

The *Saeima* [Parliament] has adopted and
the President has issued the following Act:

Amendments to the Act on Freedom of Information

The following amendments are hereby made to the Act on Freedom of Information (published in the Latvian Parliament and Cabinet Journal *Ziņotājs*, 1998 No 24; 2003 Nos 6, 12, 24; 2004 Nos 2, 6):

1. The following points 4 and 5 are inserted in Section 1:

“4) institution – any State authority, or any person implementing State administrative functions and duties whereby this person is involved in the circulation of information;

5) re-use – use by an institution or a private individual of information held by an institution, for a commercial or non-commercial purpose other than the original purpose for which the information was produced.”

2. Section 2(1) is amended to read as follows:

“(1) The purpose of this Act is to provide for public access to information held by institutions or that institutions are under an obligation to produce pursuant to their areas of authority. This Act lays down common procedures under which private individuals are entitled to obtain information from institutions and to use this information.”

3. In Section 5:

Section 5(3) is amended to read as follows:

“(3) The author of information or the head of an institution shall accord the status of restricted access to information, on the grounds provided for in this or other Acts.”;

The following new paragraphs 4 and 5 are inserted:

“(4) The author of information or the head of an institution shall accord the status of restricted access to information for a period of time not exceeding one year. The author of the information or the institution may decide to renew the period for which the status is valid or to repeal the validity of the status before the end of the prescribed period. Upon expiry of the period for which information has been accorded the status of restricted access or if this status is repealed before the end of the period prescribed by law, the information shall become generally available

(5) Sections 5(3) and (4) shall not apply to cases where information has been accorded the status of restricted access by law.”;

The previous paragraph 4 is renumbered as paragraph 6.

4. Section 7 is amended to read as follows:

"Section 7. Information concerning trade secrets

(1) Information produced or owned by a commercial operator shall be deemed a trade secret if disclosure of the information could have a significant negative impact on the commercial operator's competitiveness.

(2) Information relating to the implementation of State administrative functions or duties may not be deemed a trade secret.

(3) When submitting information to an institution a commercial operator shall indicate if the information is a trade secret and shall provide the legal basis for this status."

5. Section 9 is amended to read as follows:

"Section 9. Registration of information

(1) Each institution shall keep an information register.

(2) A person requesting information is entitled to access the register on generally available information.

(3) The register of generally available information is published on the website of the institution concerned, if this exists.

(4) The Cabinet of Ministers shall lay down procedures by which institutions shall register information and the procedure for and scope of the publication of generally available information registers on the internet."

6. The title of Chapter III is amended to read as follows:

"Provision and re-use of information and protection of the rights of persons requesting information".

7. Section 10 is amended to read as follows:

"Section 10. Obligation to provide information

(1) An institution shall provide information on its own initiative or on the request of a private individual.

(2) Based on principles of good management, an institution shall provide access to certain types of generally available information on its own initiative.

(3) Generally available information shall also be provided on the request of private individuals. This information is provided to anyone wishing to obtain such information, subject to the equal rights of persons to obtain information. Applicants for information shall

not be required to specially justify their interest in the generally available information requested, and in cases where the information does not relate to the applicant, this shall not be a reason for denying access to the information.

(4) If a collection of information requested includes information subject to restricted access, the institution concerned shall provide access only to the generally available parts of this information. The parts containing information subject to restricted access shall be provided pursuant to the special procedure laid down in this Act.

(5) The procedure by which information held by an institution is disclosed to the public and made available for re-use shall be laid down by the Cabinet of Ministers.

(6) The procedure by which institutions publish information on the internet shall be laid down by the Cabinet of Ministers.

8. The following sentence is inserted at the beginning of Section 11(4):

“Applications for information subject to restricted access shall be made in writing.”

9. The following Section 11.¹ is inserted:

“Section 11.¹ Format for the provision of information

(1) Requested information shall be provided orally, in writing or, where possible, using electronic means of communication. Information subject to restricted access shall be provided in writing.

(2) When providing requested information an institution shall wherever possible take into account the applicant’s preferred format for receipt of the information, and particular attention shall be paid to persons with visual or auditory impairments.

(3) An institution may refuse to comply with a request for information or with the conditions of a request if the request or its conditions are not commensurate with the resources at the disposal of the institution, viz. compliance with the request or its conditions would jeopardise the work of the institution or infringe the rights of others.

