

The *Saeima*<sup>1</sup> has adopted and the President has proclaimed the following law:

## Freedom of Information Law

### Chapter I General Provisions

#### Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **information** - information or compilations of information, in any technically possible form of fixation, storage or transfer;
- 2) **circulation of information** - the initiation, creation, compilation, collection, processing, use and destruction of information; and
- 3) **documented information** - information, the entry of which into the circulation of information may be identified.

#### Section 2. Purpose and Scope of Application of this Law

- (1) The purpose of this Law is to ensure public access to information which is under the control of State administrative institutions and Local Government institutions for the performance of their specified functions as prescribed in regulatory enactments. This Law determines a uniform procedure by which natural and legal persons are entitled to obtain information from State administrative institutions and Local Government institutions (hereinafter - institutions), and to utilise it.
- (2) This Law applies to documented information which is within the circulation of information of institutions.
- (3) Information shall be accessible to the public in all cases, when this Law does not specify otherwise.
- (4) This Law does not apply to the exchange of information between institutions.

### Chapter II

#### Classification of Information

#### Section 3. Classes of Information

Information to which this Law applies shall be classified as:

- 1) generally accessible information; or
- 2) restricted access information.

#### Section 4. Generally Accessible Information

Generally accessible information is any information which is not categorised as restricted access information.

### **Section 5. Restricted Access Information**

(1) Restricted access information is such information as is intended for a restricted group of persons in relation to the performance of their work or official duties and the disclosure or loss of which, due to the nature and content of such information, hinders or may hinder the activities of the institution, or causes or may cause harm to the lawful interests of persons.

(2) As restricted access information shall be deemed information:

- 1) which has been granted such status by law;
- 2) which is intended and specified for internal use by an institution;
- 3) which concerns trade secrets;
- 4) which concerns the private life of natural persons; or
- 5) which is related to certifications, examinations, submitted projects, invitations to tender and other assessment processes of a similar nature.

(3) The author of information or the manager of an institution has the right to grant, by his or her order, the status of restricted access information, indicating the basis therefore provided by this Law or by other laws.

(4) Information, which is accessible to the public without restrictions provided by law, or which has already been published, shall not be deemed to be restricted access information.

### **Section 6. Information for the Internal Use of Institutions**

(1) Information, which is necessary to an institution for the preparation for resolution of matters, shall be deemed to be information for the internal use of an institution.

(2) Restricted access shall also apply to documents which are prepared in connection with the preparation for resolution of matters by an institution and which have been prepared by:

- 1) advisors or experts specially invited for the particular matter; or
- 2) one institution for the use by another institution.

(3) The status of restricted access information may be applied to information for the internal use of institutions during the process of preparation of matters only up to the time when the institution takes a decision regarding the particular matter, or when a document which has not been classified as a restricted access document is sent to an addressee.

(4) Information for internal use which has been classified as restricted access information, shall be registered by the institution concerned in accordance with the procedures set out in regulatory enactments.

### **Section 7. Information Regarding Trade Secrets**

(1) Information shall qualify as a trade secret, if by disclosing it, an institution may adversely affect the ability to compete of the person who has submitted this information.

(2) Protection of the trade secrets of natural and legal persons may not restrict the rights of other natural and legal persons to obtain information which is accessible in accordance with other provisions of law.

## **Section 8. Information Regarding the Private Life of Natural Persons**

Information regarding the private life of natural persons shall be protected by law.

## **Section 9. Registration of Information**

(1) Each institution, depending on the type and nature of the information which is under its control, shall register the information in conformity with the prescribed record-keeping of the institution, setting out:

- 1) the class of information;
- 2) the designation of the information, and for documents - the necessary prerequisites in conformity with the record-keeping regulations; and
- 3) the source of the information.

(2) An applicant for information has the right to acquaint himself with the register of generally accessible information.

## **Chapter III Provision of Information and Protection of the Rights of Applicants for Information**

## **Section 10. Obligation to Provide Information**

(1) Generally accessible information shall be provided to anyone who wishes to receive it, subject to the equal rights of persons to obtain information. The applicant shall not be required to specially justify his or her interest in such information, and he or she may not be denied it because this information does not apply to the applicant.

