

# Public Information Act<sup>1</sup>

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## Amended by the following legal instruments

Passing	Publication	Entry into force
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
11.02.2003	RT I 2003, 25, 153	01.07.2003
12.02.2003	RT I 2003, 26, 158	01.10.2003
10.11.2004	RT I 2004, 81, 542	10.12.2004
15.06.2005	RT I 2005, 39, 308	01.01.2006
07.12.2006	RT I 2006, 58, 439	01.01.2007
24.01.2007	RT I 2007, 12, 66	01.01.2008
25.01.2007	RT I 2007, 16, 77	01.01.2008
21.11.2007	RT I 2007, 67, 413	28.12.2007
04.12.2007	RT I 2007, 68, 420	01.01.2008
19.06.2008	RT I 2008, 35, 213	01.01.2009
15.06.2009	RT I 2009, 39, 262	24.07.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
10.12.2009	RT I 2009, 63, 408	28.12.2009
22.04.2010	RT I 2010, 19, 101	01.06.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24–26).
10.06.2010	RT I 2010, 41, 241	01.08.2010
16.12.2010	RT I, 30.12.2010, 2	01.01.2011
16.12.2010	RT I, 06.01.2011, 1	16.01.2011
17.02.2011	RT I, 14.03.2011, 3	24.03.2011, partially 01.09.2011 and 01.01.2012
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
23.02.2011	RT I, 22.03.2011, 1	01.04.2011
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
05.12.2012	RT I, 19.12.2012, 2	29.12.2012

## Chapter 1 GENERAL PROVISIONS

### § 1. Purpose of Act

The purpose of this Act is to ensure that the public and every person has the opportunity to access information intended for public use, based on the principles of a democratic and social rule of law and an open society, and to create opportunities for the public to monitor the performance of public duties.

## **§ 2. Scope of application of Act**

(1) This Act provides for:

1) the conditions of, procedure for and methods of access to and re-use of public information and the bases for refusal to grant access to information;

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

2) restricted public information and the procedure for granting access thereto to the extent not regulated by other Acts;

2<sup>1</sup>) the bases for establishment and administration of databases, and supervision over the administration of databases;

[RT I 2007, 12, 66 - entry into force 01.01.2008]

3) the procedure for the exercise of state supervision over the organisation of access to information.

(2) This Act does not apply to:

1) to information which is classified as a state secret or as classified foreign information, until expiry of classification of such information;

[RT I 2007, 16, 77 - entry into force 01.01.2008]

2) upon granting access to records in the National Archives and local government archives pursuant to the procedure provided for in the Archives Act, except in the part of establishment of restrictions to access;

[RT I, 21.03.2011, 1 - entry into force 01.01.2012]

3) upon responding to memoranda and requests for explanations pursuant to the procedure provided for in the Response to Memoranda and Requests for Explanations Act if responding requires the analysis and synthesis of the recorded information or the collection and documentation of additional information.

4) to restrictions on access to information and to special conditions of, the procedure for and methods of access if these are otherwise provided for in specific Acts or international agreements.

(3) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

## **§ 3. Public information**

(1) Public information (hereinafter *information*) is information which is recorded and documented in any manner and on any medium and which is obtained or created upon performance of public duties provided by law or legislation issued on the basis thereof.

(2) Access to information specified in subsection (1) of this section may be restricted pursuant to the procedure provided by law.

## **§ 3<sup>1</sup>. Re-use of public information**

(1) The re-use of information is the use of information by natural persons or legal persons for commercial or non-commercial purposes other than the initial purpose within the public duties for which the information was obtained or produced. The exchange of information between holders of information for the performance of their public duties does not constitute re-use of information.

(2) A holder of information shall not enter into exclusive agreements for the re-use of information, unless this is necessary and justified in the public interest. The validity of the justification for an exclusive agreement shall be reviewed at least every three years.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

## **§ 4. Principles of granting access to public information**

(1) In order to ensure democracy, to enable public interest to be met and to enable all persons to exercise their rights and freedoms and perform their obligations, holders of information are required to ensure access to the information in their possession under the conditions and pursuant to the procedure provided by law.

(2) Access to information shall be ensured for every person in the quickest and easiest manner possible.

