

CROATIAN PARLIAMENT

1649

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby enact the

DECISION

PROMULGATING THE ACT AMENDING AND SUPPLEMENTING THE FREEDOM OF INFORMATION ACT

I hereby promulgate the Act Amending and Supplementing the Freedom of Information Act passed by the Croatian Parliament at its sitting held on 15 July 2015.

Class: 011-01/15-01/87

Ref number: 71-05-03/1-15-2

Zagreb, 20 July 2015

President

of the Republic
of Croatia

**Kolinda
Grabar-
Kitarović**, signed

ACT

AMENDING AND SUPPLEMENTING THE FREEDOM OF INFORMATION ACT

Article 1

The Freedom of Information Act *Narodne Novine* (NN; Official Gazette of the Republic of Croatia) No 25/13) in Article 1, paragraph 1 is amended to read:

"(1) This Act shall regulate the right of access to information and re-use of information in possession of public authorities, stipulate the principles, exceptions, procedure and manner of accessing and facilitating access to and the re-use of information, the remit, working methods, and the terms and conditions for appointing and dismissing the Information Commissioner and the inspection supervision of implementation of this Act."

Article 2

Article 2 is amended to read:

"This Act shall contain provisions that are in accordance with the following European Union legislative acts:

– 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, 17. 11. 2003);

– Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31. 5. 2001);

– Directive 2013/37/EC 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 (OJ L 175, 27. 6. 2013)."

Article 3

In Article 5, point 2 is amended to read:

"2) 'Public authorities', within the meaning of this Act, shall mean state administration and other government bodies, local and regional self-government units, legal persons and other bodies vested with public authority, legal persons established by the Republic of Croatia or local or regional self-government units, legal persons providing public services, legal persons that pursuant to a separate regulation are mainly or entirely funded from the state budget or from the budgets of respective local or regional self-government units or public funds (levies, appropriations etc.) as well as companies in which the Republic of Croatia and local or regional self-government units have a majority interest, separately or jointly;"

Point 3 shall is amended to read:

"3) 'Information' shall mean any data owned by a public authority in the form of a document, record, file, register, regardless of the manner in which it is presented (written, drawn, printed, recorded, magnetic, optical, electronic or any other record), which a body has generated on its own or in cooperation with other bodies or received from another person, and was created within the remit of or in connection with the organisation and work of a public authority;"

Point 6 is amended to read:

"6) 'Re-use' shall mean any use of public authority information by any natural or legal person, for commercial or non-commercial purposes other than the original purpose for which the information was created, and which is exercised in the context of a certain remit or activity governed by law or other regulation that is normally deemed a public activity. The exchange of information among public authorities for the purpose of performing activities within their remit shall not be considered re-use;"

Point 8 is amended to read:

"8) 'Information owner' means a public authority under whose remit information created is security classified, or the authority of another country or international organisation under whose remit international information has been created;"

Following point 9, new points 10, 11, 12, 13 and 14 are added with the following wording:

"10) 'machine-readable format' means a file format structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure;

11) 'open format' means a file format which is platform-independent and made available to the public without any restriction that impedes re-use;

12) 'formal open standard' means a standard which has been laid down in written form, detailing specifications for the requirements on how to ensure software interoperability;

13) 'open data portal' is a data node that is used for the collection, classification and distribution of open public sector data. The portal is a kind of metadata catalogue that facilitates open data searches;

14) 'metadata' means data about data or data that describe the characteristics of a source. They can describe data, an entire data set or just a part of a unit;"

In the current point 10, which becomes point 15, the full stop is deleted and the following words are added: "re-use of information."

Following point 10, which becomes point 15, point 16 is added with the following wording:

"16) 'Official' within the meaning of this Act shall refer to a public authority official whose actions or failure to act resulted in a breach of the Act."

Article 4

Following Article 9, a new Article 9(a) is added, with the heading above it reading:

"Principle of mutual respect and cooperation"

Article 9(a)

Relations between public authorities and beneficiaries shall be based on cooperation and provision of assistance and mutual respect and respect for human dignity."

