as well as the volume of documents and copies of information included in other means of information, reproductions, copies and excerpts are regulated by the regulations of the Cabinet of Ministers.

(3) If the aggregate of information includes also limited accessibility information, an institution shall provide

only that part of such information which is generally accessible.

Article 11. The form of requests for information and procedure of registration

- (1) Information can be requested in writing or verbally.
- (2) All written requests for information shall be registered. An institution may also determine a procedure by which verbal requests shall be registered and the content of the information provided.
- (3) In a written request the name and surname of the applicant (for a legal entity, its name), address or place of residence within Latvia (legal address) shall be indicated and the signature of the applicant shall appear on it. A request for information shall be formulated as precisely as possible.
- (4) When requesting limited accessibility information, a person shall substantiate his/her request and indicate the purpose for which it will be used. If information of limited accessibility is provided, the recipient shall assume the responsibility to use that information only for those purposes for which it was requested.
- (5) An institution can refuse to fulfill a request if it is not drawn up according to the provisions of the third and fourth Parts of this Article, or a description by which it is possible to identify the information is not provided.
- (6) Correspondence between an institution and an applicant for information and information about such persons shall be considered as limited accessibility information.

Article 12. Procedure for refusing requested information

- (1) If an institution refuses to provide information requested in writing it shall, in its written refusal, indicate on what basis the request was completely or partially refused, and where and within what period this refusal can be appealed.
- (2) If a refusal is based upon the lack of the requested information at the disposal of the institution, in the refusal that institution where it is possible to receive the requested information or where answers about it can be provided must be indicated, if the institution knows the place where the requested information is located.

Article 13. Payment for providing information

- (1) Generally accessible information which does not require additional processing shall be provided free of charge.
- (2) Payment for providing information may not exceed the costs for looking for documents or information, additional processing and copying. An institution may not ask that any other expenses which occur when solving legal or political questions connected with an answer to an inquiry for information shall be paid.
- (3) Any applicant for information may ask for a release from the payment for service, and an institution may decrease or waive the payment for providing information.
- (4) An institution shall announce the estimated cost for providing information to an applicant when registering

his/her inquiry. ,

Article 14. Terms for delivering information

An institution which has received a written inquiry for information has an obligation to provide an answer within the period determined in the law "Procedure for the Review of Applications, Complaints and Suggestions in State and Local Government Institutions".

Article 15. Procedure for appealing the refusal of information

(1) An applicant for information has the right to submit a complaint to the manager of the institution or to a higher institution, in the procedure determined by law, on a refusal to provide information, the amount of the required payment, or about any other decision including the refusal to fulfill an inquiry by basing it upon an incorrect description of the requested information.

(2) Any physical or legal person, in the procedure determined by law, has the right to apply to the court with a complaint about the action of an institution by which his/her rights to receive information were denied, if such institution:

- 1) within the term determined by law did not provide an answer to the applicant for information;
- 2) refused to provide information by adopting a decision to grant to it the status of limited accessibility information without a legal basis;
- 3) after receiving a written request has refused to delete or to correct untruthful, incomplete or illegally acquired information about a person.

Article 16. Protection of limited accessibility information

(1) An institution shall ensure that the obligation to preserve limited accessibility information is known to all persons to whom this obligation applies, if it is not determined otherwise in the law. A written statement that they know these regulations and agree to observe them shall be required from all persons who process limited accessibility information.

(2) If harm is caused in connection with the illegal divulging of limited accessibility information to its owner or another person or their legal interests are substantially violated, such persons have the right to submit a claim to the court against the guilty person for compensation for harm or restoration of denied rights.

Transitional Provisions

The Cabinet of Ministers, by March 1, 1999, shall issue the regulations on the procedure in which the information existing at the disposal of an institution shall be delivered for accessibility as well as on the amounts of the volume of documents and copies of information included in other means of information, reproductions, copies and excerpts.

The President of the Republic of Latvia
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