

Province of Lower Austria Information Act

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Pursuant to the Framework Information Disclosure Act, Federal Law Gazette 286/1987, as amended by Federal Law Gazette I, 158/1998, on 5 October 2006 the Lower Austria Provincial Parliament decided as follows:

Amendment of the Lower Austria Information Act

Article I

The Lower Austria Information Act, Provincial Law Gazette 0020, is hereby amended as follows:

1. *The following table of contents is inserted before § 1:*
2. *§ 6 is deleted.*
3. *§§ 1 to 5 are renumbered §§ 2 to 6.
§ 1 (new) reads:*
4. *The following section title is inserted before § 2 (new):*
5. *In § 2 (new), paragraph 2 reads:*
6. *§§ 7 to 10 are renumbered §§ 31 to 34.*
7. *The following Sections 2 and 3 are inserted after § 6 (new):*
8. *The following section title is inserted before § 31 (new):*
9. *The text of § 33 (new) reads:*

Article II

Administrative proceedings relating to the refusal of free access to environmental information pending at the time of entry into force of Article I shall continue to be conducted in accordance with the previously applicable legislation.

The President:
Freibauer

The Provincial Governor
Pröll

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§ 1
Content

This Act governs

1. *the right to obtain information from administrative bodies (Section 1)*
2. *the right of free access to environmental information and informing the public about the environment (Section 2)*
3. *the re-use of public-sector documents (Section 3).*

Section 1
General right to information

§ 2
Freedom of information

(1) Every person shall have the right to obtain information from bodies belonging to the Province, municipalities and associations of municipalities and bodies which are self-governing under provincial legislation.

(2) *This Section shall not apply where information can be requested under other legislation or in accordance with Section 2.*

§ 3
Requests for information

Information may be requested by telephone, in person or in writing, or by telegram or telex.

§ 4
Disclosure of information

(1) The information shall be provided as soon as possible, but within eight weeks of receipt of the request for information at the latest. If the information cannot be provided within this time limit, the person seeking the information shall be informed thereof. If the request for information is not complied with within this time limit, the reasons shall be stated in the notification.

(2) The administrative effort in providing the information shall be kept to a minimum. Therefore the production of copies, printouts or other forms of duplication may be made subject to payment of the costs involved.

(3) The body receiving the request shall endeavour to provide the information in a comprehensible manner. Where a written request is unclear the person seeking the information shall be required to rectify it. In such cases the period referred to in paragraph 1 shall not commence until receipt of the rectification.

(4) Where a body is requested to provide information in a matter which does not fall within its area of competence it shall forward the request as soon as possible to the competent body or refer the person seeking the information to it. The person seeking the information shall be informed that the request has been forwarded.

§ 5
Restrictions on the freedom of information

(1) Information may be refused only in the following cases:

1. Where information is requested in a matter which does not fall within the body's area of competence;
2. Where provision of the information would conflict with a legal duty of confidentiality;
3. Where provision of the information would significantly affect the performance of the body's other tasks;
4. Where the information is evidently being requested with malicious intent;
5. Where the information requested must first be obtained from other sources and/or where extensive preparation is necessary;
6. Where the person seeking the information has access to the information by other means.

(2) In addition, professional bodies may also refuse information where it is requested by persons not belonging to the professional body in question.

§ 6

Refusal of information by means of an officially notified decision

(1) If the information is not provided the person seeking the information may request that the information be refused by means of an officially notified decision.

(2) Applications for the issue of a decision must be made in writing within three months of receipt of the request for information, otherwise any such claim shall lapse. Applications shall be accompanied either by a copy of the written request for information made at the time or a written record of the request for information made by telephone or in person.

(3) The body receiving the request may then provide the information within a period of one month of receipt of the application for the issue of a decision. In such cases the application for the issue of a decision shall be rejected.

