

The Saeima has adopted and the President hereby promulgates the following Law:

Law amending the Law on the freedom of information

The Law on the freedom of information (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1998, No 24; 2003, No 12; 2004, Nos 2 and 6; 2006, Nos 2 and 21; 2009, Nos 9 and 14) is hereby amended as follows:

1. In Article 1:

paragraph 5 is amended to read as follows:

"(5) **re-use** - use of information held by an institution and the use of generally accessible information created by an authority for a commercial or non-commercial purpose other than the original purpose for which the information was created, if this is done by a private individual who uses the information available to the institution for purposes other than public administration;"

the following paragraphs 6 and 7 are added:

"(6) **open data** - open-access, cost-free information with no restrictions on re-use, which may be edited and automatically processed with open-access software;

(7) **metadata** - structured information which characterises the information set in question."

2. The first sentence of Article 5(4) is amended to read as follows:

"The author of information or the head of an institution shall accord the status of restricted access to information for a period not exceeding one year, except in the case referred to in Article 7 of this Law."

3. The following paragraph 5 is added to Article 7:

"(5) Information on a trade secret is restricted information until the registered trader notifies the institution of termination of the status of the trade secret or if the relevant information has become generally accessible to third parties."

4. The following paragraph 2¹ is added to Article 10:

"(2¹) If useful, and at its own initiative, an institution shall ensure access to generally accessible information placed on the internet in the form of open data, together with the information's metadata."

5. The following paragraph 5 is added to Article 11²:

"(5) An institution shall not be obliged to collect, create, store or modify information solely to satisfy a request for re-use."

6. The following paragraph 5 is added to Article 12:

"(5) If an institution refuses to provide the requested information for re-use on the grounds of protection of the intellectual property rights of a third party, or if the institution is not eligible to issue the information requested because of conditions laid down by a third party (licensor), it shall indicate in the written statement of refusal the third party whose intellectual property rights are being protected, if it is known to the institution, or the licensor that has accorded the institution the right to use the relevant object of intellectual property rights. This indication does not have to be made in a statement of refusal addressed to a library, museum or archive."

7. Article 13(2) is amended to read as follows:

"(2) The charge for providing the information may not exceed the costs of creating and processing it (for example, information gathering, preparation, reproduction and distribution costs). When issuing legislation on chargeable services, the fact that the charge may not cover either expenditure incurred in the resolution of legal or political issues associated with providing a reply to the request for information or expenditure on retrieving the information shall be taken into account. If information for re-use is issued from the collection of a library, the Latvian National Archive or a museum, the charge for provision of the information may also include the cost of preservation and rights clearance."

8. Article 17 is amended to read as follows:

"Article 17. Conditions for the re-use of information

An institution may, without restricting competition, establish conditions for re-use."

9. The following paragraphs 3 and 4 are added to Article 18:

"(3) On the basis of an exclusive agreement, the institution shall be provided with a digitised copy of the cultural resources free of charge, and this copy shall be available for re-use after the relevant period of exclusivity has elapsed.

(4) If exclusive rights to re-use information apply to digitisation of the cultural resource, this period of exclusivity shall not exceed 10 years."

10. The following point 9 is added to the transitional provisions:

"9. If the exclusive agreement referred to in Article 18(4) of this Law is concluded until 1 July 2015 and the term of that agreement exceeds 10 years, it shall be terminated or extended in the eleventh year following conclusion of that agreement and, if necessary, every seven years thereafter."

11. The following point 3 is added to the reference to European Union Directives:

"(3) Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information."

Adopted by the Saeima on 3 September 2015.

Acting for the President,
Speaker of the Saeima.
Mūrniece

Riga 22 September 2015