Article 5

Article 10 is amended to read:

"(1) Public authorities shall publish the following on their website in an easily browsable manner and machine-readable format:

1) laws and other regulations relating to their scope of work;

2) general enactments and decisions they adopt which affect the interests of beneficiaries, together with the reasons for adoption;

- 3) draft acts and other regulations in respect of which public consultations shall be held, in accordance with Article 11 of this Act;
 - 4) annual plans, programmes, strategies, instructions, work reports, financial reports and other appropriate documents relating to the scope of work of public authorities;
 - 5) registers and databases or information on the registers and databases under their competence, the method of access and re-use;
 - 6) information about public services that the public authority provides, in a visible place, with a link to those provided electronically;
 - 7) data in respect of a source of funding, budget, financial plan, or other corresponding document which defines public authority revenue and expenditure and data and reports on execution of budgets, financial plans, or other corresponding document;
 - 8) information on grants, sponsorships, donations or other aid including a list of beneficiaries and the amount received;
 - 9) information about public procurement procedures, the documentation necessary for tendering, information about contract performance and other information that must be published in accordance with the law regulating public procurement;
 - 10) tender notifications, the documentation necessary for participation in the tender and tender outcome notifications;
 - 11) information on the internal organisation of a public authority, together with the names of the heads of public authorities and the managers of organisational units and their contact data;
 - 12) conclusions of the official sessions of public authorities and official documents adopted at those sessions, together with the information on the work of any formal working bodies within their competence and which the rights and interests of beneficiaries are decided on;
 - 13) notifications on the method and the terms and conditions of exercising the right to access information and re-use of information in a visible place, the contact information of the Information Officer, the necessary forms and links to forms and fees for access to information and the re-use of information, in accordance with the criteria set out in Article 19(3) of this Act;
 - 14) answers to frequently asked questions on how to submit general public and media enquiries, as well as other information (news, press releases, information on activities), for the purpose of informing the public about their work and about the exercise of their rights and fulfilment of their obligations.
- (2) The provisions of this article shall not apply to the information in respect of which the right of access is restricted under the provisions of this Act."

Article 6

After Article 10, a new Article 10(a) is added, with the heading above it reading:

*"Furnishing documents to the Central Catalogue of Official Documents of the
Republic of Croatia*

Article 10(a)

(1) State administration and other state bodies, legal persons which the Republic of Croatia established by law or by implementing regulation, or the establishment of which is expressly provided for by law, and local and regional self-governments, are obliged to furnish the documents referred to in Article 10(1)(2) and (4) of this Act in electronic form to the Central Catalogue of Official Documents of the Republic of Croatia so that they can be made available permanently.

(2) The Digital Information and Documentation Office of the Government of the Republic of Croatia shall configure and maintain the Central Catalogue of Official Documents of the Republic of Croatia.

(3) The manner of configuring and maintaining the Central Catalogue of Official Documents of the Republic of Croatia shall be stipulated by way of rules by the minister competent for general administration affairs."

Article 7

Article 11 is amended to read:

"(1) State administration bodies, other state bodies, local and territorial (regional) self-government units and legal persons having public authority are required to conduct public consultations when enacting laws and implementing regulations, and when enacting general acts or other strategic or planning documents affecting the interests of the general public and legal persons.

(2) State administration bodies shall conduct public consultations through the central government public consultation portal, and other state bodies, local and regional self-government units and legal persons vested with public authority through the website or the central government public consultation portal, by publishing draft acts, general acts or other documents, explaining the reasons and objectives to be achieved by enacting regulations, laws or other documents and inviting the public to submit their suggestions and opinions.

(3) Public authorities referred to in paragraph 1 of this Article shall, as a rule, conduct public consultations for a period of 30 days, save in cases where the consultation is being conducted in accordance with the regulation governing regulatory impact assessments.

(4) After expiry of the time limit for submission of opinions and suggestions, the public authority shall develop and publish on the central government public consultation portal or website, a public consultation report, containing the suggestions and comments received and explanations of the reasons for rejecting certain suggestions and comments. The drafter shall furnish the public consultation report to the body adopting or enacting the regulation, general act or document.