(4) The following bodies shall be competent to issue decisions refusing information relating to the matters indicated:

Matters	Competent body
1 managed by the provincial government office	The provincial government office, acting as the authority
2 managed by the local government head office (also as a body assisting another authority)	The local government head office
3 managed by the municipal administration of a town or city with its own statutes	The municipal administration
4 managed by a municipality or an association of municipalities	The body responsible for the matter in question
5 managed by a self-governed body	The body generally responsible for management under the organisational rules, acting as the authority
6 In all other cases	The organisational unit managing business, acting as the authority

(5) There shall be no standard right of appeal against decisions issued in accordance with paragraph 1. The rules of procedure applying to the issue of decisions shall be the General Administrative Procedures Act (AVG), save where a different procedures act applies to a matter in which information is provided.

Section 2 **Environmental information**

§ 7

Objective, scope

(1) *The purpose of this Section is to ensure the provision of information on the environment to the public, in particular by:*

1. *guaranteeing the right of access to environmental information which is held by bodies required to provide information or which is kept on their behalf;*
2. *promoting the systematic and full availability and dissemination of environmental information.*

(2) *This Section applies to environmental information in matters which, under legislation, are the responsibility of the Province.*

§ 8

Environmental information

Environmental information means any information in written, visual, audio, electronic or any other material form on:

1. *the state of components of the environment such as air and the atmosphere, water, soil, the landscape and natural habitats including mountains and wetlands, biodiversity and its components, including genetically modified organisms, and the interaction of these components;*
2. *factors such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment of substances or organisms affecting or likely to affect the environmental components referred to in point 1;*
3. *measures such as legislation, plans, programmes, administrative acts, agreements and activities affecting or likely to affect the environmental components and factors referred to in points 1 and 2, as well as measures or activities designed to protect them;*
4. *reports on the implementation of environmental legislation;*
5. *cost/benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in point 3;*
6. *the state of human health and safety and, where relevant for human health and safety, on the contamination of the food chain, the conditions for human life, cultural sites and built structures where they are affected or may be affected by the environmental components referred to in point 1 or – as a result of those components – by factors, measures or activities as referred to in points 2 and 3.*

§ 9

Bodies required to provide information

(1) *For the purposes of this Act, bodies required to provide information are:*

1. *administrative authorities and other bodies under their operational supervision performing public administration tasks governed by Provincial legislation, including advisory bodies serving them set up by law;*
2. *bodies of the Province, the municipalities and associations of municipalities, where they perform private-sector administrative tasks;*
3. *natural or legal persons governed by private law which, under the control of a body as referred to in points 1 or 2, perform public tasks or provide public services relating to the environment.*

(2) *Control within the meaning of paragraph 1, point 3, means:*

1. *where the natural or legal person governed by private law is subject to supervision by a body as referred to in paragraph 1, point 1 or 2, in the performance of public tasks or the provision of public services, or*
2. *where a body as referred to in paragraph 1, point 1 or 2, can directly or indirectly exert a controlling influence by virtue of ownership, financial interest or rules applicable to the legal person concerned.*

(3) *The exertion of a controlling influence shall be presumed where a body as referred to in paragraph 1, point 1 or 2, directly or indirectly:*

1. *holds the majority of the subscribed capital; or*
2. *has the majority of the voting rights attached to the shares; or*
3. *is able to appoint more than half of the members of the administrative, management or*

supervisory body.

§ 10

Freedom of access to environmental information

- (1) *Everyone shall have the right to freedom of access to environmental information held by bodies required to provide information or kept on their behalf, without proof of a statutory entitlement or of a legal interest. The disclosure of environmental information may only be refused where refusal is provided for in this Section.*
- (2) *Environmental information shall be deemed to be held where it is in the possession of the body required to provide information and was drawn up or received by it.*
- (3) *Environmental information shall be deemed to be kept on a body's behalf where a natural or legal person which is not itself a body required to provide information stores environmental information for a body required to provide information and that body is authorised to demand it to be forwarded to it.*
- (4) *In any event, freedom of access shall apply to information on:*
 1. *the state of components of the environment such as water, air and the atmosphere, soil, biodiversity and its components, including genetically modified organisms and natural habitats, and the interaction of those components;*
 2. *exposure to noise or radiation including radiation caused by radioactive waste;*
 3. *emissions into the environment as referred to in § 8, point 2, in a form that is aggregated over time or presented as statistics;*
 4. *overruns of emission limit values;*
 5. *the consumption of natural resources, i.e. water, air or soil in a form that is aggregated over time or presented as statistics.*

