

Official Gazette of Bosnia and Herzegovina, 62/11

Based on Article IV 4(a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 5th session of the House of Representatives, held on 14 July 2011, and the 4th session of the House of Peoples, held on 28 July 2011, adopted the

LAW ON AMENDMENTS TO THE FREEDOM OF INFORMATION ACT OF BOSNIA AND HERZEGOVINA

Article 1

In the Freedom of Information Act of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, 28/00, 45/06 and 102/09), in Article 1, Paragraph (b), the words "natural or legal" shall be added after the word "every".

Article 2

Article 3 shall be amended to read:

"Article 3 (Definitions)

1. The terms used for the purposes of this Act shall have the following meanings:

a) "information" means any material which communicates facts, opinions, data or any other matter, including any copy or portion thereof, regardless of physical form, characteristics, when it was created, or how it is classified;

b) "public authority" means any of the following in Bosnia and Herzegovina:

- 1) an executive authority;
- 2) a legislative authority;
- 3) a judicial authority;
- 4) a body appointed or established by law to carry out a public function;
- 5) any other administrative authority;
- 6) a legal entity that is either owned or controlled by a public authority;

c) "control" means either possession of information or control of freedom to access information;

d) "personal information" means any information relating to a natural person that can be directly or indirectly identified by reference to the following facts, in particular: an identification number or the person's physical, mental, economic, ethnic, religious, cultural, or social identity;

e) "competent authority" means a public authority that has control of the requested information and is the authority by which or for which the information was produced. If the latter cannot be determined, the competent authority shall be the public authority whose function most closely relates to the requested information."

Article 3

Article 12 shall be amended to read:

"Article 12

1. Should the public authority not be able to comply with a request due to lack of formal requirements stipulated in Article 11, Paragraphs (2) and (3) of this Act, it shall notify the requester thereof in writing as soon as possible, but not later than eight days from the receipt of the request, provided such notification is possible. The notification shall include a note on the right to an appeal, the name and the address of the authority with which the appeal shall be filed, the deadline for and the costs of filing the appeal, and an instruction on the right to apply with the Ombudsman, including the necessary contact information.

2. For the requests not complying with Article 11, Paragraph (2), Subparagraph (b) of this Act, the notification referred to in Paragraph (1) of this Article shall also contain all specific questions that may clarify the request, and a copy of the Guide provided for under Article 20, Subparagraph (a) of this Act.

3. With the notification referred to in Paragraphs (1) and (2) of this Article, the requester shall be informed that his reworded request shall be regarded as a new request."

Article 4

In Article 14, Paragraph (2), the words "either in part or in whole" shall be replaced by the words "completely or partially".

In Subparagraph (c) the words "of this Act" shall be added after the words "Article 16".

Paragraph (3) shall be amended to read:

"3. If access to the information is denied, either completely or partially, the competent public authority shall notify the requester thereof in a decision. The decision shall include:

- a) the legal grounds for the exempt status of the information pursuant to this Act and all material issues relevant to the decision, including public interest factors taken into account;
- b) a note on the right to an appeal, the address of the authority with which the appeal shall be filed, the deadline for and the costs of filing the appeal, and an instruction on the right to apply with the Ombudsman, including the necessary contact information."

In Paragraph (4), the first sentence shall be amended to read:

"The decisions referred to in Paragraphs (2) and (3) of this Article shall be sent out to the requester in the shortest period possible, but not later than 15 days after the receipt of the request."

Article 5

In Article 16, the words "the first 10 pages" shall be replaced by the words "the first 20".

Article 6

In Article 20, the title of the Article shall be amended to read: "Requirement to Publish and Disseminate".

In Paragraph (1), the words "publish and" shall be added after the word "authority".

In Subparagraph (a), the words "in Paragraph (1)(b)" shall be amended to read "in Paragraph (1), Subparagraph (b) of this Article".

In Subparagraph (b), the words "in Paragraph (1)(a)" shall be amended to read "in Paragraph (1), Subparagraph (a) of this Article".

In Subparagraph (d), the words "a report at least once every year" shall be replaced by the words "annual report".

Article 7

In the title of Section VI, and in the title of Article 21, the word "Ombudsman" shall be replaced by the words "the Human Rights Ombudsman of Bosnia and Herzegovina".

Article 8

In Article 21, the words "Ombudsman for Bosnia and Herzegovina" shall be replaced by the words "the Human Rights Ombudsman of Bosnia and Herzegovina".

Article 9

In Article 22, Paragraph (1), the words "Ombudsman for Bosnia and Herzegovina" shall be replaced by the words "the Human Rights Ombudsman of Bosnia and Herzegovina".

Article 10

Article 23 shall be deleted.

Article 11

In Article 24, the words "access to information" shall be replaced by the words "freedom of information".

Article 12

In Article 26, the title of the Article and Paragraph (1) shall be amended to read:

"Article 26
(Relationship with other Laws)

1. For the purpose of this Act, general common principles of the laws regulating the area of administration, such as the respective Laws on Administration and the Laws on Administrative Proceedings of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and Republika Srpska, shall apply in case the referenced issues have not been regulated by this Act." In Paragraph (2), a new sentence shall be added at the end of the text to read: "This Act shall not diminish a person's rights related to filing an appeal in administrative proceedings and the right to have a case deliberated by a court."

Article 13

This Act shall enter into force on the eighth day following the date of publication in the *Official Gazette of Bosnia and Herzegovina*.

Number 01, 02-02-9-58/10
28 July 2011
Sarajevo

Chair
House of Representatives
Parliamentary Assembly of B-H
Dr. Denis Bećirović, m.p.

Chair
House of Peoples Parliamentary
Assembly of B-H **Ognjen Tadić**,
m.p.