(5) Public authorities shall adopt and post public consultation plans on their websites for the calendar year by the end of the preceding calendar year. Public authorities shall inform the public of amendments to consultation plans in the same manner.

(6) Public consultation plans shall contain the title of the regulation, general act or document in respect of which consultations are being conducted, the expected time frame for its enactment or adoption, the time frame for implementation of web-based consultations and other planned consultation mediums, such as public hearings, distribution of draft regulations to members of the public having a vested interest by e-mail, participation in working groups, etc.

(7) Following the consultation, the public authority shall store the documentation generated in the public consultation process, either in electronic form or on paper, in accordance with regulations governing archive materials."

Article 8

Article 15 is amended to read:

"(1) Public authorities shall restrict access to information in relation to any proceedings conducted by the competent bodies during preliminary ruling and criminal proceedings for the duration of such proceedings.

(2) Public authorities may restrict access to information in the following instances:

1) where information has been classified by a confidentiality level, in accordance with the act regulating confidentiality of information;

2) where information constitutes a trade or professional secret, under the law;

3) where information is a tax secret, under the law;

4) where information is protected by an act regulating the area of personal data protection;

5) where information is protected by regulations governing intellectual property rights, unless the right holder has given express written consent thereto;

6) where access to information is restricted in accordance with international agreements or where the information has been created in the conclusion of or accession to international treaties or negotiations with other countries or international organisations, until completion of the process, or where the information has been created in maintaining diplomatic relations;

7) in other cases stipulated by the law.

(3) Public authorities may restrict access to information if there are grounds to suspect that its publication might:

1) prevent efficient, independent and unbiased conduct of judicial, administrative or other legally regulated proceedings, or the enforcement of a court decision or sentence;

2) prevent the work of any bodies conducting administrative supervision, inspection supervision or the supervision of legality;

(4) Public authorities may restrict access to information where:

1) information is being created within a public authority or by several public authorities, and its publication prior to completing the creation of comprehensive and final information might seriously impair the process of its creation;

2) information has been created in the harmonisation procedure when enacting regulations and other enactments, and in the exchange of views and opinions within one or among several public authorities, and its disclosure could lead to misinterpretation of the contents of the information, jeopardise enactment of regulations and enactments or freedom of opinion and expression of views.

(5) Where the requested information also includes any data which is subject to the restriction referred to in paragraphs 2 and 3 of this article, the remaining parts of the information shall be made available.

(6) Any information in respect of which the right of access is restricted for the reasons stated in paragraph 2(5) of this article shall become available to the public on the date specified by the person to whom the publication of information might cause damage, but no later than 20 years from the day on which the information was created, unless a longer period has been laid down by law or other regulation.

(7) The information referred to in paragraphs 2 and 3 of this article shall be made available to the public on the disappearance of the reasons for which the public authority has restricted the access to such information.

(8) Access to the information referred to in paragraph 4(1) of this article may be restricted even after the information has been completed, especially where such disclosure would seriously undermine the decision-making process and expression of opinion or lead to misinterpretation of the contents of the information, unless there is an overriding public interest in disclosure of information."

Article 9

In Article 16, paragraph 1, the words: "and (3) of this Act" are replaced by the words: "and (3) and (4) of this Act".

In paragraph 2, the words: "(2) and (3)" are replaced by the words: "(2), (3) and (4)".

Article 10

In Article 17, paragraph 2 is amended to read:

"(2) In the request for access to information, the beneficiary may indicate a suitable way of receiving the information, and if not indicated, the information shall be delivered in the same way in which the request was submitted, or in the most economical manner.

Article 11

In Article 18, after paragraph 4, paragraph 5 is added as follows:

"(5) Seeking access to an entire case file, explanations or instructions related to the exercise of a right or performance of an obligation, preparation of an analysis or interpretation of a regulation, as well as the creation of new information shall not be deemed a request for access to information."

