

## **Access to Public Information Act**

Act on access to public information, published on March 22nd, 2003 together with changes and additions of the Act, published on July 15th, 2005.

### **Disclaimer:**

The English language translation of the text below is provided for information only and confers no rights nor imposes any obligations on anyone. Only the official publication of the Act in Slovene language, as published and promulgated in the Official Gazette of the Republic of Slovenia, is authentic. This translation was prepared by the office of the Commissioner for access to public information.

## **ACCESS TO PUBLIC INFORMATION ACT (ZDIJZ)**

### **I. INTRODUCTORY PROVISIONS**

#### **Article 1**

##### **(Contents of the Act)**

(1) This Act governs the procedure which ensures everyone free access to and re-use of public information held by state bodies, local government bodies, public agencies, public funds and other entities of public law, public powers holders and public service contractors (hereinafter referred to as "the bodies").

(2) With the adoption of this Act, the following European Union directives are implemented into the Slovenian legal system: Directive 2003/4/ES of the European parliament and of the Council, of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC and Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information

(3) The informative catalogue of the bodies referred to in the first paragraph of this Article shall be, based on the data of the Business register of the Republic of Slovenia published and regularly updated on the internet by the Ministry for public administration of Slovenia (hereinafter referred to as "Ministry").

#### **Article 2**

##### **(Aim of the Act)**

(1) The aim of this Act is to ensure that the work of the bodies is public and open, and to enable natural and legal entities to exercise their rights to acquire information held by public authorities.

(2) With a view to achieve the aim of this Act, the bodies shall endeavor to inform the public on their work to the greatest extent possible.

#### **Article 3**

##### **(Gender Form)**

The terminology in this Act referring to persons and written in masculine form shall be used as neutral for both, feminine and masculine forms.

### **II. PUBLIC INFORMATION**

#### **Article 4**

##### **(Public information)**

(1) Public information shall be deemed to be information originating from the field of work of the bodies and occurring in the form of a document, a case, a dossier, a register, a record or other documentary material (hereinafter referred to as "the document") drawn up by the body, by the body in cooperation with other body, or acquired from other persons.

(2) Archive material held by the competent Archive, within the frame of public archive service in accordance with the Act governing archives, is not public information according to this act.

(3) Re-use means the use by natural or legal entities of documents held by public sector bodies, for commercial or noncommercial purposes other than the initial purpose within the public task for which the documents were produced. Exchange of documents between public sector bodies purely in pursuit of their public tasks does not constitute re-use.

### **III. BASIC PROVISIONS**

#### **Article 5**

##### **(Free access principle)**

(1) Legal entities or natural persons (hereinafter referred to as "the applicants") have free access to public information.

(2) Each applicant shall have, at his request, the right to acquire information from the body by acquiring such information for consulting it on the spot, or by acquiring a transcript, a copy or an electronic record of such information.

(3) Every applicant has the right, under the same conditions as all other persons, to acquire the right to re-use information for commercial or noncommercial purposes.

(4) The body shall make its documents available through electronic means where possible and appropriate though this shall not imply an obligation to create or adapt documents in order only to comply with the request of bodies or other persons, nor shall it imply an obligation to provide extracts from documents where this would involve disproportionate effort, going beyond a simple operation.

## Article 6

### (Exceptions)

(1) The body shall deny the applicant access to requested information if the request relates to:

1. Information which, pursuant to the Act governing classified data, is defined as classified;
2. Information which is defined as a business secret in accordance with the Act governing companies;
3. Personal data the disclosure of which would constitute an infringement of the protection of personal data in accordance with the Act governing the protection of personal data;
4. Information the disclosure of which would constitute an infringement of the confidentiality of individual information on reporting units, in accordance with the Act governing Government statistics activities;
5. Information the disclosure of which would constitute an infringement of the tax procedure confidentiality or of tax secret in accordance with the Act governing tax procedure;
6. Information acquired or drawn up for the purposes of criminal prosecution or in relation to criminal prosecution, or misdemeanors procedure, and the disclosure of which would prejudice the implementation of such procedure;
7. Information acquired or drawn up for the purposes of administrative procedure, and the disclosure of which would prejudice the implementation of such procedure;
8. Information acquired or drawn up for the purposes of civil, non-litigious civil procedure or other court proceedings, and the disclosure of which would prejudice the implementation of such procedures;
9. Information from the document that is in the process of being drawn up and is still subject of consultation by the body, and the disclosure of which would lead to misunderstanding of its contents;
10. Information on natural or cultural value which, in accordance with the Act governing the conservation of nature or cultural heritage, is not accessible to public for the purpose of protection of (that) natural or cultural value;
11. Information from the document drawn up in connection with internal operations or activities of bodies, and the disclosure of which would cause disturbances in operations or activities of the body.

