

# LAW GAZETTE OF CARINTHIA [KÄRNTEN]

2005 Published on 17 October 2005 Vol. 38

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## **70. Act of 7 July 2005 on the obligation to provide information, data protection and statistics of the Land of Carinthia (Carinthian Information and Statistics Act, K-ISG)**

The Parliament of Carinthia has decided as follows:

### **Section 1**

#### **General obligation to provide information**

##### **Article 1**

###### Obligation to provide information

- (1) The bodies of the *Land*, municipalities and associations of municipalities and the bodies that under regional law are self-governing shall provide information on matters within their scope of activity to the extent that this is not prevented by legal requirements of confidentiality.
- (2) Information means factual statements on matters which at the time of the request for information are known to the body that is subject to the obligation to provide information by virtue of its official activities and which need not first be obtained or compiled in order to comply with the obligation to provide information.
- (3) Information must be provided only to such an extent that it does not significantly affect the body's discharge of its other duties. Information need not be provided if it is requested in a manifestly unreasonable manner, if the provision of the information requires extensive compilation or if the requester has direct access to the requested information in any other way.
- (4) Bodies of professional agencies have an obligation to provide information only *vis-à-vis* their members and other affiliated persons, and only to the extent that it does not interfere with the due and proper discharge of their statutory duties.

##### **Article 2**

###### The right to information

- (1) Any person has the right to request information orally, by telephone or in writing. In accordance with the technical possibilities available, written requests for information may also be submitted by telegram, telex, fax, electronic data transmission or in any other technically possible manner.
- (2) The requester of information may be instructed to present

- a) in written form a request for information made orally or by telephone, or
- b) to clarify an unclear written request for information

within an appropriate period of at least two weeks.

If such an instruction is not complied with by the deadline indicated, the request for information shall be deemed not to have been submitted.

### **Article 3**

#### Provision of information

- (1) As far as possible, information shall be provided orally or by telephone.
- (2) Information shall be provided without unnecessary delay, but not later than within eight weeks of the date on which the request for information was received. If instructions have been issued to present the request in writing or to clarify the request for information in accordance with Article 2(2), this period shall commence on the date on which the written or clarified request for information is received. If for special reasons the deadline for the provision of information cannot be met, the requester shall be informed thereof on time, stating reasons, but not later than within eight weeks.
- (3) If a body receives a request for information on a matter that is outside its remit, it shall without unnecessary delay pass on the request to the competent body while at the same time informing the requester, or refer the requester to that body.

### **Article 4**

#### Refusal to provide information

- (1) When a body refuses to provide information, the requester shall be duly informed specifying the reason for refusal. If the requester asks for a written notice of refusal, this shall be provided to him. The procedure according to which the decision shall be delivered shall be that laid down in the General Administrative Procedure Act 1991, BGBl. No 51, last amended by BGBl. I, No 10/2004; however, if the matter for which the provision of information is refused is governed by any other Procedural Act, that other Act shall apply.
- (2) The independent Administrative Court shall hear appeals against decisions within the meaning of paragraph 1 if they are decisions taken by bodies of the *Land* of Carinthia.

## **Section 2**

### **Environmental information**

#### **Article 5**

Improving the dissemination of environmental information;  
agencies with an obligation to provide information

- (1) The bodies referred to in Article 1(1) and other natural or legal persons that as bodies of the *Land* of Carinthia or of the municipalities are tasked with discharging public responsibilities relating to the environment and natural or legal persons that under

the supervision of the aforementioned bodies have public duties relating to the environment - hereinafter referred to "agencies with an obligation to provide information" - shall support the public in gaining access to environmental information, in particular in the cases provided for in Article 7(3). They shall inform the public of the rights deriving from the present Section and provide information, guidance and advice in an appropriate manner.

(2) The limitations on the obligation to provide information laid down in Article 1(4) for bodies of professional agencies shall not apply to the present Section.

(3) In the framework of the obligation provided for in paragraph 1, agencies with an obligation to provide information shall take practical measures to ensure that the right to access to environmental information can be exercised effectively; this can be achieved in particular through

- a) the appointment of information officers;
- b) the development or maintenance of facilities for consulting the information requested;
- c) registers or lists concerning environmental information that are in the possession of the agency with an obligation to provide information;
- d) the setting-up of information centres with clear indications as to where such information can be found.