Article 12

In Article 23, paragraph 1, after point 5, point 6 is added with the following wording:

"6) notifies the beneficiary that an application shall not be deemed a request pursuant to Article 18(5) of this Act, whereby it shall instruct the beneficiary as to how to make its request."

In paragraph 5, point 2, the words: "(2) and (3)" are replaced by the words: "(2), (3) and (4)".

After point 4, point 5 is added with the following wording:

"5) one or more requesting parties linked to one another through one or more functionally related requests manifestly abuse the right of access to information, especially where frequent requests for the same or the same type of information or requests for a large amount of information impacts the performance and regular functioning of a public authority."

Article 13

In Article 25, paragraph 7 is amended to read:

"(7) When an appeal is found to be legitimate, the Commissioner shall by way of a decision order the public authority to provide the beneficiary with access to the requested information, or to decide on the beneficiary's request and set an appropriate time limit within which it is obliged to do so."

After paragraph 7, a new paragraph 8 is added with the following wording:

"(8) It shall be deemed that the public authority prevented or restricted the beneficiary from accessing the information if it fails to comply with the Commissioner's decision referred to in paragraph 7 of this article or if it fails to do so within the time limit set by the Commissioner."

Article 14

In Article 26, paragraph 3, the words: "(2) and (3)" are replaced by the words: "(2), (3) and (4)".

Article 15

Article 27 is amended to read:

"(1) Any beneficiary is entitled to re-use information for commercial or non-commercial purposes, in accordance with the provisions of this Act.

(2) For the purpose of information re-use, public authorities are not obliged to create, adapt or separate pieces of information where this would require a disproportionate amount of time or resources, nor can public authorities be required to continue to update, upgrade and store information for the purpose of information re-use.

(3) The other provisions of this Act shall apply accordingly to matters which are not regulated separately under this chapter."

Article 16

The heading above Article 28 is amended as follows: "Practical arrangements for the re-use of information".

Article 28 is amended to read:

"(1) In order to encourage and facilitate the re-use of information, public authorities shall publish, in a manner that is easily searchable, information available for re-use, together with metadata, in a machine-readable and open format, in accordance with open standards.

(2) A list of information available for re-use, together with metadata, published in accordance with paragraph 1 of this article shall be provided through the open data portal administered and maintained by the Digital Information and Documentation Office of the Government of the Republic of Croatia.

(3) The provision of paragraph 2 of this article shall not preclude the establishment and maintenance of a special portal that allows the re-use of specific types of information, in respect of libraries, museums and archives in particular.

(4) In order to encourage and facilitate the re-use of information held in libraries, including libraries of higher education institutions, museums and archives shall, in the manner prescribed in paragraph 1 of this article, publish the information for which they hold intellectual property rights.

(5) Where possible and appropriate, a cross-linguistic search for documents will be provided."

Article 17

The heading above Article 29 is amended to read: "Request for re-use of information"

Article 29 is amended to read:

"(1) A person submitting a request for information re-use, in addition to data referred to in Article 18(3) of this Act, shall specify the information he or she wishes to re-use, the manner in which he or she wishes to receive the contents of the requested information, and the purpose for which he or she wishes to re-use the information (for commercial or non-commercial purposes).

(2) Public authorities shall decide on the request for information re-use within 15 days from the day on which a valid request was submitted. The decision shall contain the type of license setting out the conditions of use and the amount and method used for calculating the costs.

(3) A public authority shall act upon a request for information re-use by means of electronic communication, whenever possible and appropriate."

Article 18

Article 30 is amended to read:

"(1) A public authority shall deny a request for the information re-use if the request concerns the following:

- 1) information referred to in Article 15(1), (2), (3) and (4) of this Act,
- 2) confidential statistical information, in accordance with law,
- 3) information for which the beneficiary must prove the existence of a legal interest,
- 4) pieces of information that contain only logos, crests or insignia,
- 5) information held by bodies providing public radio, television and electronic media services,
- 6) information held by educational and scientific institutions, including organisations established for the purpose of transferring research results, schools and higher education institutions, save for libraries of higher education institutions,
- 7) information held by cultural institutions, save for libraries, museums and archives,
- 8) information that is not collected for the purpose of conducting public activities.