(2) Without prejudice to the provisions in the preceding paragraph, the access to the requested information is sustained, if public interest for disclosure prevails over public interest or interest of other persons not to disclose the requested information, except in the next cases:

- for information which, pursuant to the Act governing classified data, is denoted with one of the two highest levels of secrecy;
- for information which contain or are prepared based on classified information of other country or international organization, with which the Republic of Slovenia concluded an international agreement on the exchange or transmitting of classified information.
- For information which contain or are prepared based on tax procedures, transmitted to the bodies of the Republic of Slovenia by a body of a foreign country;
- For information from point 4 of paragraph 1 of this Article;
- For information from point 5 of paragraph 1 of this Article relating to natural persons and for information of all persons from the same point until the finality of the tax procedure.

(3) Without prejudice to the provisions in the first paragraph, the access to the requested information is sustained:

- if the considered is information related to the use of public funds or information related to the execution of public functions or employment relationship of the civil servant, except in cases from point 1. and points 5. to 8. of the first paragraph and in cases when the Act governing public finance and the Act governing public procurement stipulate otherwise;
- if the considered is information related to environmental emissions, waste, dangerous substances in factory or information contained in safety report and also other information if the Environment Protection Act so stipulates.

(4) If the applicant holds, that information is denoted classified in violation of the Act governing classified data, he can request the withdrawal of the classification according to the procedure from the Article 21 of this Act.

(5) The body can choose not to provide the applicant with the requested information, if the latter is available in freely accessible public registers or is in another way publicly accessible (publication in an official gazette, publications of the body, media, professional publications, internet and similar), and can only issue instructions as to the location of the information.

(6) The body shall deny the applicant's request to re-use information if the request relates to:

1. Information from the paragraph 1 of this Article, or
2. Information protected by the intellectual property rights of third parties, or
3. information held by bodies performing public services of public radio-television or bodies performing public service in fields of education, research and cultural activities, or
4. Information, for which another Act stipulates accessibility only to authorized persons.

## **Article 7**

### **(Partial access)**

If a document or a part of a document contains only a part of the information referred to in the preceding Article, which may be excluded from the document without jeopardizing its confidentiality, an authorized person of the body shall exclude such information from the document and refer the contents or enable the re-use of the rest of the document to the applicant.

## **Article 8**

### **(Catalogue of public information)**

(1) Each body shall be obliged to continuously maintain and make public in an appropriate manner (official bulletin of the body, World Wide Web, etc.), as well as submit to the applicant for consultation on the spot, the catalogue of public information partitioned into content blocks held by the body.

(2) The Ministry is obliged to regularly maintain and on the internet publish the state catalogue of public information, containing the information of individual bodies from the previous paragraph.

## **Article 9**

### **(Appointment of an official)**

(1) Each body shall appoint one or more officials competent for the transmission of public information.

(2) Without prejudice to the provision in the preceding paragraph, several bodies may jointly appoint one or more officials competent for the transmission of public information.

## **Article 10**

### **(Transmission of information to the World Wide Web)**

(1) Each body is obliged to transmit to the World Wide Web the following public information:

1. Consolidated texts of regulations relating to the field of work of the body, linked to the state register of regulations on the Web;
2. Programmes, strategies, views, opinions and instructions of general nature important for the interaction of the body with natural and legal persons and for deciding on their rights or obligations respectively, studies, and other similar documents relating to the field of work of the body;
3. Proposals for regulations, programmes, strategies, and other similar documents relating to the field of work of the body;
4. All publications and tendering documentation in accordance with regulations governing public procurements;
5. Information on their activities and administrative, judicial and other services;
6. All public information requested by the applicants at least three times;
7. Other public information.

