

With amendments issued up to 3 March 2004.

Amendments: Cabinet Regulation No 579 of 27 December 2002 (*Latvijas Vēstnesis* No 189, 28 December; *Ziņotājs* No 6, 2003)

Act of 15 May 2003 (*Latvijas Vēstnesis* No 82, 3 June; *Ziņotājs* No 12, 2003)

Cabinet Regulation No 433 of 5 August 2003 (*Latvijas Vēstnesis* No 112, 8 August; *Ziņotājs* No 21, 2003)

Act of 26 November 2003 (*Latvijas Vēstnesis* No 175, 11 December; *Ziņotājs* No 2, 2004)

Act of 19 February 2004 (*Latvijas Vēstnesis* No 34 of 3 March; *Ziņotājs* No 6, 2004)

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

Act on Freedom of Information

Chapter I General provisions

Section 1. Terms used in this Act

The following terms are used in this Act:

- 1) information – an item of information or a collection of items of information recorded, stored or transmitted in any technical form;
- 2) circulation of information - the initiation, generation, compilation, collection, processing, utilisation or destruction of information;
- 3) documented information – information whose entry into circulation can be identified.

Section 2. Object and scope

(1) The purpose of this Act is to provide for public access to information held by Government authorities for the performance of their functions as specified in legislation. This Act lays down common procedures pursuant to which natural and legal persons are entitled to acquire and make use of information from Government and local authorities (hereinafter “institutions”).

(2) This Act applies to documented information circulating within institutions.

(3) This information shall be available to the public in all cases except where specified otherwise by law.

(4) This Act does not apply to the exchange of information between institutions.

Chapter II Classification of information

Section 3. Information groups

The information to which this Act applies is classified as follows:

- 1) generally available information;
- 2) information subject to restricted access.

Section 4. Generally available information

Generally available information is information not classified as subject to restricted access.

Section 5. Information subject to restricted access

(1) Information subject to restricted access is information intended for a limited group of persons in connection with the fulfilment of work or duties, the disclosure or loss of which, due to its nature and content, hinders or may hinder the work of the institution concerned, or is or may be detrimental to persons' legitimate interests.

(2) Information subject to restricted access refers to information:

- 1) defined by law as subject to restricted access;
- 2) intended for an institution's internal use and specified as such;
- 3) containing trade secrets except in cases where a purchase agreement has been concluded pursuant to the Act on Purchases for State and Local Authority Requirements, or an alternative agreement has been concluded on activities relating to State or local authority finances and property;
- 4) concerning a natural person's private life;
- 5) relating to assessment procedures for certificates, examinations, projects submitted (except projects whose funding is provided for under a State guarantee), competitions (except competitions linked to purchases for Government or local authority requirements or otherwise linked to activities relating to Government or local authority finances and property) and other similar assessment procedures;
- 6) concerning service requirements.

(3) The author of information or the head of an institution has the right on the grounds provided for in this or other Acts to attribute restricted access status to information by means of an order.

(4) Information available to the public without legislative restrictions or information that has already been published may not be regarded as information subject to restricted access.

(As amended under the Acts of 15 May 2003 and 26 November 2003)

Section 6. Information for the internal use of institutions

(1) Information for the internal use of institutions refers to information required by an institution for the preparation of cases.

(2) Restricted access also applies to documents drawn up in relation to the preparation of cases by an institution and drafted by:

1) advisers and experts specially invited to participate in a given case;

2) an institution for use by another institution.

(3) The status of restricted access may be attributed to information for an institution's internal use during the preparation of a case only up to the point in time when the institution adopts a decision in the case or when a document that has not been classified as subject to restricted access is sent to its intended recipient.

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

Section 7. Information concerning trade secrets

(1) Information shall be classified as a trade secret if its disclosure by an institution would undermine the competitiveness of the person who has provided the information.

(2) The protection of natural and legal persons' trade secrets shall not restrict the rights of other natural and legal persons to obtain information that is accessible pursuant to the provisions of other acts.

Section 8. Information concerning a natural person's private life

Information concerning a natural person's private life is protected by law.

Section 8.¹ Information for official service use

(1) Information for official service use is defined as:

1) Protected information originating in Latvia relating to State security but not containing State secrets.

2) Information which has been classified as RESTRICTED, supplied to Latvia by a foreign state, an international organisation or an institution belonging to an international organisation, and any information originating in Latvia connected to this information.

(2) No one is entitled to disclose for official service use information originating in a foreign state, international organisation or an institution belonging to an international organisation without the consent of the foreign state, international organisation or institution concerned.

(3) The status of "information for official service use" shall be attributed to information originating in Latvia for a period of one year. The institution that has attributed this status may decide to renew the period for which the status is valid or to repeal the validity of the status before the end of the prescribed period. Upon expiry of the period for which information has been legally attributed the status of "information for official service use", or if this status is repealed before the end of the period prescribed by law, the information (which has originated in Latvia) shall become generally available.