(3) Upon granting access to information, the inviolability of the private life of persons and protection of copyright shall be ensured.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(4) Access to information shall be granted without charge unless payment for the direct expenses relating to the release of the information is prescribed by law.

(4<sup>1</sup>) A holder of information must publish the conditions for accessing the information and the amount to be charged for access and, if a person making a request for information so requires, provide explanations concerning the cost-orientation of the charges.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(4<sup>2</sup>) The conditions for access shall not be unnecessarily restrictive or detrimental to competition.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(4<sup>3</sup>) If a holder of information uses the information as input for activities falling outside the scope of the public duties, the same charge and other conditions shall apply upon supplying the holder with the information as apply to other applicants, thus ensuring equal treatment.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(5) Every person has the right to contest a restriction on access to information if such restriction violates the rights or freedoms of the person.

## **§ 5. Holders of information**

(1) The following are holders of information:

- 1) state and local government agencies;
- 2) legal persons in public law;
- 3) legal persons in private law and natural persons under the conditions provided for in subsection (2) of this section.

(2) The obligations of holders of information extend to legal persons in private law and natural persons if the persons perform public duties pursuant to law, administrative legislation or contracts, including the provision of educational, health care, social or other public services, – with regard to information concerning the performance of their duties.

(3) The following are deemed to be equal to holders of information:

- 1) undertakings which have a dominant position in the market or special or exclusive rights or which are natural monopolies – with regard to information concerning the conditions and prices of the supply of goods and services and changes thereto;
- 2) sole proprietors, non-profit associations, foundations and companies – with regard to information concerning the use of funds allocated from the state or a local government budget for the performance of public duties or as support.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

## **§ 6. Request for information**

A request for information is a request to obtain information submitted, pursuant to the procedure provided for in this Act, to a holder of information by a person making a request for information.

## **§ 7. Person making request for information**

Each person who submits a request for information to a holder of information pursuant to the procedure provided for in this Act is a person making a request for information.

## **§ 8. Access to information**

(1) Access to information shall be granted by a holder of information by:

- 1) complying with a request for information;
- 2) disclosing information.

(2) Disclosure of information is the grant of access to information by a holder of information pursuant to the procedure provided by law, without a person being required to make a request for information.

(3) Access to information also includes the right to re-use that information.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

# **Chapter 2**

## **ORGANISATION OF ACCESS TO INFORMATION**

## **§ 9. Obligations of holders of information**

(1) Holders of information are required to grant access to information in their possession pursuant to the procedure provided by law.

(2) Upon granting access to information, a holder of information is required:

- 1) to ensure access to the documents which the person making a request for information requests access to if the person making the request for information has the right to access the information;
- 2) to keep an account of documents in the possession thereof;
- 3) to disclose information subject to disclosure pursuant to the procedure provided by law;
- 4) to provide information to the public regularly on the performance of public duties;
- 5) to assist persons making requests for information;
- 6) to inform persons making requests for information of any valid restrictions on access to documents;
- 7) to ensure compliance with restrictions on access to information;
- 8) not to submit knowingly misleading, inaccurate or incorrect information and, in the case of doubt, is required to verify the correctness and accuracy of the information released.

## **§ 10. Organisation of access to information by holders of information**

(1) The head of a holder of information or a holder of information who is a natural person is responsible for the organisation, by the holder of information and pursuant to law, of access to information.

(2) A holder of information may, using records management procedures or other documents, designate the structural units and officials or employees responsible for complying with requests for information and disclosing information, and the procedure for the internal processing of requests for information or of information subject to disclosure.

(3) If a holder of information does not establish the competence of officials or employees in complying with requests for information, each official or employee to whom a request for information is assigned for it to be complied with or to whom a request for information is submitted is responsible for complying with the request for information in a manner which meets the requirements.

(4) The head of a holder of information is responsible for the proper disclosure of information in a manner which meets the requirements unless organisation of the disclosure of information is assigned to another person by legislation.