(2) Each body should facilitate, free of charge, access to information referred to in the preceding paragraph.

(3) The Ministry also enables access to information from the first paragraph via the joint government portal e-uprava.

## **Article 11**

### **(Government regulation)**

The Government shall provide in detail what shall be considered as information from the document that is in the process of being drawn up (point 9 of the first paragraph of Article 6 of this Act), methods of preparation and publication of the catalogue of public information (Article 8 of this Act), types of information referred to in point 7 of the first paragraph of the preceding Article and methods of transmission of information to the World Wide Web.

## **IV. REQUEST FOR ACCESS OR RE-USE PROCEDURE**

## **Article 12**

### **(Request)**

The applicant requests access to public information by way of written request for access to or the re-use of public information, he can

also issue an informal request.

## **Article 13**

### **(Legal protection)**

The applicant who files a written request for access to or the re-use of public information shall enjoy legal protection.

### **1. Oral request for access to public information**

## **Article 14**

### **(Informal request)**

(1) If the applicant requests access to or re-use of public information by way of informal request, the body is obliged to ensure the applicant access to or re-use of public information, except in the case of information referred to in paragraph 1 or 6 of the Article 6 of this Act.

(2) If the body sustains a request, it shall forthwith enable the applicant to get acquainted with the contents of the requested information by way of submitting to him the information for consulting it on the spot or by ensuring him a transcript, a copy or an electronic record of such information or the re-use thereof.

(3) If the applicant requests that the information be submitted to him for the consultation on the spot, the body is obliged to ensure the applicant the consultation on the spot in such a manner that the applicant shall have enough time to get acquainted with its contents.

(4) Informal request from the first paragraph is not considered as an administrative procedure request within the meaning of the Act governing general administrative procedure.

### **2. Written request for public information**

## **Article 15**

### **(Rules of procedure)**

(1) The bodies shall decide about a written request (hereinafter referred to as "the request") for access to public information in the procedure provided by this Act.

(2) For (the) questions concerning the procedure with written request, which are not governed by this Act, the provisions laid down in the Act governing general administrative procedure shall apply.

## **Article 16**

### **(Filing the request)**

(1) The applicant shall file a request for access to public information with the body which is considered by the applicant to hold such information.

(2) In filing a request for information referred to in the preceding paragraph in electronic form, the provisions of the Act governing electronic commerce and signature shall apply.

## **Article 17**

### **(Required contents of request)**

(1) The request must contain the indication of the body with which it is being filed, the personal name, company or the name of the legal entity, the indication of the potential representative or the plenipotentiary, as well as the address of the applicant, or the address of his representative or plenipotentiary.

(2) In his request for access to public information, the applicant must specify:

1. The information he wishes to get acquainted with,
2. The way he wishes to get acquainted with the contents of the requested information (consultation on the spot, a transcript, a copy, an electronic record).

(3) The applicant is not required to give the legal grounds for the request or expressly characterize it as a request for the access to public information. If it is evident from the nature of the request that the latter concerns access to public information under this Act, the body shall consider the request pursuant to this Act.

(4) In his request for the re-use of public information the applicant must specify:

1. The information he wishes to re-use,
2. The way he wishes to acquire the contents of the requested information (classical or electronically record and usually also the form and carrier of the record);
3. The purpose he wishes to re-use the information for (commercial or noncommercial purposes)

## **Article 18**

**(Supplementing the request)**

- (1) If the request is incomplete and, hence, the body cannot deal with it, the body must invite the applicant to supplement it within the time limit laid down by the body. The time limit may not be less than 3 working days.
- (2) Official referred to in Article 9 of this Act is obliged to provide the applicant with the appropriate assistance in supplementing the request.
- (3) If the applicant does not supplement the request within the time limit laid down in the first paragraph, or if the request does not fulfill the conditions set out in Article 17 of this Act even following its supplementation and, hence, the body cannot deal with it, the body shall act in accordance with the Article 19 of this Act.

**Article 19****(Dismissal of the Request)**

The body shall dismiss the request by order, if the procedural conditions laid down in Articles 17 and 18 of this Act are not fulfilled.

