

of 12 August 2015

amending Act No 106/1999 on freedom of information,
as last amended

Parliament has adopted this Act of the Czech Republic:

Section I

Act No 106/1999 on freedom of information, as amended by Act No 101/2000, Act No 159/2000, Act No 39/2001, Act No 413/2005, Act No 61/2006, Act No 110/2007, Act No 32/2008, Act No 254/2008, Act No 274/2008, Act No 227/2009, Constitutional Court ruling No 123/2010, Act No 375/2011, Act No 167/2012 and Act No 181/2014, is amended as follows.

1. In Section 1, the words 'relevant European provision' are replaced by the words 'relevant European provisions¹⁾'.

Footnote 1 reads as follows:

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.

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.'

2. The following subsections 7 to 10 are added to Section 3:

'(7) For the purposes of this Act, machine-readable format means a file format structured so that software applications can easily identify, recognise and extract specific information, including individual data and their internal structure.

(8) For the purposes of this Act, open format means a file format which is independent of any particular hardware or software and is accessible to the public without any restriction which would make it impossible to use the data contained in the file.

(9) For the purposes of this Act, open formal standard means a standard which has been laid down in written form, detailing specifications for the requirements on how to ensure that different software applications are able to provide reciprocal services and operate effectively together.

(10) For the purposes of this Act, metadata means the data describing the context, content and structure of the information recorded and its management over time.'

3. Section 4, including the title, reads as follows:

'Section 4**Disclosure of information**

(1) Obligated entities shall disclose information upon request or by publication.

(2) If the applicant is an obliged entity, the information shall be disclosed under the same conditions as to any other applicant.'

4. New Sections 4a and 4b are inserted after Section 4; including their titles, they read as follows:

'Section 4a**Disclosure of information upon request**

(1) When information is disclosed upon request, it shall be disclosed in the format and language of the information request, and include the relating metadata, unless this Act provides otherwise. An obliged entity is not obliged to change the format or the language of

the information or to create metadata for the information if doing so would put an unreasonable burden on the obliged entity; in such cases, the obliged entity shall respond to the request by disclosing the information in the format or language in which it was created. If the requested information is part of a larger whole and its extraction would put an unreasonable burden on the obliged entity, the obliged entity shall disclose the said whole in accordance with this Act. If the nature of the request and the way in which the information was recorded so allows, the obliged entity shall disclose the information electronically.

(2) When information is disclosed upon request, it shall be disclosed in the manner indicated in the request, in particular

- a) by communicating the information in electronic or paper form,
- b) by providing a copy of a document containing the requested information,
- c) by providing a data file containing the requested information,
- d) by allowing consultation of the document containing the requested information,
- e) by sharing the data by means of an information system interface, or
- f) by providing remote access to information which, over time, is changed, renewed, complemented or repeatedly created, or by providing such information regularly in another way.

(3) If it is impossible to disclose the information as referred to in subsection 2, or if that would represent an unreasonable burden for the obliged entity, the obliged entity shall respond to the request by disclosing the information in another way which enables the applicant to use it effectively.

Section 4b

Disclosure of information by publication

Information disclosed by publication shall be disclosed in all formats and languages in which it was created; when publishing such information in electronic form, any format used must be open and, if possible, machine readable. If possible and appropriate, the obliged entity shall, together with the information, publish the metadata relating to it. Both the format and the metadata should, as far as possible, comply with formal open standards.'

5. In the second sentence of Section 5(3), the words '... information disclosed other than in electronic form' are replaced by the words '... information disclosed by means as referred to in Section 4a(2)(e) and (f), information disclosed other than in electronic form'.

6. The title of Section 6 reads as follows: 'Reference to published information'

7. At the end of Section 6(1) the following words are added: ', in particular reference to the website where the information can be found'.

8. At the end of Section 6(2) the following words are added: '; this shall not apply if the request for information was made electronically or if the requested information has been published in a manner allowing remote access and the applicant was given the reference to the website where the information can be found'.

9. In Section 11(2)(b) the word 'or' is deleted.

10. In Section 11(2)(c) the word 'copyright' is replaced by the words 'copyright or rights relating to copyright ('copyright')'.

11. At the end of Section 11(2) the full stop is replaced by the word 'or' and a letter d) is added which, including footnote 18, reads as follows:

'd) the information concerns the stability of the financial system¹⁸).

¹⁸) Section 2 of Act No 6/1993 on the Czech National Bank, as last amended.'

12. In the introductory part of Section 11(5) the words 'or rights relating to copyright ('copyright')' are deleted.

13. Section 11(5)(c) is deleted.

Points d) and e) become points c) and d) respectively.

14. Section 11(5)(d), including footnote 19, reads as follows:

'd) cultural institutions which manage public funds, such as theatres, orchestras and other artistic ensembles, except libraries providing public library and information services under the Libraries Act^{2a}) and museums and galleries providing standardised public services.¹⁹⁾

¹⁹⁾ Act No 122/2000 on the protection of museum collections and amending certain other acts, as last amended.'

15. In Section 14a(1), the words 'set out in' are replaced by the words 'exempt from the obligation to provide information under'.

16. Section 14a(4) reads as follows:

'(4) An obliged entity may provide an exclusive licence only if the exclusive licence is necessary for the further dissemination of information and such a step is in the public interest. If an obliged entity provides an exclusive licence in accordance with the first sentence, it shall review, at least every three years, whether the grounds on which the exclusive licence was provided still obtain; this shall not apply if the exclusive licence was provided for the digitisation of cultural resources, in which case the obliged entity shall review whether the grounds on which the exclusive licence was provided still obtain after eleven years and, where appropriate, every seven years thereafter. If the exclusive licence is provided for the digitisation of cultural resources the obliged entity must be provided, free of charge, with a copy of the digital reproduction of the cultural resource, which it must then be possible to make available under this Act upon expiry of the exclusive licence.'

17. At the end of Section 15(2) the following sentence is added: 'The first sentence shall not apply to libraries providing public library and information services under the Libraries Act^{2a}) and museums and galleries providing standardised public services.¹⁹⁾'.

18. At the end of Section 17(3) the following sentence is added: 'The notice shall include instructions on the possibility of lodging a complaint against the requirement to cover the costs of providing information, in accordance with Section 16a(1)(d); those instructions shall make clear within what period a complaint may be lodged, the date from which that period begins, which higher authority will decide on the complaint and with which obliged entity it should be lodged.'

Section II

Transitional provisions

1. Requests for information made before the entry into force of this Act shall be governed by Act No 106/1999, in the version applicable before the date on which this Act enters into force.

2. The duty to publish information under Act No 106/1999, in the version applicable from the date on which this Act enters into force, shall not apply to information published prior to the date on which this Act enters into force.

3. Licence or sub-licence agreements, on the basis of which exclusive licences were provided in relation to information provided under Act No 106/1999, in the version applicable before the date on which this Act enters into force, and which were valid on 17 July 2013, shall cease to have effect on the agreed expiry date but no later than 18 July 2043. The first sentence shall not apply to licence or sub-licence agreements relating to the digitisation of cultural resources.

Section III

Entry into force

This Act shall enter into force on the date on which it is promulgated.

Jermanová

Zeman

Sobotka