§ 11

Disclosure obligation

- (1) *Requests for the disclosure of environmental information may be made in writing or, where it appears feasible according to the nature of the matter, orally. This may be done in any technical form which the body required to provide information is able to receive. If a request does not make the content or scope of the requested disclosure sufficiently clear, the person seeking the information shall, within a period of one month, be required to provide more specific details of the request in writing within a reasonable period. The person seeking the information shall be provided with assistance to that end.*
- (2) *If the requested environmental information does not exist at the body required to provide information or is not kept on its behalf, the request shall be forwarded as soon as possible to the body required to provide information known to hold the environmental information or on whose behalf it is kept. The person seeking the information shall be informed thereof. That person may also be referred to the correct body required to provide information where the nature of the matter so requires or it is in the interests of the person seeking the information.*
- (3) *The body required to provide information shall disclose environmental information as far as possible in an up-to-date, accurate, comparable and readily comprehensible form. In the case of environmental information in accordance with § 8, point 2, on request the body required to provide information shall also give details – where available – on where information on the measuring methods used to collect the information, including the methods of analysis, sampling and pre-treatment of samples, is to be found, or shall make reference to any standardised method applied.*
- (4) *The information shall be provided in the requested form or in the requested format. The information may be provided in another form or format where this is appropriate. In so doing the body required to provide information shall make preferred use of electronic data transmission according to its technical possibilities. In particular, the person seeking the information may be referred to publicly available information (§ 14) in another readily accessible form or another readily accessible format.*

The reasons for choosing another format or another form shall be communicated to the person seeking the information as soon as possible, but at the latest within one month of receipt of the request by the body required to provide information.

(5) Access to public lists or indexes and consulting the requested environmental information on the spot shall be free of charge. The body required to provide information may require payment of appropriate costs for the provision of environmental information. Such payment shall be in line with the average cost of provision for each individual case. Payment in advance may be required. The rules on the reimbursement of costs shall be published by the body required to provide information in the customary matter.

(6) The requested environmental information shall be supplied to the person seeking the information without unnecessary delay but at the latest within one month of receipt of the request, taking account of deadlines indicated by the person seeking the information. Where that time limit cannot be met as a result of the scope or the complexity of the requested information, it may be extended to up to two months. In such cases the person seeking the information shall be informed of any such extension, stating the reasons, as soon as possible but in any case before the end of the one-month period.

(7) Where a request is not granted, the person seeking the information shall be informed thereof within the time limits referred to in paragraph 6, stating the reasons. Such notification shall include a reference to the fact that the issue of an official decision may be applied for. The notification shall be in writing if the request was submitted in writing.

§ 12

Restrictions on disclosure and grounds for refusal

(1) The disclosure of environmental information may be refused if the request for information:

- 1. relates to the transmission of internal communications;*
- 2. was evidently submitted with malicious intent;*
- 3. continues to be too general;*
- 4. relates to material in the course of completion, unfinalised documents or unprocessed data. In such cases the body required to provide information shall name the body preparing the material and the estimated time of completion.*

The supply of environmental information may also be refused where costs in accordance with § 11(5) have not been paid.