**Article 20****(Conduct of the body in cases when it does not hold the requested information)**

If the body, which has received the request, does not hold the requested information, it must immediately, and at the latest within the time limit of 3 working days beginning from the day of receiving the request, assign the request to the body which is, in relation to the contents of the request, competent for resolving the request, and notify (about that) the applicant.

**Article 21****(Deciding on the request)**

A representative or an official referred to in Article 9 of this Act shall conduct and decide on the procedure regarding a request for or re-use of access to public information within the body, according to the provisions of the Act governing general administrative procedure.

**PUBLIC INTEREST**

(2) When the applicant in his request appeals to the prevailing public interest for the disclosure according to second paragraph of the Article 6 of this Act or if the representative or the official judges, this provision has to be used, the matter is, based on the suggestion of the representative, decided on by the:

- Government, when the body liable is a government administration body, public prosecutor's office, attorney general's office, entity of public law, the founder of which is the state, public powers holder or public service contractor on a state level;
- Supreme Court, when the body liable is a court;
- Council of local self-governing community, when the body liable is a body of local self-governing community, entity of public law, the founder of which is a self-governing community, public powers holder or public service contractor on a local self-government level.
- The body itself, when not one of the bodies stated in the previous indents

**LEVEL OF SECRECY**

(3) Provisions on procedure and jurisdiction from the previous paragraph also apply for a request for withdrawal of the classification according to the fourth paragraph of Article 6 of this Act.

(4) In the case referred to in the second and third paragraph of this Article an appeal is allowed in accordance with Article 27 of this Act.

**Article 22****(Decision)**

- (1) If the body sustains a request for access, it shall not issue a special decision but it shall make an official note.
- (2) If the body refuses the request for access, in whole or in part, it shall issue a written decision.
- (3) If the body, in case of a request for re-uses of information, charges for the re-use or in accordance with this Act states other conditions, it shall issue a written decision.
- (4) The decision to refuse shall also contain, among other components, the explanation of grounds for the refusal of the request, as well as a caution on legal remedy.
- (5) If the body refuses the request, in whole or in part, in accordance with provision of point 2 of paragraph 5 of Article 6 of this Act, it must in the decision state the person which disposes with the rights of intellectual property, or at least state the person from which the body acquired its scope of the rights of intellectual property.
- (6) If the body does not ensure the applicant access to information within the time limit laid down in Article 23 of this Act, and if it does not render and serve the decision on the refusal of the request or the decision on sustaining of re-use of public information on the

applicant, the request shall be deemed as refused by the body.

### **Article 23**

#### **(Time limit for the decision)**

The body shall decide about the applicant's request immediately, and at the latest within the time limit of 20 working days beginning from the day of receiving the complete request.

### **Article 24**

#### **(Exceptional circumstances)**

(1) In cases when the body requires more time for the transmission of requested information due to the implementation of partial access to public information in accordance with the provisions laid down in Article 7 of this Act, or due to comprehensive documentation, it may extend the time limit laid down in the preceding Article for not more than 30 working days.

(2) The body is obliged to decide about the extension of the time limit, including the explanation of the grounds for the extension, by an order, which it shall serve on the applicant. The body is obliged to reach the decision at the latest within the time limit of 15 working days after the receipt of request.

(3) Appeal against the order referred to in the preceding paragraph is not possible.

(4) In the case when the provisions of second paragraph of Article 21 of this Act apply, the liable body shall submit a suggestion of the decision to the competent body within the time limit of 15 working days after the receipt of request, with the competent body deciding on the request within the time limit of further 15 working days, after the receipt of the suggestion of decision.

### **Article 25**

#### **(Access to information)**

(1) If the body sustains a request, it shall forthwith enable the applicant to get acquainted with the contents of the requested information by way of submitting to him the information for consultation on the spot or by ensuring him a transcript, a copy or electronic record of such information.

(2) If the requested information is protected in accordance with the Act governing copyright, the body, in the case referred to in the preceding paragraph, shall enable the applicant to get acquainted with the information by way of submitting to him the information for consultation on the spot.

(3) If the applicant requests the information to be submitted to him for consultation on the spot, the body is obliged to ensure the applicant (the) consultation on the spot in such a manner that the applicant has enough time to get acquainted with the contents of the information.