(2) A decision in respect of information re-use may be subject to an appeal to be lodged with the Commissioner within 15 days from the day of decision delivery. The decision of the Commissioner shall not be subject to appeal, but an administrative action may be instituted against it before the High Administrative Court of the Republic of Croatia.

(3) If a public authority refuses the request for information re-use in order to protect an intellectual property right, it shall inform the requesting party of the holder of the intellectual property right, if known, or the holder of the license from which the public authority received the relevant information."

Article 19

The heading above Article 31 is amended as follows: "Conditions for the re-use of information".

Article 31 is amended to read:

"(1) A public authority shall provide a beneficiary with data for re-use, without restriction, for free use in an open format.

(2) In justified cases, a public authority may impose conditions on information re-use. Where conditions are imposed on re-use, their content and application shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.

(3) Conditions of re-use shall not be discriminatory for the same or similar types of information, or for commercial or non-commercial use.

(4) A public authority which re-uses its own information as a basis for commercial activities outside the scope of its public activities shall be subject to the same conditions as other beneficiaries.

(5) Types and content of licences stipulating conditions of re-use, in accordance with standard open licences, shall be regulated by way of rules by the minister in charge of administrative affairs.

(6) A public authority shall publish licenses stipulating conditions of re-use on its website or links to such licences, in accordance with the standard open licences."

Article 20

The heading above Article 32 is amended to read: "Re-use of information fee".

Article 32 is amended to read:

"(1) The re-use of information shall not be subject to a fee payable to a public authority where it publishes information on their official websites.

(2) A public authority may charge a beneficiary for actual material costs of re-use resulting from reproduction, provision and delivery of the information, in accordance with the criteria set out in Article 19(3) of this Act.

(3) By way of exception, a public authority may charge a beneficiary for the costs including those referred to in paragraph 2 of this article, where one of the following conditions is met:

1) a public authority is mainly self-financed or

2) a beneficiary requests information from which the public authority generates adequate revenue to cover collection, production, reproduction and publication costs.

(4) In the cases referred to in paragraph 3 of this article the public authority shall determine the re-use fee according to objective, transparent and verifiable criteria to be laid down by a decree passed by the Government of the Republic of Croatia. Costs shall be calculated in line with the accounting principles applicable to the public authorities involved.

(5) Total annual income of public authorities referred to in paragraph 3 of this article generated from charges pursuant to paragraph 4 of this article shall not exceed the cost of collection, production, reproduction and provision of information, including a reasonable

return on investment. Public authorities shall revise the calculation method for charges on an annual basis.

(6) Public authorities shall inform beneficiaries about the charging criteria referred to in Article 19(3) of this Act, the criteria and the method of calculating the costs referred to in paragraph 4 of this article and the amount actually charged for re-use of information costs on an annual basis."

Article 21

The heading above Article 33 is amended to read: "Fee for re-use of library, museum and archive information".

Article 33 is amended to read:

"(1) Libraries, including libraries of higher education institutions, museums and archives may charge a beneficiary for the cost including that referred to in Article 32(2) of this Act according to objective, transparent and verifiable criteria for the calculation of re-use of information costs. Costs shall be calculated in line with the accounting principles applicable to the public authorities involved.

(2) Total annual income of libraries, including libraries of higher education institutions, museums and archives generated from cost charging pursuant to paragraph 1 of this article shall not exceed the costs of collection, production, reproduction, dissemination, preservation and rights clearance, including a reasonable return on investment. Public authorities shall revise the calculation method for charges on an annual basis.

(3) Libraries, including libraries of higher education institutions, museums and archives shall inform beneficiaries about the charging criteria referred to in Article 19(3) of this Act, the criteria and the method of calculating the costs referred to in paragraph 1 of this article and the amount actually charged for re-use of information costs on an annual basis."

Article 22

The heading above Article 34 is amended to read: "Prohibition of discrimination and exclusive rights".