## **Article 6**

### Free access to environmental information

(1) Agencies with an obligation to provide information shall make environmental information that is at their disposal or is kept at their disposal accessible to any person who so requests.

(2) Environmental information means any information in written, visual, aural, electronic or any other material form on any of the following:

- a) the state of the elements of the environment such as air, atmosphere, water, soil, land, landscape and natural sites including wetlands, biological diversity and its components, including genetically modified organisms, and the interaction between these elements;
- b) factors such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in subparagraph (a);
- c) measures (including administrative measures) such as policies, laws, plans and programmes, administrative acts, environmental agreements and activities affecting or likely to affect the elements and factors referred to in (a) and (b), as well as measures or activities designed to protect those elements;
- d) reports on the implementation of environmental legislation;

- e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in subparagraph (c);
- f) the state of human health and safety, where appropriate including the contamination of the food chain, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment referred to in subparagraph (a) or, through those elements, by any of the factors, measures or activities referred to in subparagraphs (b) and (c).

## **Article 7**

### Duty of notification

- (1) Applicants should be given access to environmental information as soon as possible, but not later than one month of the receipt of the application, taking due account of any periods indicated by the applicant.
- (2) If the environmental information applied for is so extensive and complex that it is not possible to provide access to it within one month, that information shall be made accessible within two months of the receipt of the application. In this case, the applicant shall as soon as possible, but in any case before the end of the one-month period, be informed of the extension of the period, specifying reasons.
- (3) If an application is couched in terms that are too general, the applicant shall, as soon as possible but not later than within one month, be requested to further specify the application within an appropriate period of at least two weeks.
- (4) If it is requested that environmental information be provided in a particular form or format, this request shall be honoured unless
  - a) the information is already publicly available in another form or format that is easily accessible to the applicant or
  - b) it is appropriate for the authority, given the amount of work involved, to make the information accessible in a different form or format; in this case, the grounds for choosing that other form or format shall be specified.
- (5) If a request for information is not met, the reasons shall be indicated in the notice to the applicant, with a reference to the redress mechanism (Article 9).

## **Article 8**

### Limitations on notification

- (1) An application for access to environmental information may be refused if the information requested is not available at the agency to whom the application is addressed and is not kept at its disposal; if the agency knows that that information is available at another agency or is kept at the other agency's disposal, the agency shall in this case immediately forward the application to that other agency and duly inform the applicant.
- (2) An application for access to environmental information may also be refused if the application
  - a) is manifestly unreasonable;

- b) is formulated in too general a manner and if no adequate specification within the meaning of Article 7(3) is submitted by the deadline;
- c) concerns internal information, in which case the consequences of disclosing the information shall be weighed against public interest in disclosing that information.

(3) If the application concerns material that is in the process of being completed or if it concerns documents that have not yet been completed or data that have not yet been compiled, the applicant shall be informed of the agency that is preparing the material and the expected date by which it will be available.

(4) An application for access to environmental information may be refused if its release may adversely affect

- a) the confidentiality of the proceedings of public authorities, where such confidentiality is provided for by law;
- b) international relations, public security or national defence;
- c) the course of justice, the ability of any person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature;
- d) the confidentiality of commercial or industrial information where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy;
- e) intellectual property rights;
- f) the confidentiality of personal data and/or files relating a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by national or Community law;
- g) the interests or protection of any person who supplied the information requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned; or
- h) the protection of the environment to which such information relates, such as the location of rare animal species.

(5) The grounds for refusal mentioned in paragraphs 1, 2 and 4 shall be interpreted in a restrictive way. In each case, the public interest served by disclosure shall be weighed against the interest served by the refusal. Application for information on emissions to the environment may not be refused with reference to paragraph 4(a),(d),(f),(g) and (h).

(6) If environmental information applied for is partly covered by paragraph 2(c) or paragraph 3, it shall exceptionally be disclosed provided that they are not covered by these exception clauses and cannot be separated from environmental information not subject to the right of access.

## Article 9

## Remedies

- (1) If the environmental information applied for is not provided or is not provided to the extent requested, the matter shall be settled by a decision at the request of the person who applied for the information.
- (2) The responsibility for issuing a decision within the meaning of paragraph 1 rests with the agency that has an obligation to provide information, to the extent that it discharges official duties; if this is not the case, the applications within the meaning of paragraph 1 shall without unnecessary delay be forwarded to the decision-making agency responsible for supervision or other control or their organisation, and in other cases to the administrative authority of the district where the agency with an obligation to provide information has its seat, or to refer the applicant to it.
- (3) Appeals against decisions within the meaning of paragraph 2 shall be heard by the independent Administrative Court if the decision was taken by a body of the Land of Carinthia.