(4) If the applicant deems that the information obtained (, which he has become acquainted with,) is not the public information he had stated in his request, he may request from the body to ensure him acquaintance with the public information he had stated in his request. The body must decide about a request referred to in the preceding paragraph immediately, and at the latest within the time limit of 3 working days.

(5) The Government shall specify the methods of transmission of public information.

### **Article 26**

#### **(Refusing a request)**

The body may refuse the applicant's request, in whole or in part, if it finds the requested information or document to be an exception under Article 6 of this Act.

### **3. Appellate proceeding**

### **Article 27**

#### **(The right of appeal)**

(1) The applicant has the right of appeal against the decision by which the body has refused the request, as well as against the order by which the body has dismissed the request.

(2) The applicant also has the right of appeal in the case referred to in the fourth paragraph of Article 25 or when the information received is not in the form, requested in accordance with the second and fourth paragraph of Article 17 of this Act.

(3) The Commissioner for Access to Public Information shall decide on the appeal.

(4) Appellate proceeding shall be implemented in accordance with the provisions laid down in the Act governing general administrative procedure.

### **Article 28**

#### **(The Commissioner for Access to Public Information)**

(1) The Commissioner for Access to Public Information (hereinafter referred to as "the Commissioner") is an autonomous public body

competent for deciding on an appeal against the decision by which the body dismissed or refused the request for access to public information.

(2) The Commissioner shall be appointed by the National Assembly of the Republic of Slovenia, following the proposal from the President of the Republic of Slovenia.

(3) A citizen of the Republic of Slovenia may be appointed as the Commissioner.

(4) The Commissioner shall be appointed for five years and shall be eligible for a single reappointment.

(5) Appropriations required for the work of the Commissioner shall be granted from the budget of the Republic of Slovenia. The National Assembly of the Republic of Slovenia shall set the amount of appropriations, following the proposal from the Commissioner.

## **Article 29**

### **(Status of the Commissioner and dismissal of the Commissioner from office)**

(1) The Commissioner shall have the status of the officer of state.

(2) An early dismissal of the Commissioner from office is possible only at his own request, when the Commissioner has been convicted of a criminal offence followed by custodial sentence, or in the case of a permanent loss of working abilities for the performance of his function.

(3) Procedure for the dismissal of the Commissioner from office shall begin following the proposal from one third of (the) deputies. The National Assembly of the Republic of Slovenia shall dismiss the Commissioner from office if the majority of the deputies present vote in favor of his dismissal from office.

## **Article 30**

### **(Professional service of the Commissioner)**

(1) The Commissioner shall have Rules of Procedure for the organization and method of work. The Commissioner shall adopt Rules of Procedure in agreement with the National Assembly of the Republic of Slovenia, and shall publish them in the Official Gazette of the Republic of Slovenia.

(2) The Commissioner shall have a professional service composed of not more than two advisers.

(3) The Commissioner may appoint advisers and other experts for a given period from among the employees of state bodies. These shall have the right to resume their previous functions or positions after the expiration of the given period.

(4) Organizational-administrative tasks for the Commissioner shall be provided for by the Ministry.

## **V. JUDICIAL PROTECTION**

### **Article 31**

#### **(Administrative dispute)**

An administrative dispute may begin against the decision by the Commissioner in accordance with the statute.

## **VI. PROMOTION AND COUNSELING IN RELATION TO ACCESS TO AND RE-USE OF PUBLIC INFORMATION**

### **Article 32**

#### **(Tasks of the Ministry)**

(1) The Ministry shall perform promotional and developmental tasks in relation to access to public information.

(2) Tasks of the Ministry referred to in the preceding paragraph are in particular (as follows):

1. Informing the public about the means and conditions for the access to public information;
2. Providing counseling to other bodies in relation to the application of the provisions of this Act;
3. Other promotional and developmental tasks.

(3) The Ministry performs inspection and supervision over the implementation of this Act.

(4) The Commissioner is within the frame of the appellate proceeding competent also for the supervision over the implementation of this Act and executive acts based on the Act.