(2) The disclosure of environmental information must be refused where it relates to environmental information other than that referred to in § 10(4), and its disclosure would adversely affect:

- 1. the maintenance of public security or general national defence;*
- 2. the protection of areas of the environment to which the information relates;*
- 3. the confidentiality of personal data where there is a legitimate interest in confidentiality within the meaning of the Data Protection Act 2000, Federal Law Gazette I, No 165/1999, as amended by Federal Law Gazette I, No 13/2005, or of the Lower Austria Data Protection Act, Provincial Law Gazette 0901;*
- 4. the confidentiality of commercial or company secrets where there is a legitimate interest in their confidentiality;*
- 5. intellectual property rights;*
- 6. the confidentiality of the proceedings of bodies required to provide information where such confidentiality is provided for by law;*
- 7. ongoing court proceedings, the ability of a person to receive a fair hearing, or the ability of a public authority to conduct criminal or disciplinary enquiries.*

(3) The interests of one of the parties in the confidentiality of commercial or company secrets shall only be legitimate where the publication of environmental information could allow conclusions to be drawn and directly or indirectly disclose a commercial or company secret and thus the holder of the commercial or company secret could suffer significant commercial damage. If such commercial damage is due simply to a diminished public reputation of the party following the making known of activities causing pollution, there shall be no legitimate interest in confidentiality.

(4) The restrictions on disclosure and grounds for refusal referred to in paragraphs 1 and 2 shall be interpreted strictly, taking account of the public interest in the disclosure of environmental information in each individual case. In each particular case the public interest in disclosure shall be weighed against the interest served by refusal of disclosure. A public interest in disclosure may, in particular, be the protection of the following:

- 1. protection of health;*
- 2. protection against lasting or serious environmental pollution;*
- 3. protection of the rights and freedoms of others.*

§ 13 Legal redress

(1) If the environmental information requested cannot be disclosed, or cannot be disclosed to the extent requested, at the request of the person seeking the information an official decision shall be issued. The body required to provide information shall be responsible for issuing the decision where it also generally has the power to issue decisions.

(2) The rules of procedure under which decisions are to be issued shall be the 1991 General Administrative Procedures Act (Allgemeines Verwaltungsverfahrensgesetz, AVG), save where the matter in respect of which the information is issued is governed by another procedures act.

(3) Bodies required to provide information not authorised to issue decisions shall forward applications within the meaning of paragraph 1 without undue delay to the decision-issuing body responsible for supervision or other control or for the setting-up thereof, and in other cases to the district administrative authorities in whose district the body required to provide information is established, or refer the person seeking the information to them.

(4) Appeals shall be decided by the Independent Administrative Board of the Province of Lower Austria. This shall not apply to decisions issued in the municipalities' own area of competence.

§ 14 Publication of environmental information

(1) Bodies required to provide information shall prepare environmental information which is relevant to their tasks and which is held by them or kept on their behalf for active and systematic dissemination to the public. The provisions on restrictions on disclosure and grounds for refusal (§ 12) and § 11(3) shall apply mutatis mutandis.

(2) In particular, the following information shall be made accessible and disseminated:

- 1. the texts of international treaties, conventions and agreements, and Community and other legislation on the environment or relating to it;*
- 2. plans and programmes relating to the environment;*
- 3. reports on the progress made in implementing the items referred to in points 1 and 2, provided that such reports have been drawn up or are held in electronic form by the bodies required to provide information;*
- 4. state-of-the-environment reports;*
- 5. data or summaries of data from the monitoring of activities affecting or likely to affect the environment;*
- 6. authorisations with a significant impact on the environment and environmental agreements, or a reference to where such information can be obtained or found;*
- 7. environmental impact assessments and risk assessments concerning the environmental components referred to in § 8(1), or a reference to where such information can be obtained or found.*

(3) Environmental information, which shall be updated at appropriate intervals, shall, as far as possible, be disseminated by means of electronic media. Information made available using electronic

technology shall not be required to include information collected before the entry into force of this Section, unless it is already available in electronic form.

(4) The requirements for the active and systematic dissemination of environmental information and for the practical arrangements to facilitate access to information (paragraph 6) may be met by the creation of links to internet sites and environmental information portals on the internet on which the information to be disseminated can be found.