Article 34 is amended to read:

"(1) Re-use of information shall be allowed and available to any persons requesting it at the same fee and under the same terms. The number of persons to which a public authority grants the right to re-use information shall not be limited. A public authority shall not grant a request for information re-use to the person submitting it by a contract, other agreement or a decision if it might prevent the re-use of the same information by other beneficiaries.

(2) By way of derogation from paragraph 1 of this article, public authorities may grant the exclusive right to information re-use if and when absolutely necessary for the provision of a public service or other services of public interest. Justification of the reasons for granting such exclusive right shall be subject to regular verification by the Commissioner and shall be

verified at least every three years, save where in respect of the digitisation of cultural information.

(3) The Commissioner shall keep publicly available records of all exclusive rights granted. Decisions or contracts granting exclusive rights to the re-use of information shall be furnished to the Commissioner within 15 days of adoption, or conclusion of the contract.

(4) Where an exclusive right to re-use is vested for the purpose of digitalising cultural information, the contract term, as a rule, shall not exceed 10 years. Where a contract is concluded for a term longer than 10 years, justification of the reasons for granting the exclusive rights and extension of the contract term shall be considered by the Commissioner in the eleventh year and then every seven years.

(5) In the case of the exclusive right referred to in paragraph 4 of this article, the contract shall provide for the compulsory provision of free copies of the digitised cultural information, and which is available for re-use after expiry of the term for which the exclusive right was granted.

(6) Current contracts and decisions on exclusive rights, save where they relate to the digitisation of cultural information, must be published on public authority websites on the entry into force of this Act.

(7) The content and manner of keeping records of exclusive rights to re-use referred to in paragraph 4 of this article shall be prescribed by way of rules by the minister in charge of administrative affairs."

Article 23

In Article 35, paragraph 1 is amended to read:

»(1) The Commissioner shall protect, monitor and promote freedom of information and the right to re-use of information."

Paragraph 3 is amended to read:

"(3) The Commissioner shall:

- perform the tasks of a second-instance body in deciding on the appeals concerning the exercise of the right of access to information and the right of information re-use;
- supervise and conduct inspection supervision of the implementation of this Act;
- monitor the implementation of this Act and regulations governing the right of access to information and the re-use thereof, and report to the public on their implementation;
- propose measures to public authorities for improving the exercise of the right of access to information and the re-use thereof, regulated by this Act;
- inform the public of the exercise by the beneficiaries of their right of access to information and the re-use thereof;

- propose measures for professional training and development of information officers at public authorities, and for informing them of their obligations in relation to the application of this Act;
- initiate the adoption or amendment of regulations for the purpose of implementing and improving the right of access to information and the re-use thereof;
- submit a report to the Croatian Parliament on the implementation of this Act and other reports if and when necessary;
- every three years report to the European Commission on the availability of information for re-use, and in particular in relation to the conditions of use, exclusive rights, charging and appeals. The report shall be published on the website of the Commissioner;
- participate in the activities of working bodies of the Croatian Parliament and attend the sessions of the Croatian Parliament, when matters within the remit of the Commissioner are on the agenda;
- submit a proposal to indict and issue a misdemeanour order in respect of any identified misdemeanours.

Article 24

In Article 45, paragraph 1 is amended to read:

"(1) In the course of their inspection supervision of the implementation of this Act, the inspectors shall in particular supervise the following:

- whether a public authority publishes information in accordance with Article 10(1) of this Act;
- whether a public authority is conducting public consultations in accordance with Article 11 of this Act;
- whether a public authority ensures public transparency in its work in accordance with Article 12(1) of this Act;
- whether there is an information officer appointed at the public authorities and whether the information officer acts in compliance with his or her powers stipulated by this Act;
- whether a public authority keeps a special registry of the requests, procedures and decisions on the exercise of the right of access to information and re-use of information;
- appropriate application of the provisions of the Act upon request for access to information and request for information re-use;
- taking other actions in respect of received requests for access to information and requests for information re-use;

- whether a public authority publishes information relating to charging for access to and the re-use of information and the conditions for the re-use thereof;
- whether a public authority submits reports in accordance with Article 60 of this Act."