## § 11. Document register of agency

(1) The document register of an agency is a digital database which is maintained by a state or local government agency or a legal person in public law in order to register documents received by the agency and prepared in the agency and to ensure access thereto.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) The Government of the Republic may establish requirements for document registers.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

## § 12. Requirements for document registers

(1) The following shall be registered in a document register:

1) documents received by the agency and documents released by the agency, not later than on the working day following the day on which the documents are received or released;

[RT I 2007, 12, 66 - entry into force 01.01.2008]

2) legislation prepared and signed in the agency, on the date of signature thereof or the working day after such date;

[RT I 2007, 12, 66 - entry into force 01.01.2008]

3) contracts entered into on the working day after the date of signature thereof.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) Accounting documents need not be entered in a document register.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(3) At least the following information concerning received and released documents shall be entered in a document register:

1) from whom the documents are received or to whom they are released;

2) the date of receipt or release;

3) the manner in which the documents are received or released (by electronic mail, post, fax, courier or delivered in person);

4) requisite information on the documents;

5) the type of documents (petitions, memoranda, decisions, requests for information, letters, etc.);

6) restrictions on access to the documents.

(4) The term arising from law for processing or responding, the name of the structural unit responsible for the preparation of a response or the organisation of processing and the name of the official or employee who prepares the response shall also be entered in a document register concerning received documents and documents which need to be processed or responded to.

(4<sup>1</sup>) Access shall be granted through the document register to electronic documents registered in a document register and contained in the document management system of the agency, unless access to such documents is restricted and except for documents which are published in the *Riigi Teataja*.

[RT I 2007, 12, 66 - entry into force 01.01.2008, access to documents registered in a document register and contained in the document management system of the agency, access to which is not restricted, shall be granted by registrars of the document register by January 1, 2009 at the latest]

(4<sup>2</sup>) [Repealed - RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(5) The registrars of document registers shall grant access to the document registers, shall create indexes and instructions in order to facilitate the finding of documents and ensure finding of documents by a full text search using a computer search system based on the data specified in subsection (3) of this section.

[RT I 2007, 12, 66 - entry into force 01.01.2008, finding of documents by a full text search shall be ensured by registrars of the document register by 1 January 2009 at the latest]

# **Chapter 3**

## **GRANT OF ACCESS TO INFORMATION ON BASIS OF REQUESTS FOR INFORMATION**

### **Division 1**

## **Making Requests for Information and Acceptance of Requests for Information for Processing**

### **§ 13. Manners of making requests for information**

A person making a request for information shall make the request for information to a holder of information either:

- 1) orally, addressing a holder of information directly or by telephone, or
- 2) in writing, delivering a request for information personally or communicating it by post, fax or electronic mail.

### **§ 14. Requirements applicable to requests for information**

(1) A request for information shall set out the following information orally or in writing:

- 1) the given name and surname of the person making the request for information;
- 2) the name of the legal person or agency in the case of a request for information made on behalf of an agency or legal person;
- 3) the contact details of the person making the request for information (postal or electronic mail address, or fax or telephone number), through which the holder of information could release the information or contact the person making the request for information;
- 4) the content of the information or the type, name and content of the document requested, or the requisite information on the document known to the person making the request for information;
- 5) the manner of complying with the request for information.

(2) If a person requests information which contains restricted personal data concerning him or her or third persons, the holder of information shall identify the person making the request for information. If a person requests restricted private personal data concerning a third person, he or she shall inform the holder of information of the basis and purpose of accessing the information.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(3) A holder of information has the right to request submission of a request for information in writing if the person making the request for information is not satisfied with the information provided orally.

(4) [Repealed - RT I 2007, 12, 66 - entry into force 01.01.2008]

(5) A person making a request for information shall not request access to information for personal purposes under the pretext of the performance of functions or duties or using his or her official position.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 15. Obligation of holders of information to assist persons making requests for information**

(1) Holders of information are required to clearly explain the procedure for and the conditions and methods of access to information to persons making requests for information.

(2) Officials or employees of holders of information are required to assist persons making requests for information in every way during the making of requests for information and the identification of the

information necessary for the persons making requests for information, the location of the information and the most suitable methods of access thereto.

(3) An official or employee of a holder of information who is not competent to comply with a request for information is required promptly to send the person making the request for information to an official or employee who has the corresponding competence, or promptly to communicate the request for information in writing to the specified official or employee.

(4) If a request for information does not indicate the method or the information which the person making the request for information is requesting, the holder of information shall promptly contact the person making the request for information in order to specify the request for information.