(2) Procedures, by which information, which is within the control of an institution is disclosed, as well as the amount of copies, reproductions, duplicates and extracts of the information included in documents and other information media shall be regulated by regulations of the Cabinet.

(3) If the entirety of the information also includes restricted access information, the institution shall provide only that part of the information which is generally accessible.

## **Section 11. Form for Requesting Information and Registration Procedures**

(1) Information may be requested in writing or orally.

(2) All written requests for information shall be registered. An institution may prescribe procedures for also registering oral requests and the content of the information provided.

(3) In a written request for information the name and surname of the applicant (for a legal person - the name), the domicile or place of residence in Latvia (legal address) shall be indicated, and it shall bear the signature of the applicant. The request for information shall be formulated as precisely as possible.

(4) In requesting restricted access information, a person shall provide grounds for his or her request and specify the purpose for which the information will be used. If restricted access information is provided, the recipient shall undertake the obligation to use this information solely for the purposes for which it was requested.

(5) An institution may refuse to grant the request if it has not been prepared pursuant to the provisions of Paragraphs three and four of this Section, or does not provide a description according to which it is possible to identify the information.

(6) Correspondence between an institution and an applicant and information regarding this person shall be deemed to be restricted access information.

### **Section 12. Procedures for Refusing Requested Information**

(1) If an institution refuses to provide information which has been requested in writing, it shall specify in its written refusal on what grounds the request has been, wholly or in part, refused, and where and within what time period this refusal may be appealed.

(2) If a refusal is based upon the fact that the institution does not have the requested information within its control, it shall indicate in its refusal the institution where the requested information might be obtained or a reference may be provided regarding it, if the institution knows the location of the requested information.

### **Section 13. Charges for the Provision of Information**

(1) Generally accessible information which does not require any additional processing shall be provided free of charge.

(2) Charges for the provision of information shall not exceed the expenses of the searching for, additional processing and copying of documents or information. An institution may not require compensation for any other expenses which have been incurred in respect of solving legal or political issues relating to responses to requests for information.

(3) Every applicant for information may request exemption from the charge for the service, and the institution may decide to provide the information for a reduced charge or waive such.

(4) The expected charge for the provision of information shall be made known to the applicant upon the registering of his or her request.

### **Section 14. Time Periods for the Provision of Information**

An institution which has received a written request for information has the obligation to provide an answer within the time periods prescribed in the Law On the Procedures for Reviewing Submissions, Complaints and Proposals in State and Local Government Institutions.

### **Section 15. Procedures for Appealing Refusal of Information**

(1) An applicant has the right to submit a complaint, in accordance with the procedures set out by law, to the manager of an institution or to a higher institution regarding the refusal to provide information, regarding the amount of payment required, or regarding any other decision, including a refusal to grant a request, which was based on a wrong description of the information requested.

(2) Any natural or legal person has the right to file a complaint in court regarding the actions of an institution which has infringed upon his or her right to obtain information if the institution:

1) has not provided an answer to the applicant within the time period prescribed by law;

2) has refused to provide information by taking a decision, without legal basis, to grant it the status of restricted access information; or

3) after receiving a written application, has refused to expunge or correct false, incomplete or illegally acquired information regarding a person.

### **Section 16. Protection of Restricted Access information**

(1) An institution shall ensure that the obligation to protect restricted access information is known by all persons to whom this obligation applies, if **it is not** otherwise specified by law. A written confirmation shall be required from persons who process restricted access information that they know the regulations and undertake to observe them.

(2) If, due to illegal disclosure of restricted access information, harm has been caused to its owner or another person, or his or her legal interests have been materially infringed, these persons have the right to bring an action against the person at fault for damages for the harm done, or forrestoration of the rights infringed.

### **Transitional Provision**

By 1 March 1999, the Cabinet shall issue regulations on the procedures for the disclosure of information which is within the control of institutions, as well as regulations on the amount of copies, reproductions, duplicates and extracts of the information included in documents and other information media.

This Law has been adopted by the *Saeima* on 29 October 1998.

President

G.Ulmanis

Riga, 6 November 1998