## Article 10

### Charges

- (4) Access to any public register or lists and examination *in situ* of the environmental information requested shall be free of charge. This shall be without prejudice to any purchase price or protective charges for publications. The government of the Land of Carinthia may by regulation fix fees for making environmental information available. However, purchase prices, protective charges and fees for making environmental information available may not exceed a reasonable level.

## Article 11

### Publication of environmental information

- (1) Agencies with an obligation to provide information shall ensure that environmental information which they have at their disposal in the discharge of responsibilities assigned to them under Carinthian environmental protection law and of which the public has a legitimate interest to be informed for reasons of environmental protection is published in an appropriate manner insofar as this does not conflict with the duty of secrecy. Such environmental information shall as much as possible be made publicly accessible through electronic data banks so as to promote active and systematic dissemination to the public.
- (2) The duty to disseminate information within the meaning of paragraph 1 applies in particular to the following environment-related information, which shall where appropriate be brought up to date:
  - a) international treaties;
  - b) plans and programmes;
  - c) progress reports on the implementation of international treaties and national plans and programmes;
  - d) reports on the state of the environment;

- e) data derived from the monitoring of activities affecting, or likely to affect, the environment;
- f) authorisations with a significant impact on the environment and environmental agreements;
- g) environmental impact studies and risk assessments concerning the state of the elements of the environment such as air, atmosphere, water, soil, Land, Landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interactions among these elements.

(3) Where there is a direct threat to human health or to the environment, agencies with an obligation to provide information shall immediately disseminate environmental information at their disposal or kept their disposal if this enables the public concerned to avert or contain the threatening damage. In this connection, the limitations on notification provided for in Article 8 shall be taken into account.

## **Article 12**

### Report on the state of the environment

At regular intervals, but at the most every four years, the Land shall publish a report on the state of the environment which contains information on the quality of the environment and on environmental pollution.

## **Section 3**

### **Data protection**

## **Article 13**

### Scope

(1) This Section regulates the protection of personal data that are used in non-computerised data files (manual data files) for the purpose of matters for which the Land has legislative jurisdiction.

(2) The provisions of this Section are applicable to the use in Carinthia of non-computerised personal data within the meaning of paragraph 1. They are also applicable to the non-computerised use of personal data within the meaning of paragraph 1 in other Member States of the European Union if that use serves the purposes of an entity's head office or branch office located in Carinthia.

(3) By derogation from paragraph 2, the law of the state in which the entity has its seat shall be applied to the non-computerised use in Carinthia of personal data within the meaning of paragraph 1 if an entity in the private sector which has its seat in another Member State of the European Union uses personal data in Carinthia for a purpose that cannot be related to an establishment of that entity in Carinthia.

(4) This Section does not apply to

- a) personal data that are only transited through Carinthia within the meaning of paragraph 1; and

- b) the processing of personal data by natural persons purely for personal or family purposes.

#### **Article 14**

##### Application of the Data Protection Act 2000 (DSG 2000)

- (1) The concepts used in this Section have the meanings assigned to them in Article 4 of DSG 2000, BGBl. I, No 156/1999, last amended by BGBl. 1, No 13/2005.
- (2) Non-computerised data collections are data applications within the meaning of Article 2(4)(7) of DSG 2000.
- (3) Article 2(1) to (9) of DSG 2000 is applicable by analogy to non-computerised data files within the meaning of Article 13(1). For this purpose, the Government of the Land of Carinthia shall be substituted for the Federal Chancellor in the context of paragraph 6(4) of the DSG 2000 and Article 17 of DSG 2000 is applicable with the proviso that mandatory notification applies only to data files whose contents are subject to prior verification in accordance with Article 18(2) of DSG 2000.