(4) An institution may invite private individuals to come to the institution at a mutually convenient time to acquaint themselves with the requested information if the request is disproportionately large or if provision of the information outside the institution is not possible due to the conditions under which the information is stored.”

10. In Section 12:

The title of the Section is amended to read as follows:

“Section 12. Refusal to provide information and procedure for issuing notices regarding requested information

Paragraph 2 is amended to read as follows:

“(2) If the institution does not hold the requested information, the institution shall issue a notice indicating where the information is located and, if known, the procedure for accessing the information.”

The following paragraph 3 is inserted:

“(3) If the information has been published in the official journal *Latvijas Vēstnesis*, after assessing whether the applicant has access to the journal, the institution may refuse to provide the requested information, indicating when and where the information was published in *Latvijas Vēstnesis*.”

11. In Section 13:

Paragraphs 2, 3 and 4 are amended to read as follows:

“(2) Fees for the provision of information shall not exceed the costs of finding the document or information, and additional processing and duplication costs. Fees may not include any other expenses incurred as a result of resolving legal or political issues relating to the provision of a response to a request for information.

(3) Any person requesting information may apply for exemption from the fee relating to the service. The Cabinet of Ministers shall determine the circumstances under which fees for the provision of information may be reduced or waived in respect of private individuals.

(4) The Cabinet of Ministers shall lay down procedures for the payment of fees for the provision of information and for carrying out paid services, and the amount of fees payable.”

The following paragraph 5 is inserted:

“(5) A commercial association established by a public body shall be charged the same fees and be subject to the same procedures as other information applicants for the re-use of information in the context of its commercial activities.”

12. Section 14 is amended to read as follows:

“Section 14. **Timeframe for the provision of information**

(1) An institution that has received an application for information shall carry out one of the following:

1) provide a response as specified in Section 12(2) or (3) within seven days;

2) respond to the applicant within 15 days if the information does not require any additional processing;

3) respond to the applicant within 30 days if the information requires additional processing and inform the applicant of this requirement no later than within 15 days.

(2) A response to a collective application for information shall be sent to the person whose signature appears first on the application or to the person indicated by the collective applicants.”

13. Section 15 is amended to read as follows:

“Section 15. Control of institutional decisions and activities

Administrative acts issued or actual activities carried out by an institution may be contested or appealed against pursuant to the Act on Administrative Procedures.”

14. In Section 16(3) the words “information for official service use” are replaced with “information subject to restricted access”.

15. The following new Sections 17 and 18 are inserted:

“Section 17. Regulations for the re-use of information

The re-use of information is not subject to conditions. In exceptional cases, in order to ensure the qualitative and efficient re-use of information, an institution may establish conditions for the re-use of information, without limiting competition.

Section 18. Exclusive agreements

(1) The granting of exclusive rights for the re-use of information is prohibited, except where exclusive rights are necessary for the provision of information society services in the public interest. Such agreements are transparent and shall be published. The grounds for such agreements shall be reviewed at least once every three years.

(2) The procedure for granting exclusive rights and for publishing information on the granting of such rights shall be laid down by the Cabinet of Ministers.”;

The previous Section 17 is renumbered as Section 19.

16. In the transitional provisions:

Points 1 and 2 are deleted;

The following points 3, 4, 5, 6 and 7 are inserted:

“3. The provisions of Section 9(3) shall enter into force on 1 January 2007.

4. Information that has been accorded the status of restricted access until the date on which Section 5(4) of this Act comes into effect, and in respect of which this status has not been revoked pursuant to the provisions of this Act, shall be regarded as information subject to restricted access until 31 December 2006.

5. Exclusive agreements concluded up to 1 February 2006 that do not comply with the provisions of Section 18(1) of this Act shall be terminated upon expiry and in any case no later than on 31 December 2008.

6. The Cabinet of Ministers shall issue the regulations referred to in Section 9(4), Section 10(5) and (6), Section 13(3) and (4), and Section 18(2) of this Act by 1 July 2006.

7. Cabinet Regulation No 275 of 3 August 1999 on the procedure by which information held by Government and local authorities is made public shall be in force until the regulation provided for in Section 10(5) of this Act comes into force, but not beyond 30 June 2006, as long as the Regulation does not prejudice this Act.

17. The following reference to European Union directives is inserted:

“Reference to European Union directives

This Act transposes legislative provisions laid down in:

1) Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information;

2) 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.”

This Act shall enter into force on 1 February 2006.

Adopted by Parliament on 22 December 2005.

President

V. Vīķe-Freiberga

Riga, 3 January 2005