(4) The Cabinet of Ministers shall lay down the procedure for protecting information for official service use.

(Inserted under the Act of 26 November 2003)

Section 9. Registration of information

(1) Each institution shall register information pursuant to its own documentation procedures and in accordance with the type and nature of the information it holds, whereby it shall provide:

- 1) the information group;
- 2) the name of the information and, in the case of documents, the necessary specifications pursuant to documentation regulations;
- 3) the source of the information.

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

Chapter III

Provision of information and protection of the rights of persons requesting information

Section 10. Obligation to provide information

(1) Generally available information shall be provided to anyone wishing to obtain such information, subject to the equal rights of persons to obtain information. Applicants for information shall not be required to specially justify their interest in the information requested, and in cases where the information does not relate to the applicant, this shall not be a reason for denying access to the information.

(2) The procedure according to which information held by institutions is made public, and the scope of copies, reproductions, duplicates and extracts of information contained in documents and other information media shall be laid down under Cabinet regulations.

(3) If a set of information includes information subject to restricted access the institution concerned shall provide access only to the generally available parts of this information.

Section 11. Format of and registration procedures for information requests

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

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

(3) Written requests for information shall provide the applicant's first name, surname (title in the case of a legal person), domicile or place of residence in Latvia (legal address) and shall be signed by the person requesting the information. Requests for information shall be formulated as precisely as possible.

(4) When requesting information subject to restricted access the applicant shall justify the request and indicate the purpose for which the information will be used. If information subject to restricted access is issued the recipient shall undertake to use this information solely for the purposes for which it has been requested.

(5) An institution may deny a request if it has not been made in accordance with the provisions set out in 11(3) and 11(4) above or if a description has not been provided enabling the information to be identified.

(6) Correspondence between an institution and the applicant and information on this person shall be considered information subject to restricted access.

Section 12. Procedure for refusing requested information

(1) If an institution refuses to provide information that has been requested in writing, the written refusal shall specify the grounds for fully or partially denying the request and shall indicate where and within what period of time the refusal may be appealed.

(2) If a refusal is based on the fact that the institution does not hold the requested information, the refusal shall indicate the institution at which the requested information may be obtained or which may be able to provide a reference to the information, if the institution knows where the requested information is located.

Section 13. Fees for the provision of information

(1) Generally available information that does not require additional processing shall be provided free of charge.

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

(3) Any person requesting information is entitled to apply for exemption from the fee relating to the service, and the institution concerned may decide to reduce or waive the fee for providing the information.

(4) When registering a request the institution shall inform the applicant of the expected fee for the provision of the information concerned.

Section 14. Timeframe for the provision of information

An institution that has received a written application for information is obliged to provide a response within the timeframe set out in the Act on the Procedure for Processing Claims, Complaints and Proposals within Government and Local Authorities.

Section 15. Procedure for appealing against a refusal to provide information

(1) An information applicant has the right to submit an appeal against a refusal to provide information, the amount of the fee charged or any other decision, including a refusal to carry out a request due to an incorrect description of the information requested, to the head of the institution or a higher authority pursuant to the procedures set out in legislation.

(2) Any natural or legal person has the right to appeal in court against an institution's actions which have infringed the person's rights to obtain information, if the institution:

- 1) has failed to provide a response to the applicant within the period of time laid down in legislation;
- 2) has refused to provide information having decided without legal grounds to attribute the status of restricted access to the information;
- 3) after receiving a written claim, has refused to delete or amend false, incomplete or illegally obtained information on a person.

(As amended under the Acts of 19 February 2004)

Section 16. Protection of information subject to restricted access

(1) An institution shall ensure that all persons subject to the obligation to safeguard restricted access information are aware of this obligation, unless specified otherwise in legislation. Persons who process information subject to restricted access shall be required to provide a written testimony that they are familiar with the regulations and undertake to comply with these.

(2) If the illegal disclosure of information subject to restricted access has had a detrimental effect on the person who owns the information or on another person, or if their legitimate interests have been seriously undermined, the person affected is entitled to claim compensation for damages or restoration of their infringed rights.

(3) Any person who discloses without authorisation information that has been denoted for official service use, shall be liable to disciplinary action.

(As amended by the Acts of 26 November 2003 and 19 February 2004)

Section 17. Monitoring authority

Compliance with this Act pursuant to procedures set out in legislation shall be monitored by the State Data Inspection Agency.

(Inserted under the Act of 15 May 2003; brought into force on 1 January 2004)

Transitional provisions

1. By 1 March 1999 the Cabinet of Ministers shall issue a regulation on the procedure in accordance with which information held by institutions is made public, and the scope of copies, reproductions, duplicates and extracts of information contained in documents and other information media.

2. Section 17 of this Act shall enter into force on 1 January 2004.

(Inserted under the Act of 15 May 2003, which entered into force on 18 June 2003)

Adopted by Parliament on 29 October 1998.

President

G. Ulmanis

Riga, 6 November 1998