(5) If human health or the environment are directly threatened, the bodies required to provide information shall disseminate the environmental information held by them or kept on their behalf immediately, if it allows the public concerned to avoid or limit the impending damage, whereby the restrictions on disclosure and grounds for refusal referred to in § 12 shall be taken into account. This shall apply regardless of whether the threat is the result of human activity or has a natural cause.

(6) In order to fulfil their disclosure obligation (§ 11), bodies required to provide information shall make practical arrangements to facilitate access to information, in particular by:

1. publishing organisation charts and task distribution diagrams, where available;
2. providing details of persons who can provide information or information points;
3. keeping lists and indexes of the environmental information which they hold.

§ 15

Obligation to disclose information

On request, bodies required to provide information shall forward free of charge environmental information held by them in the performance of tasks in the field of environmental protection assigned to them under Provincial law or kept on their behalf, to the bodies of the Federal Government, the Provinces or the municipalities in the performance of tasks in the field of environmental protection assigned to them by law.

§ 16

Exemption from payment of fees

Requests for disclosure of environmental information and the disclosure of environmental information in accordance with this Section shall not be subject to the requirement to pay Provincial and municipal administration fees.

Section 3

Re-use of public-sector documents

§ 17 Objective

The purpose of this Section is to facilitate the re-use of public-sector documents, in order in particular to promote the creation of new information products and services.

§ 18

Subject matter and scope

(1) This Section governs the legal framework for the commercial and non-commercial re-use of documents held by public-sector bodies, in so far as they make them available for re-use.

(2) This Section shall not affect legal provisions regulating access to documents (access rules), data protection provisions and statutory confidentiality obligations.

(3) This Section shall not apply to documents:

1. held by educational and research establishments, or
2. held by cultural establishments.

§ 19
Definitions

For the purposes of this Section:

1. 'Public-sector body' means:
 - a) the Province,
 - b) municipalities and associations of municipalities,
 - c) self-governing bodies under Provincial law,
 - d) establishments founded under Provincial law such as foundations, funds, institutes and other legal persons governed by public law, which
 - o were set up for the express purpose of performing tasks of a non-commercial nature in the public interest;
 - o have at least limited legal capacity, and
 - o are predominantly financed by the province, by a municipality, by other establishments founded under Provincial law or other public-sector bodies (Article 2(1) of Directive 2003/98/EC) or as regards their management are subject to supervision by such or whose administrative, management or supervisory body is composed mainly of members appointed by the Province, a municipality, other establishments founded under Provincial law or other public-sector bodies,
 - e) associations which are mainly composed of two or more public-sector bodies in accordance with points a to d.
2. 'Document' means:
 - a) any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording);
 - b) any part of such content.
3. 'Document held by a public-sector body' means:
a document which the public-sector body is authorised to make available for re-use.
4. 'Re-use' means:
the use by persons or legal entities of documents held by public-sector bodies, for commercial and non-commercial purposes other than the initial purpose under the public task for which the documents were produced. The exchange of documents between public-sector bodies within the meaning of Article 2(1) of Directive 2003/98/EC purely in pursuit of their public tasks shall not constitute re-use.

§ 20
General principle

(1) *Where documents held by public-sector bodies are lawfully made available for re-use, any person or entity shall have the right to re-use of the documents vis-à-vis the public-sector body in a non-discriminatory manner, in accordance with this Section.*

(2) *Paragraph 1 shall not constitute a distinct regime of access to public-sector documents. Paragraph 1 shall not imply an obligation on public-sector bodies to permit the re-use of public documents in all cases.*

(3) *There shall be no right to re-use in accordance with paragraph 1 in the case of documents:*