### **Article 33**

#### **(Citizens' Rights Ombudsman)**

\*\*\*\*\*

Deleted (Official gazette, no. 61/05)

(Footnote (1))

Citizens' Rights Ombudsman is also competent, in accordance with the statute, for the protection of the right of access to public information as a special domain.

\*\*\*\*\*

## **VII. COST AND OTHER CONDITIONS FOR TRANSMITTING AND RE-USE OF PUBLIC INFORMATION**

### **Article 34**

#### **(Cost of the transmission of information)**

- (1) Consultation on the spot of the requested information shall be free of charge.
- (2) The body may charge the applicant the material costs for the transmission of a transcript, copy or electronic record of the requested information.

### **Article 34a**

#### **(Price and other requirements for re-use of information)**

- (1) The body can charge for the re-use of information for commercial purposes, except in case of re-use for the purpose of providing information, ensuring the freedom of expression, culture and art and media's re-use of information.
- (2) The price may not exceed the costs of collecting, producing, reproducing, and disseminating, together with a reasonable return on investment. The price must be adjusted for cost-effectiveness, set within a common accounting period and consistent with applicable accounting principles of the body concerned. The cost calculation method for the price is itself public information, and the body must in accordance with this Act, transmit it to every applicant which so requests.
- (3) The body does not charge for the re-use of information if it transmits the same information to the internet free of charge.

### **Article 35**

#### **(Government regulations)**

- (1) The Government shall prescribe an indicative cost schedule, on the basis of which the body shall define its own cost schedule in accordance with which it shall charge material costs referred to in the Article 34.
- (2) The Government shall prescribe detailed measures and conditions for establishing the price from the Article 34a.

### **Article 36**

#### **(The publication of cost schedule and price)**

- (1) Any body must publish the cost schedule referred to in the preceding Article as well as submit it for consultation on the spot to any applicant.
- (2) The body usually transmits all conditions on re-use of information, the price from the first paragraph of Article 34a, as well as the cost calculation method which he will consider with special requests into the internet in advance.
- (3) The body is obliged to notify the applicant on the payment of costs and, if the applicant so demands gives the applicant an advanced notification on the amount (of costs) charged for the transmission of information.
- (4) If the applicant's request relates to information of greater scope, the body may require from the applicant an advanced deposit of the assessed amount for the full coverage of the costs of information transmission.

### **Article 36. a**

#### **(Non-discrimination)**

- (1) The price from the Article 34a or other applicable conditions for the re-use of documents shall be non-discriminatory for comparable categories of re-use.
- (2) If documents are re-used by a public sector body as input for its commercial activities which fall outside the scope of its public tasks, the same charges and other conditions shall apply to the supply of the documents for those activities as apply to other users.
- (3) The re-use of information shall be allowed and open to all applicants at the same price and under the same conditions. The number of applicants to which a body grants the right to re-use shall not be limited. The body will not with a contract or any other agreement or decision grant an applicant such re-use of information, which would exclude the re-use of information by other users.
- (4) Without prejudice to the provision in the preceding paragraph a public sector body can grant an exclusive right for the re-use of information, if this is unavoidably necessary for the provision of a public service or other services in the public interest. The validity of the reason for granting such an exclusive right shall be subject to regular review, and shall, in any event, be reviewed every three years. The applicant can appeal the decision of the public sector body.
- (5) All prescribed data on granting and reviewing of the exclusive arrangements on the re-use of information shall be transmitted to the Commissioner and made public by the body. The Commissioner manages a record of all exclusive rights granted.
- (6) The Government shall provide in detail the conditions on re-use of information and granting of exclusive rights from the fourth paragraph of this Article as well as the content and the manner of publication and the related record keeping.

## VIII. REPORTING

### Article 37

#### (Annual reports of the bodies)

(1) The body is obliged to draw up an annual report on the implementation of this Act and submit it to the Ministry by 31 January for the previous year.

(2) The government shall provide the prescribed report content referred to in the preceding paragraph.

(3) The Government shall draw up a joint annual report on the implementation of this Act, based on the received reports referred to in the first paragraph of this Article, by 31 March for the previous year, and submit it to the National Assembly of the Republic of Slovenia into reading.