## **§ 16. Registration of requests for information**

(1) A holder of information shall register a request for information on the date of receipt thereof or not later than on the working day following receipt.

(2) Information specified in subsection 14 (1) of this Act which is submitted by a person making a request for information and information concerning an employee or structural unit responsible for complying with the request for information and the due date for complying with the request for information shall be entered in the document register of a holder of information provided for in § 11 of this Act.

(3) A request for information need not be registered if:

- 1) it is anonymous;
- 2) it is made orally or electronically and is promptly complied with.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

## **Division 2**

# **Compliance with Requests for Information and Refusal to Comply with Requests for Information**

## **§ 17. Manner of compliance with requests for information**

(1) A holder of information shall comply with a request for information in the manner requested by the person making the request for information and shall release the information:

- 1) digitally to a transferable data medium or to an electronic mail address set out in the request for information;
- 2) as a copy or transcript of the document on paper either directly to the person making the request for information or to his or her postal address;
- 3) by fax;
- 4) orally;
- 5) for access at the holder of information;
- 6) in any other manner, taking into account the type of medium.

(2) A holder of information may refuse to comply with a request for information in a desired manner if:

- 1) there are no technical means therefor;
- 2) the type of medium does not enable compliance;
- 3) oral communication of the information would excessively hinder performance of the main duties of the holder of information due to the time this would take.

(3) At the request of a person making a request for information, a holder of information shall release copies of documents on paper if the type of medium and the contact details of the person making the request for information enable this and if the information has not been disclosed.

(4) At the request of a person making a request for information, a holder of information shall release information (including disclosed information) together with official confirmation if such confirmation is necessary in order to use the rights and freedoms and perform the obligations of the person making the request for information.

(5) Information shall be released orally only if:

- 1) information is requested concerning the processing of a petition, memorandum or other request submitted by the person making the request for information;
- 2) information is requested on whether information requested by the person making the request for information is in the possession of the holder of information.

(6) Upon compliance with a request for information orally, the person who complies with the request for information is not required to read documents aloud.

(7) In the cases provided for in subsection (2) of this section, a holder of information shall choose a suitable manner to comply with a request for information and shall, if possible, consult with the person making the request for information before complying with the request for information.

(8) If a request for information does not specify the manner for compliance requested by the person making the request for information and if it is not possible to specify the manner for compliance in consultation with the person making the request for information within the term prescribed for compliance with the request for information, the request for information shall be complied with on the basis of the details indicated therein in a manner chosen by the holder of information, and the holder of information shall, if possible, prefer the manner in which the request for information was made.

## **§ 18. Terms for compliance with requests for information and calculation of terms for processing**

(1) A request for information shall be complied with promptly, but not later than within five working days.

(2) If a request for information cannot be complied with due to the insufficiency of the information submitted by the person making the request for information, the holder of information shall notify the person making the request for information thereof within five working days in order to specify the request for information.

(3) The terms for processing requests for information provided for in this Act shall be calculated as of the working day following registration of the requests for information.

## **§ 19. Extension of terms for compliance with requests for information**

If a holder of information needs to specify a request for information or if identification of the information is time-consuming, the holder of information may extend the term for compliance with the request for information for up to fifteen working days. The holder of information shall notify the person making the request for information of extension of the term together with the reasons therefor within five working days.

## **§ 20. Deeming requests for information to have been complied with**

A request for information is deemed to have been complied with by the holder of information who receives the request for information if:

- 1) information is communicated to the person making the request for information in a manner provided by law;
- 2) the request for information is forwarded according to competence and the person making the request for information is notified thereof;
- 3) the possibility of accessing disclosed information is explained to the person making the request for information.



## **§ 21. Forwarding of requests for information according to competence**

(1) If a holder of information does not possess the requested information, the holder of information shall ascertain the competent holder of information and forward the request for information promptly thereto, but not later than within five working days, and shall notify the person making the request for information thereof at the same time.

(2) It is permitted to refuse to forward a request for information made by telephone if the person making the request for information is informed of to whom the person should turn with the request for information.

(3) A holder of information who is a legal person in private law or a natural person may refuse to forward a request for information and shall in this case notify the person making the request for information promptly thereof, but not later than within five working days.