Article 25

In Article 60, paragraphs 3, 4 and 5 are amended to read:

"(3) The Commissioner shall determine and publish on the website of the Commissioner by 31 December of the current year the contents of the report referred to in paragraph 2 of this article and the manner of its delivery.

(4) The Commissioner shall submit a report on the implementation of this Act to the Croatian Parliament no later than 31 March of the current year for the previous year.

(5) An integral part of the report referred to in paragraph 4 of this article shall consist of an analysis and evaluation of the exercise of the right of access to and the re-use of information in public authorities, data and analysis in respect of appeal cases, inspection supervision and misdemeanours for violation of the right of access to and the re-use of information, and proposals to address shortcomings and irregularities."

Paragraph 6 is deleted.

Article 26

Article 61 is amended to read:

"(1) A fine of between HRK 5,000.00 and 20,000.00 for a misdemeanour shall be imposed on a public authority official who fails to act in line with the decision by the Commissioner referred to in Article 25(7) of this Act or fails to act within the time limit set under the decision by the Commissioner.

(2) A fine of between HRK 5,000.00 and 50,000.00 for a misdemeanour shall be imposed on any natural person who damages, destroys, hides or otherwise makes unavailable a document containing information with the intention of precluding the exercise of the right of access to information.

(3) A fine of between HRK 1,000.00 and 50,000.00, or between HRK 2,000.00 and 100,000.00 shall be imposed on any natural or legal person respectively, who use the information contrary to the published criteria for the re-use of information referred to in Article 31 of this Act.

Article 27

Article 62 is amended to read:

"A fine of between HRK 2000.00 and 10,000.00 for a misdemeanour shall be imposed on a public authority official for the following:

- 1) failing to comply with an order of the Commissioner;
- 2) failing to provide access by the Commissioner to the information which is the subject matter of the proceedings, deliver the required data or for delivering incomplete or inaccurate data;
- 3) preventing the inspector to conduct supervision unhindered;
- 4) failing to eliminate by the stipulated time limit the illegalities, irregularities or deficiencies established in the record."

Article 28

Article 63 is amended to read:

"A public authority shall enable the exercise of the right of access to information and the re-use thereof by a beneficiary except in addition to misdemeanour sanctions, if it is found responsible for unfounded denial of or restrictions in the exercise of the right of access to or the re-use of information.

Article 29

In Article 66, paragraph 3 is deleted.

TRANSITIONAL AND FINAL PROVISIONS

Article 30

Contracts and decisions on exclusive rights that have been concluded or adopted and which were in force on the date of entry into force of this Act, and which do not meet the requirements stipulated under Article 22 of this Act amending Article 34(2) of the Act, shall remain in force until expiry of the term established by the contract or decision, but not more than one year from the date of entry into force of this Act and cannot be extended.

Contracts and decisions on exclusive rights for the purpose of digitising cultural information that have been concluded and are valid on the date of entry into force of this Act shall remain in force until the expiry of the term established by the contract or decision, until 18 July 2030.

Article 31

The minister in charge of administrative affairs shall adopt the rules referred to in Article 6, Article 19, and Article 22 of this Act within six months of the date of entry into force of this Act.

The Government of the Republic of Croatia shall adopt the decree referred to in Article 20 of this Act within six months of the date of entry into force of this Act.

The entry into force of the rules referred to in Article 6 of this Act shall repeal the current Rules on the Central Catalogue of Official Documents of the Republic of Croatia NN No 83/14.

The Commissioner shall submit the Standing Orders harmonised with the provisions of this Act to the Croatian Parliament for approval within 90 days of the day on which this Act enters into force.

Article 32

Any procedures initiated by the day this Act enters into force shall proceed to completion under the provisions of the Freedom of Information Act NN No 25/13.

Article 33

The Act shall enter into force on the 8th day after its publication in the "Official Gazette".

Class: 022-03/15-01/53

Zagreb, 15 July 2015

CROATIAN PARLIAMENT

Speaker of the

Croatian
Parliament

Josip Leko,
signed