#### **Section 4**

##### **Re-use of documents of public bodies**

#### **Article 15**

##### Scope

- (1) This Section regulates the supply of documents and approval for the re-use of documents of public bodies for purposes that are distinct from the original purpose for which they were originally drawn up as part of the tasks assigned to them under the law of Carinthia.
- (2) This Section does not apply to the following:
  - a) the transmission of documents within and between regional or local authorities and other legal entities that exclusively serves the performance of a duty assigned by law;
  - b) the transmission of documents to third parties exclusively for a purpose corresponding to the original purpose for which they were drawn up in connection with the performance of a duty assigned by the law of Carinthia;
  - c) the provision of information in accordance with Section 1 of this Act;
  - d) the supply of environmental information in accordance with Section 2 of this Act;
  - e) the supply of and approval for the re-use of documents that are in the possession of an educational or research establishment (in particular school, archive, library, academy of public administration, research institute), a cultural establishment (in particular a museum, theatre, orchestra) or a public broadcasting cooperation responsible for broadcasting public programmes.

- (3) For the purposes of this Section, the following definitions shall apply:
- a) “public sector body” means the *Land*, a municipality, an association of municipalities or another legal person governed by the public law of Carinthia (authority, institution, foundation, fund) or the Austrian Institute of Construction Engineering (OIB);
  - b) “document” means any presentation of content whatever its medium (in particular written on paper or stored in electronic form or as a sound, visual or audio-visual recording) that has been compiled by a public sector body in the discharge of duties assigned to it by law;
  - c) “re-use” means the use of a document supplied by a public sector body for purposes other than the initial purpose for which it was drawn up in connection with the discharge of duties assigned to it by the law of Carinthia.

## Article 16

### Authorisation for the supply of documents

(1) Public sector bodies may upon request authorise the supply and re-use of documents within their jurisdiction or of parts of such documents, provided that statutory provisions are complied with, the performance of other administrative duties is not hampered and the public interest and the rightful interests of third parties are safeguarded. No request may be granted if:

- a) the request is manifestly unreasonable or
- b) third parties hold intellectual property rights for the content of the document or
- c) the document is subject to statutory secrecy, in particular the basic right to data protection or
- d) there is a special statutory restriction on access to the document or
- e) extracts from documents are requested which can be made available only through a disproportionate amount of work exceeding normal procedures or
- f) the applicant does not state that he will pay the user charge (Article 17) or
- g) the applicant does not state that he will comply with the conditions for the re-use of documents (Article 18).

(2) Paragraph 1(f) applies only if the public sector body demands a user charge in accordance with the principles of Article 17(1). Paragraph 1(g) applies only if the public sector body lays down conditions for the re-use of documents in accordance with the principles of Article 18(2) and (3), first and second sentences.

(3) Articles 2(2), 3(2) and (3), 4(1) and 7(5) shall apply by analogy to the processing and rejection of requests for the re-use of documents. If in the Act governing the particular area of administration a shorter or longer period is provided for for access to documents, that period shall replace the one provided for in Article 3(2), first sentence.

In the case of decisions other than those of municipalities, associations of municipalities or bodies that are self-governing under Carinthian law, the independent Administrative Court shall decide on appeals against decisions. In the event of a rejection on the grounds set out in paragraph 1(b), the public sector body shall refer to the natural or legal person who, as far as known, owns the rights, or alternatively to the licensor from which the public sector body has received the relevant material.

### **Article 17**

#### User charge

(1) Where the public sector body agrees on the payment of a user charge for the re-use of documents, the total income from the supply of documents and approval of their re-use may not exceed the costs of collecting, producing, reproducing and disseminating the documents, together with a reasonable return on investment. User charges should be cost-related for the relevant accounting period. In calculating the level of the user charge, account shall be taken of the accounting principles applicable to the relevant public sector body.

(2) A user charge which the public sector body wishes to agree in standard cases (Article 19(1)) should be publicised in advance, where possible, on its internet site or alternatively be displayed at a generally accessible location on its premises.

(3) Upon request, the public sector body shall explain the basis on which a published user charge was calculated. Moreover, the public sector body shall, if necessary, provide information on the factors taken into account in calculating the user charge in atypical cases. The provisions of paragraph 1 apply in all cases.

### **Article 18**

#### Conditions for re-use

(1) In accordance with paragraphs 2 and 3, public sector bodies shall in advance publicise their conditions for the re-use of documents (model contract) if they do not allow the re-use of particular types of documents without conditions or if they do not separately agree the conditions in particular cases in accordance with the principles of paragraphs 2 and 3. The conditions publicised in advance (model contract) shall as far as possible be published on the public sector body's internet site or alternatively be displayed in a generally accessible location on its premises.