## **§ 22. Directing to disclosed information**

If requested information has been disclosed pursuant to the procedure provided for in this or any other Act, the holder of information may promptly, but not later than within five working days, notify the person making the request for information thereof without releasing the information and shall in this case provide the person making the request with information concerning the method and place of access to the requested information, except in the case provided for in subsection 17 (4) of this Act.

## **§ 23. Refusal to comply with requests for information**

(1) A holder of information shall refuse to comply with a request for information if:

- 1) restrictions on access apply to the requested information and the person making the request for information does not have the right to access the requested information;
- 2) the holder of information does not possess the requested information, does not know who possesses it, and is unable to identify the holder of the requested information;
- 3) compliance with the request for information is impossible because it is not evident from specification of the request for information which information the person making the request for information is requesting;
- 4) the person making the request for information has not paid the state fee or has not paid the expenses relating to compliance with the request for information if the state fee or other fee is prescribed by law and the holder of information has not withdrawn the claim for expenses incurred to be covered.

(2) A holder of information may refuse to comply with a request for information if:

- 1) the requested information has already been released to the person making the request for information and the person does not justify the need to obtain the information for a second time;
- 2) information requested from a natural person or a legal person in private law does not concern the performance of public duties;
- 3) compliance with the request for information would require a change in the organisation of work of the holder of information, hinder the performance of public duties imposed thereon or require unnecessarily disproportionate expenses due to the large volume of requested information;
- 4) the request for information cannot be complied with by a single release of information;
- 5) in order to comply with the request for information, information would have to be additionally systematised and analysed and new information would have to be documented on the basis thereof. Such request for information is deemed to be a request for explanation and shall be responded to pursuant to the procedure prescribed in the Response to Memoranda and Requests for Explanations Act;
- 6) a court has established that the active legal capacity of the person making the request for information is restricted;
- 7) there are no contact details concerning the person making the request for information.

(3) The holder of information shall notify the person making the request for information of refusal to comply with the request for information and the reason for such refusal within five working days.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

§ 24. [Repealed - RT I 2007, 12, 66 - entry into force 01.01.2008]

### **Division 3**

## **Expenses Relating to Compliance with Requests for Information**

### **§ 25. Covering expenses relating to compliance with requests for information**

(1) A holder of information shall cover the expenses relating to compliance with requests for information unless otherwise prescribed by law.

(2) A person making a request for information shall pay up to 0.19 euros per page for printouts and copies on paper starting from the twenty-first page, unless a state fee for the release of information is prescribed by law.

[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

(3) Holders of information shall cover the expenses relating to compliance with requests for information made by state or local government agencies.

(4) Any income received for supplying information for re-use must not exceed the cost of supplying that information for re-use, to which a reasonable depreciation cost may be added which is intended to ensure the sustainability of the service.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

### **§ 26. Exemption from covering expenses**

A holder of information may exempt a person making a request for information from covering expenses provided for in subsection 25 (2) of this Act if:

- 1) collection of the expenses is economically inefficient;
- 2) the person making the request for information needs the information for research work;
- 3) the person making the request for information needs the information in order to exercise the rights and freedoms of the person or to perform obligations and if the person making the request does not have the financial capacity to cover the expenses.

### **§ 27. Procedure for covering expenses**

(1) A person making a request for information shall pay the holder of information before the information is released.

(2) The state fee for the release of information or a document shall be paid before the release of the information according to the rate provided by the State Fees Act.

[RT I 2006, 58, 439 - entry into force 01.01.2007]

(3) A holder of information is required to issue a receipt concerning the received amounts to the person making a request for information.