1. *whose drawing up is not part of the public task of the public-sector body concerned,*
2. *which, in particular for reasons of national security, general national defence or public security or because they contain commercial or company secrets or are otherwise subject to confidentiality, are not accessible,*
3. *which are only accessible if proof of a special interest is provided,*
4. *which are the intellectual property of third parties, or*
5. *which are covered by industrial property rights.*

§ 21
Requests for re-use

(1) *Requests to re-use documents shall be made in writing to the public-sector body which holds the document requested. This may be done in any technical form which the public-sector body is able to receive.*

(2) *Should a request for re-use not make the content, scope or manner of the re-use of the requested documents sufficiently clear, the public-sector body shall without delay require the applicant to clarify the request in writing within a period of not more than two weeks. If the clarification requirement is met within the time limit, the time limit under paragraph 3 shall start to run afresh after receipt of the clarification. Otherwise the request shall be deemed not to have been submitted.*

(3) *The public-sector body shall process the request within the time limit for processing requests for access to documents under the applicable access rules or, if no such time limit is laid down, within four weeks of receipt of the request and, indicating a reference to the means of legal redress,:*

- 1. make the requested documents available for re-use in full, or*
- 2. make the requested documents partly available for re-use and inform the applicant in writing, stating the reasons, that the request is in part not being granted, or*
- 3. present a final contract proposal, where it is necessary under § 24 to agree conditions for the re-use of the requested documents, or*
- 4. inform the applicant in writing, stating the reasons, that the request has not been granted.*

(4) *If the reason for the notification of refusal (points 2 and 4 of paragraph 3) is that the requested document is the intellectual property of third parties, the public-sector body shall also refer to the known rightholder or alternatively to the party from whom it obtained the material concerned.*

(5) *In the case of voluminous and complex requests, the time limit specified in paragraph 3 may be extended by four weeks. In that case the applicant shall be informed of the extension of the deadline as soon as possible but no later than three weeks after receipt of the request.*

(6) *Where possible and appropriate, public-sector bodies shall use electronic means for processing requests for re-use, making documents available and, where applicable, submitting a final licence proposal.*

§ 22
Available formats

(1) *Where public-sector bodies authorise the re-use of documents which they hold, they shall provide them in any pre-existing format or language, by electronic means where possible and appropriate. Public-sector bodies shall not be obliged under this Section to produce anew, adapt or further process documents for the purpose of their re-use.*

(2) *Where extracts from documents are requested, they shall not be made available where this would involve disproportionate effort, going beyond a simple operation.*

(3) *Public-sector bodies shall not be obliged to continue the production of specific documents with a view to the re-use of such documents.*

§ 23
Charges

(1) *Where public-sector bodies levy charges for the re-use of documents which they hold, the total revenue from supplying and allowing re-use of the documents may not exceed the cost of collection, production, reproduction and dissemination plus a reasonable return on investment.*

(2) *The charges shall be cost-oriented over the relevant accounting period and shall be calculated in*

line with the accounting principles applicable to the public-sector bodies concerned.

§ 24
Licences

(1) Public-sector bodies may lay down conditions for the re-use of documents which they hold in a contract governing the main aspects of such re-use.

(2) The conditions referred to in paragraph 1 may not limit the re-use of the requested documents unnecessarily or restrict competition.

§ 25
Transparency

(1) The conditions and charges for the re-use of documents shall be established in advance by public-sector bodies and published in appropriate fashion, where possible and appropriate on the internet.

(2) Public-sector bodies shall on request indicate the basis of calculation for the published charges and the factors taken into account when calculating charges in atypical cases.

(3) Public-sector bodies shall make practical arrangements for facilitating access to those documents which are authorised for re-use, for example by keeping lists and indexes of the main documents which they hold and can be accessed for re-use and publishing them in appropriate fashion, where possible on the internet.

§ 26
Non-discrimination

(1) The charges and other conditions for the re-use of documents held by public-sector bodies shall be non-discriminatory for comparable categories of re-use.