### Article 38

#### (Adopting and publishing the joint annual report)

The joint annual report referred to in the third paragraph of the preceding Article, shall be read and adopted by the National Assembly of the Republic of Slovenia, which shall publish it in the Official Gazette of the Republic of Slovenia, as well as on the World Wide Web.

## IX. PENAL PROVISIONS

### Article 39

#### (Liability for misdemeanor)

(1) A fine of at least SIT 250.000 shall be imposed upon a person for the misdemeanor of destruction of a document, a case, a dossier, a register, a record or a documentary material containing public information, with the intention of making such information inaccessible to the public.

(2) A fine of at least SIT 350.000 shall be imposed upon a responsible person of the body for the misdemeanor of destruction of a document, a case, a dossier, a register, a record or a documentary material containing public information, with the intention of making such information inaccessible to the public.

(3) A fine of at least SIT 150.000 and at most SIT 300.000 shall be imposed upon an official of the body for the misdemeanor, if this person does not, without justification, transmit the requested public information within the prescribed time limit or does not publish the catalogue of public information or in a larger extent other prescribed information.

(4) A fine of SIT 150.000 to SIT 300.000 shall be imposed upon an individual, and a fine of SIT 300.000 to SIT 3.000.000 upon a legal person or an entrepreneur, who re-uses the public information for commercial purposes, for which the body charges a price or states other conditions and the body did not allow such re-use.

## X. TRANSITORY AND FINAL PROVISIONS

### Article 40

#### (Commencement of the work of the Commissioner)

The Commissioner shall commence with his work by September 2003 at the latest.

### Article 41

#### (Regulations and other Government acts)

(1) The Government shall publish a catalogue referred to in the second paragraph of the Article 1 of this Act at the latest within six months following the entry into force of this Act.

(2) The Government shall issue the regulations laid down in Article 11 and the fifth paragraph of Article 25 of this Act at the latest within four months following the entry into force of this Act.

(3) The Government shall issue the cost schedule referred to in Article 35 of this Act at the latest within six months following the entry into force of this Act.

### Article 42

#### (Acts by the bodies)

(1) The bodies shall draw up the catalogues referred to in Article 8 of this Act within one year following the entry into force of the regulation laid down in Article 11 of this Act.

(2) The bodies shall publish the cost schedule referred to in Article 35 of this Act at the latest within one month following its entry into force.

### Article 43

#### (Nomination of the person responsible)

The bodies shall nominate the officials referred to in Article 9 of this Act at the latest within three months following its entry into force.

**Article 44****(Transmission of the documents to the World Wide Web)**

The bodies are obliged, at the latest within six months following the entry into force of the regulation laid down in Article 11 of this Act, to transmit to the World Wide Web the public information referred to in Article 10 of this Act.

**Article 45****(Expiration)**

On the date of entry into force of this Act, the first paragraph of Article 38 and the first paragraph of Article 40 of the Act governing archives material and archives (Official Gazette of the Republic of Slovenia, No. 20/97 and 32/97 – corrigendum) shall cease to be in force.

**Article 46****(Effective date of the Act)**

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

No 010-01/02-11/2

Ljubljana, 25 February 2003.

(1) Act on revisions and additions to the Act on access to public information (ZDIJZ-A) (Official gazette of RS, no. 61-2663/2005), published 30.6.2005, valid from 15.7.2005, stipulates also:

"Article 31

(1) Contracts and other arrangements in existence on the day of entry into force of this Act which grant exclusive re-use of public information to one or more persons and do not qualify under the conditions of the fourth paragraph of Article 36a shall be terminated at the end of the contract or in any case not later than 31st, December 2008.

(2) Until the passing of the Act which will regulate the Commissioner's organization, the number of Commissioner's expert and technical staff is regulated as the requirements of the working process dictate.

(3) Without prejudice to the provisions of the Act governing classified data, the Commissioner (government official) has, without a prior permission, access to classified data.

Article 32

(Issue of regulations)

The government will within three months after the entry into force of this Act issue regulations referred to in the Articles 26, 28 and 29."

Note: Articles 26, 28 and 29 of the Act on revisions and additions to the Act on access to public information (ZDIJZ-A) concern Articles 35, 36a and 37 of the Act on access to public information (ZDIJZ).