(2) The conditions for the re-use of documents, which may where appropriate be laid down in a licence, may not unnecessarily restrict possibilities of re-use and may not serve to hamper competition. They shall be non-discriminatory for comparable categories of re-use. The re-use of documents shall be open to all actors in the market, even if one or more market players already exploit added-value products based on these documents.

(3) No exclusive rights for re-use may be granted to third parties. However, where an exclusive right to re-use is necessary for the provision of a service 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. Such exclusive arrangements shall be published in accordance in the last sentence of paragraph 1 if concluded after 31 December 2003. Any exclusive arrangements existing on that date that do not qualify for the exception provided for in the second sentence shall be terminated not later than 31 December 2008 unless they expire earlier.

(4) If documents from public sector bodies are re-used as a basis for a company's own commercial activities that are unconnected with the discharge of tasks assigned by law, the supply of the documents for such activities shall be subject to the same user charges and other conditions as are applicable to other users.

(5) If a public sector body uses standard licenses for the re-use of documents that can be adapted to special licence applications, these shall be made available in digital form and as far as possible for electronic processing.

## **Article 19**

### **Service**

(1) Public sector bodies should indicate in a generally accessible location on their premises or if possible on their internet site which types of available documents within their jurisdiction may be supplied to third parties on the conditions laid down in Article 16(1) in light of the current or future expected demand for documents (standard cases).

(2) When documents are provided to third parties, they shall be supplied in the format available and if possible in electronic form. However, public sector bodies are not obliged to re-produce or adapt documents or continue their production for the purpose of re-use.

## **Section 5**

### **Regional [Carinthian] statistics**

#### **Article 20**

##### **Tasks**

(1) Regional [Carinthian] statistics comprise all statistical activities and surveys for which the Land of Carinthia is responsible and which are of relevance to the Carinthian administration or are otherwise in Carinthia's interest.

(2) Regional [Carinthian] statistics shall be compiled by the Carinthian government and comprise the following tasks in particular:

- a) empirical analysis of relevant facts by compiling statistics, including conducting statistical surveys and data retrieval from public registers;
- b) achieving added value from statistical information by combining and analysing results from various data and information sources;
- c) compilation of statistical data collections for Carinthia;
- d) participation in advisory bodies dealing with statistics and entities of the bodies of the Federal Austrian Institute for Statistics and representing the interests of Carinthia in these bodies;
- e) collaboration with the bodies of the Federal Statistical Office, other regional statistical offices and other producers of statistics where this is meaningful and effective for the performance of the tasks assigned;

- f) conducting surveys in accordance with the requirements of the law of Carinthia or Carinthian government orders to the extent that no other agencies are assigned these tasks by Carinthian law or government orders.

## **Article 21**

### Principles

The following principles shall be complied with in the performance of tasks relating to regional statistics:

- a) guarantee of objectivity and impartiality;
- b) application of freely chosen statistical methods and procedures in accordance with internationally recognised scientific principles and standards and their disclosure;
- c) ensuring that the statistics are up to date;
- d) ensuring optimum coherence of the statistics;
- e) continuous verification of statistics for possible quality improvement;
- f) minimising the burden on and providing sufficient information to the persons concerned and those obliged to provide information;
- g) publication of statistical surveys; and
- h) ensuring confidentiality of statistics.

## **Article 22**

### Data acquisition and processing

- (1) Data may be acquired through:

collaboration with the Federal Austrian Institute for Statistics, the Federal Authorities, the regions [*Länder*] and other institutions engaged in statistics;

- a) the acquisition of statistical data;
- b) the acquisition of administrative data;
- c) the acquisition of data from public registers;
- d) statistical surveys.

(2) When compiling and acquiring data, the need for confidentiality for the persons concerned should be taken into consideration as much as possible while taking due account of the provisions laid down in data protection legislation. The persons entrusted with the processing of data and compilation of statistics shall ensure that in all stages of their work data are secured against unauthorised access, misuse, destruction and theft.

(3) Agencies keeping public registers and holders of administrative or statistical data are obliged to transmit to the Carinthian statistical office, if possible in

computer-readable form, all data of which it is shown that they are required by the Carinthian statistical office for the proper performance of its tasks.

(4) The compilation of statistics through surveys among individual holders of data who are obliged to provide information may be conducted only on the basis of special legislative requirements.