(2) Where documents held by public-sector bodies are re-used by them as input for their own commercial activities which fall outside the scope of their 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) Where documents held by public-sector bodies are available for re-use, such use shall be open to all potential market participants, even where such documents are already being used by one or more market participants as the basis for added-value products.

§ 27
Prohibition of exclusive arrangements

(1) Contracts or other arrangements between public-sector bodies and third parties providing for exclusive rights relating to the re-use of documents falling within the scope of this Act (exclusive arrangements) shall not be permitted.

(2) Paragraph 1 shall not apply where the grant of an exclusive right is necessary for the provision of a service in the public interest. The validity of the reason for such an exclusive arrangement shall be subject to regular review, in any event every three years. In all cases a provision shall be included in the exclusive arrangement ensuring the public-sector body a special right to termination where the regular review reveals that the grounds for the exclusive arrangement no longer exist. Exclusive arrangements entered into after 31 December 2003 shall be transparent and made public in a suitable manner – where possible on the internet.

(3) Existing exclusive arrangements not qualifying for the exceptions under paragraph 2 shall terminate at the end of the contract or shall be deemed to have been terminated at the close of

31 December 2008.

§ 28

Refusal of re-use by means of an officially notified decision

(1) *Where a request for re-use of documents is not met or not met in full, the applicant may request that an officially notified decision to that effect be issued.*

(2) *Applications for the issue of a decision shall be made in writing within two weeks of the time at which the applicant considers the documents not to have been provided adequately. A copy of the written request to re-use documents shall be enclosed with the application.*

(3) *The body receiving the request may then provide the document within a period of two weeks of receipt of the application for the issue of a decision. In such cases the application for the issue of a decision shall be rejected.*

(4) *The public-sector body shall issue a decision on applications as referred to in point 1 without unnecessary delay, but not later than four weeks after receipt of the application.*

(5) *The following bodies shall be competent to issue decisions refusing the re-use of documents held by:*

	Public-sector body	Competent body
1	Provincial government office	The Lower Austria provincial government office, acting as the authority
2	Local government head office	The local government head office
3	Municipal administration of a town or city with its own statutes	The municipal authority
4	Municipality or association of municipalities	The body responsible for the matter in question
5	Self-governed body	The body generally responsible for management under the organisational rules, acting as the authority
6	In all other cases	The organisational unit managing business, acting as the authority

(6) *The rules of procedure applying to the issue of decisions shall be the 1991 General Administrative Procedures Act (AVG), save where a different procedures act applies to a matter in which information is provided.*

§ 29

Assessment by means of an officially notified decision (licences)

(1) *Where, in the opinion of the applicant, a binding contract proposal (licence) is not in accordance with this Act, the applicant shall inform the public-sector body thereof within the time limit laid down for acceptance of the contract proposal.*

(2) *Where the public-sector body does not amend the contract proposal in accordance with the notification referred to in paragraph 1 within the time limit referred to in § 21(3), the applicant may apply for an assessment by means of an officially notified decision establishing whether the contract proposal or parts thereof are in accordance with this Section.*

(3) *§ 28(4) to (6) shall apply mutatis mutandis.*

§ 30

Legal redress

(1) *Appeals against decisions may be lodged with the Independent Administrative Senate in the Province of Lower Austria. This shall not apply to decisions issued in the municipality's own area of competence.*

(2) *Public-sector bodies shall be a party in administrative proceedings under this Section and shall be entitled to lodge appeals and complain to the Higher Administrative Court.*

Section 4 Common provisions

§ 31 Gender-neutral names

Where in this Act references to persons are given only in the masculine form, they refer equally to men and women.

§ 32 Area of competence of the municipalities

The tasks of the municipalities governed by this Act shall be tasks within their own area of competence.

§ 33 EC Directives transposed

This Act transposes the following European Community Directives:

1. Directive 2003/4/EC 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 (OJ L 41, 14.2.2003, p. 26).

2. Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

Article 34 Entry into force

This Act shall enter into force on 1 July 1988.