

# LAW OF THE REPUBLIC OF ARMENIA ON FREEDOM OF INFORMATION

Adopted by the National Parliament of the RA on September 23, 2003

## Article 1. The Subject Regulated by the Following Law and the Sphere of its Operation

1. The law regulates the relations connected with freedom of information, defines the powers of persons holding (possessing) information, as well as the procedures, ways and conditions to get information.
2. This law applies to the activity of the state and local self-government bodies, state offices, organizations financed from the state budget, as well as private organizations of public importance and their state officials.

## Article 2. Legislation on Freedom of Information

1. Legislation of Freedom of information is comprised of the Republic of Armenia Constitution, the following law, and other laws and legal acts.
2. If the norms defined by the Republic of Armenia's international treaties differ from those in the following law, than the international treaty norms supersede.

## Article 3. Main Concepts Used in the Following Law

Main concepts used in the following law include:

**Freedom of Information** - exercise of the right to seek and get information from its holder, as defined by legislation.

**Information** - records/data of facts, people, subjects, events, phenomena, processes that are received and formed as defined by legislation, despite of the way those are possessed or their material carrier (electronic or hard copy documents, records, videos, films, photos, drawings, schemes, notes, maps, etc.)

**Information holder** - state bodies, local self-government bodies, state offices, state budget sponsored organizations as well as organizations of public importance and their officials.

**Organization of public importance** - private organizations that have monopoly or a leading role in the goods market, as well as those providing services to public in the sphere of health, sport, education, culture, social security, transport, communication and communal services.

**Inquiry** - a written or oral application to the information holder with a view of seeking or getting information as defined by the following law.

**Publication** - making the information available for population via printed media and other means of mass media, via World Wide Web, as well as by other ways as defined by legislation.

## Article 4. Main Principles of Securing Information Freedom

Main principles of securing information freedom are:

- a) definition of unified procedures to record, classify and maintain information
- b) insurance of freedom to seek and get information
- c) insurance of information access
- d) publicity.

#### **Article 5. Recording, Classifying and Maintaining Information**

The recording, classification and maintenance of elaborated or delivered data on the part of the information holder is implemented as defined by the Government of the Republic of Armenia.

#### **Article 6. Exercising the Right to Freedom of Information**

1. Each person has the right to address an inquiry to information holder to get acquainted with and/or get the information sought by him as defined by the law.
2. Foreign citizens can enjoy the rights and freedoms foreseen by the following law as defined by the Republic of Armenia Law and/or in cases defined by international treaties.
3. Freedom of information can be limited in cases foreseen by the Republic of Armenia Constitution and the Law.

#### **Article 7. Ensuring Information Access and Publicity**

1. Information holder works out and publicizes the procedures according to which information is provided on its part, as defined by legislation, which he places in his office space, conspicuous for everyone.
2. Information holder urgently publicizes or via other accessible means informs the public about the information that he has, the publication of which can prevent dangers facing state and public security, public order, public health and morals, others' rights and freedoms, environment, person's property.
3. If it is not otherwise foreseen by the Constitution and/or the Law, information holder at least once a year publicize the following information related to his activity and or changes to it,
  - a) activities and services provided (to be provided) to public;
  - b) budget;
  - c) forms for written enquiries and the instructions for filling those in;
  - d) lists of personnel, as well as name, last name, education, profession, position, salary rate, business phone numbers and e-mails of officers;
  - e) recruitment procedures and vacancies;
  - f) influence on environment;
  - g) public events' program;
  - h) procedures, day, time and place for accepting citizens;
  - i) policy of cost creation and costs in the sphere of work and services;
  - j) list of held (maintained) information and the procedures of providing it;
- j 1. statistical and complete data on inquiries received, including grounds for refusal to provide information;

j 2. sources of elaboration or obtainment of information mentioned in this clause;

j 3. information on person entitled to clarify the information defined in this clause.

4. Changes made to information mentioned in the 2nd clause of the proceeding Article are publicized within 10 days.

5. Information mentioned in the 2nd and 3rd clauses of the proceeding Article is publicized via means accessible for public, and in cases when the information holder has an internet page, also via that page.

6. Organization of public importance can decline to publicize the information mentioned in 3b, 3c and 3e sub clauses of the proceeding Article or changes to that information.

#### **Article 8. Limitations on Freedom of Information**

1. Information holder, with the exception of cases defined in the 3rd clause of the proceeding Article, refuses to provide information if:

a. contains state, official, bank or trade secret;

b. infringes the privacy of a person and his family, including the privacy of correspondence, telephone conversations, post, telegraph and other transmissions;

c. contains pre-investigation data not subject to publicity;

d. discloses data that require accessibility limitation, conditioned by professional activity (medical, notary, attorney secrets).

e. infringes copy right and associated rights.

2. If a part of the information required contains data, the disclosure of which is subject to denial, than information is provided concerning the other part.

3. Information request can not be declined, if:

a. it concerns urgent cases threatening public security and health, as well as natural disasters (including officially forecasted ones) and their aftermaths;

b. it presents the overall economic situation of the Republic of Armenia, as well as the real situation in the spheres of nature and environment protection, health, education, agriculture, trade and culture;

c. if the decline of the information request will have a negative influence on the implementation of state programs of the Republic of Armenia directed to socio-economic, scientific, spiritual and cultural development.

#### **Article 9. Procedures of Information Inquiry Application and Discussion**

1. A written inquiry must be signed to include applicant's name, last name, citizenship, place of residence, work or study (in case of legal persons: name, physical address).