### **Article 23**

#### Personal data

(1) Statistical surveys may relate to individual persons only if this is absolutely necessary to

- a) focus on the relevant section of the population;
- b) verify compliance with the obligation to provide information; or
- c) rectify or supplement information.

(2) Personal data may be used for statistical purposes only and may be kept only for so long as this is required to compile the relevant statistics.

(3) The persons entrusted with tasks of the Carinthian statistical office shall be bound to secrecy with regard to all personal data that come to their attention in the course of their work and all facts that come to their knowledge in the course of conducting statistical surveys.

(4) Personal data used in connection with regional statistics may be transmitted to third parties only if this is provided for by law or if the person concerned expressly and unambiguously gives his consent.

### **Section 6**

#### **Common provisions**

### **Article 24**

#### Jurisdiction

(1) The tasks of the municipalities provided for in Section 1 are tasks within their own jurisdiction.

(2) The implementation of the provisions of Sections 2 and 4 come within the jurisdiction of the municipalities and other self-governing entities to the extent that they have jurisdiction in respect of tasks assigned to them by law.

### **Article 25**

#### Penal provisions

(1) A person commits an administrative offence if that person

- a) intentionally and unlawfully accesses a data application within the meaning of Article 13(1) or intentionally maintains evidently unlawful access;

- b) intentionally transmits data within the meaning of Article 13(1) in violation of data secrecy (Article 14 of this Act in conjunction with Article 15 of DSG 2000), and in particular intentionally uses data entrusted to him in accordance with Article 14 of this Act in conjunction with Articles 46 or 47 of DSG 2000 for other purposes;
- c) uses or fails to provide, rectify or erase data within the meaning of Article 13(1) contrary to a legally binding judgement or decision;
- d) intentionally erases data within the meaning of Article 13(1) in violation of Article 14 of this Act in conjunction with Article 26(7) of DSG 2000;
- e) compiles, processes or transmits data within the meaning of Article 12(1) without having complied with the obligation of notification in accordance with Article 14 of this Act in conjunction with Article 17 of DSG 2000;
- f) transmits or transfers data within the meaning of Article 13(1) abroad without having obtained the requisite approval of the Data Protection Commission in accordance with Article 14 of this Act in conjunction with Article 13 of DSG 2000;
- g) infringes his duties of disclosure or information in accordance with Article 14 of this Act in conjunction with Articles 23, 24 and 25 of DSG 2000; or
- h) grossly disregards the security measures required in accordance with Article 14 of this Act in conjunction with Article 14 of DSG 2000.

(2) If the action does not constitute a punishable offence that falls within the jurisdiction of the courts or is subject to more severe penalties under other administrative penal provisions, an administrative offence under paragraph 1(a) shall be punished by a fine of up to €2 500, an administrative offence under paragraphs 1(b) to (e) by a fine of up to €18 000, and an administrative offence under paragraphs 1(f) to (h) by a fine of up to €9 000.

(3) Any attempt in this regard is punishable.

## **Article 26**

### Exemption from administrative charges

Without prejudice to Articles 10 and 17, no administrative charges laid down by Carinthian law are payable in respect of the matters covered by the present Act.

## **Article 27**

### Details of implementation

(1) Section 2 implements Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2005 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.02.2003, p.26).

(2) Section 3 implements Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p.31).

(3) Section 4 implements 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 28**

### Entry into force and repeal

- (1) This Act shall enter in to force on the first day of the month following its publication, except for Section 4.
- (2) Section 4 shall enter into force on 1 July 2005.
- (3) With the entry into force of this Act, the following Acts are repealed:
  - a) the Act on the obligation to provide information in the administration of the *Land* and the municipalities (Carinthian Law Gazette, LGBl. No 29/1988 as amended in LGBl No 11/2001);
  - b) the Act on the protection of personal data in non-computerised data files (Carinthian Data Protection Act, K-LDSG) (LGBl No 59/2000); and
  - c) the Act on regional statistics [of the *Land* of Carinthia], LGBl No 32/1957).

The Speaker of the Parliament of Carinthia:

**Freunschlag**

The Head of the Carinthian Government:

**Haider**

The First Deputy Head of the Carinthian Government:

**Strutz**

The Second Deputy of the Carinthian Government:

**Ambrozy**

Members of the Carinthian Government:

**Schaunig-Kandut**

**Dörfler**

**Rohr**

**Martinz**