2. A written inquiry is registered and processed as defined by the relevant legislation of processing civilian's applications and appeals, separately from other types of administration.

3. A written inquiry remains unanswered if;

- a) it does not contain all the information mentioned in the 1st clause of the following Article;
- b) it is discovered that the information about the identity of the author are false;
- c) it is the second request on the part of the same person within the last 6 months for the same information, with the exception of the case foreseen by the 4th clause of the Article 10 of the following law.

4. The applicant does not have to justify the inquiry.

5. In case of oral inquiry, the applicant must in advance tell his name and last name. Oral inquiry is given an answer when:

- a) The disposal of the inquired information can prevent to state and public security, public order, public health and morals, other's rights and freedoms, environment and person's property.
- b) It is important to make sure that the given information holder has the relevant information.
- c) It is important to clarify the procedure according which the information holder processes the written inquiries.

6. The answer to the oral inquiry is given immediately after listening to the inquiry or within the shortest possible time frame. If the person making the oral inquiry is not telling his name, last name and/or the oral inquiry does not correspond to the conditions defined in the sub clauses a, b and c of the 5th clause of the following Article, then the information holder can decline the oral inquiry.

7. The answer to written inquiry is given in the following deadlines:

- a) If the information required by the written inquiry is not publicized, than the copy of that information is given tot the applicant within 5 days after the application is filed.
- b) If the information required by the written inquiry is publicized, than information on the means, place and time framework of that publication is given within 5 days after the application is filed.
- c) If additional work is needed to provide the information required, than the information is given to the applicant within 30 days after the application is filed, about which a written notice is being provided within 5 days after the application submission, highlighting the reasons for delay and the final deadline when the information will be provided.

8. The answer to written inquiry is given on the material carrier mentioned in that application. If the material carrier is not mentioned and it is impossible to clarify that within the time limits foreseen by the following law, than the answer to the written inquiry is given by the material carrier that is the most suitable for the information holder.

9. In the cases foreseen by the 7 a sub clause of the following Article, the person submitting inquiry can by his wish, as defined by legislation, get acquainted with the information within the premises of the information holder, getting back his written inquiry.

10. If the information holder does not possess the information sought or if the disclosure of that information is beyond its powers, than within 5 days after the written inquiry is filed, it must inform the applicant about that in a written form, and if it possible, also point out the information on the place and body, including archive, that holds that information.

11. If the information holder does not possess all the data on the inquired information, than it gives the applicant the part of the data, that it possesses and in case of possibility also points out in the written answer the information on the place and body, including archive that holds that information.

#### **Article 10. Conditions of Providing Information**

1. Providing information or its copy from state and local self-government bodies is realized according to the Government Regulation of the Republic of Armenia.
2. The payment defined in the 1st clause of the current Article is not paid in the following cases:
  - a) response to oral inquiries;
  - b) for up to 10 pages of printed or copied information;
  - c) for information via e-mail (internet);
  - d) responding the written information inquiries mentioned in the 2nd clause of the Article 7;
  - e) providing information about the changes of the deadline in the cases foreseen by the 7c sub clause and 10th clause of the Article 9;
  - f) declining the information request.
3. The organizations of public importance decide themselves the cost to be paid for information, which can not exceed the costs of providing that information.
4. Body or organization that has provided untruthful or incomplete information shall provide corrected information free of charge, as defined by this law, upon the written inquiry of the receiving party.

#### **Article 11. Grounds and Procedure to Decline Information Request**

1. Information request is declined according to the grounds mentioned in the Article 8 of the following law or in case the relevant payment is not made.
2. The information holder can decline the oral inquiry, if at the given moment this interferes with the main responsibilities of the information holder, with the exception of cases foreseen by the 2nd clause of the Article 7.
3. In case of declining a written information request, information holder inform the applicant about it within 5 days in a written form, by mentioning the ground for the refusal (relevant norm of the law), time frame within which the decision of refusal was made, as well as the relevant appealing procedure.
4. The decision not to provide information can be appealed either in the state government body defined by Legislation or in the court.

#### **Article 12. Responsibilities of Information Holders in the Sphere of Insuring Free Access to Information**

As defined by the law, information holders are responsible to:

- a) ensure information access and publicity;
- b) record, categorize and maintain information possessed;
- c) provide truthful and complete information (possessed by them) to the person seeking information;
- d) define their procedures of providing oral and/or written information;
- e) appoint an official responsible for information freedom.

### **Article 13. Person Responsible for Information Freedom**

1. Official person responsible for information freedom can be the head of the information holder or an official appointed by it.
2. Person responsible for the Freedom of information according to the law:
  - a) ensures that the responsibilities of the information holder in the field of FOI are exercised;
  - b) explains thoroughly the procedures, conditions and forms of providing information to the person seeking information;
  - c) elaborates the statistical and complete data of inquiries received.

### **Article 14. Responsibility for the Infringement of Information Freedom**

1. For illegal refusal to provide information, or for the incomplete information disposal, as well as for other infringements of the information freedom defined by this Law, the official persons responsible for information freedom are held responsible according to the Law.
2. In the cases foreseen by the 3rd clause of the Article 8 of the following law, the disclosure of information can not cause administrative or criminal responsibility.

### **Article 15. Entrance of the Following Law into Force**

1. This Law enters into force on the 10th day after its official publication.
2. The 3rd and 4th clauses of the Article 7 of the Law enter into force from the 1st of January 2004.