## **Chapter 4**

# **DISCLOSURE OF INFORMATION**

### **Division 1**

## **Information Subject to Disclosure**

## **§ 28. Obligation of holder of information to disclose information**

(1) A holder of information is required to disclose the following existing information relating to the duties thereof:

- 1) generalised economic statistics and economic forecasts of the state and local governments;
- 2) generalised statistics relating to crime and misdemeanours;
- 3) statutes of state or local government agencies and their structural units;
- 4) formats of petitions and other documents submitted to state and local government agencies and instructions for the completion thereof;
- 5) job descriptions of state and local government officials;
- 6) composition of state and local government agencies, and the given names, surnames, education, areas of specialisation, telephone numbers and electronic mail addresses of officials filling the positions prescribed in such agencies;
- 7) information concerning danger to the life, health and property of persons;
- 8) reports on work results and the performance of duties in state and local government agencies;
- 9) names and electronic mail addresses of members of the supervisory boards and management boards of legal persons in public law;
- 10) management reports and income and expense statements of legal persons in public law;
- 11) budgets and draft budgets of state agencies, local governments and local government agencies, and reports on the implementation thereof;
- 12) information concerning the receipt of state budget revenue;
- 13) information concerning the state of the environment, environmental damage and dangerous environmental impact;
- 14) precepts or decisions relating to state supervision or supervisory control as of the entry into force thereof;
- 15) draft Acts prepared by ministries and draft regulations of the Government of the Republic, together with explanatory memoranda, when such drafts are sent for approval or presentation to the Government of the Republic;
- 16) draft regulations of ministers and local governments together with explanatory memoranda before such drafts are submitted for passage;
- 17) draft concepts, development plans, programmes and other projects of general importance before such drafts are submitted to the competent bodies for approval, and the corresponding approved or adopted documents;
- 18) research or analyses ordered by the state or local government agencies;  
[RT I 2007, 12, 66 - entry into force 01.01.2008]
- 19) information concerning unfilled positions in state or local government agencies;
- 20) information concerning public procurements which are being organised or have been organised by the state or local governments;
- 21) information concerning the use of assets and budgetary funds which the state or a local government has transferred to legal persons in private law founded by the state or local government or with the participation thereof;
- 22) programmes of public events;
- 23) changes in the work and duties of state and local government agencies which are related to services provided for persons, not later than ten days before implementation of the changes;
- 24) information concerning the consultation hours of heads of state and local government agencies;
- 25) salaries of officials of state and local government agencies and other income related to their functions, and salary guides of agencies pursuant to the procedure provided for in the Public Service Act;  
[RT I, 06.07.2012, 1 - entry into force 01.04.2013]
- 26) information concerning the price formation of companies which have a dominant position in the market or special or exclusive rights or which are natural monopolies;
- 27) information concerning the provision of public services and concerning changes in the conditions and price of the provision of the service before implementation of such changes;
- 28) lists of the members of political parties;
- 29) court decisions entered into force with restrictions arising from law;
- 30) data contained in databases, access to which is not restricted;

[RT I 2007, 12, 66 - entry into force 01.01.2008]

31) the document register of the agency;

31<sup>1</sup>) the purpose, scope and method of processing personal data, the communication of personal data to third persons, including other agencies, and the making of personal data available to the public, and the right of and procedure for a person to examine data concerning themselves;

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

32) other information and documents concerning which the obligation to disclose is provided by an international agreement, an Act or legislation passed on the basis thereof or which the holder of information deems necessary to disclose.

(2) Upon the disclosure of information, the person who documents the disclosed information, the time the disclosed information is documented, the act (establishment, approval, registration or other official act) with which the disclosed information is documented, and the person from whom explanations concerning the disclosed information can be obtained shall be set out.

## **§ 29. Manners of disclosure of information**

(1) The holders of information specified in § 31 of this Act shall disclose the information specified in subsection 28 (1) of this Act on a website, or shall add a link to a webpage through which the information can be accessed.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) In addition to a website, information specified in subsection 28 (1) of this Act may be disclosed:

1) in television or radio programmes or in the printed press;

[RT I, 06.01.2011, 1 - entry into force 16.01.2011]

2) by displaying the document for public examination in a local government agency or public library;

3) in an official publication;

4) in any other manner prescribed by an Act or legislation passed on the basis thereof.

(3) The information specified in subsection 28 (1) of this Act must be disclosed in an up-to-date version and in such a manner and format that it can be downloaded in electronically processable form. If conversion of the information into electronically processable form is impossible or would involve disproportionate effort, the holder of the information shall ensure that it can be downloaded in its original format or in any other format.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(4) The information specified in clause 28 (1) 30) of this Act must be disclosed in electronically processable form and must be downloadable from the information gateway as a full set of data.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

## **§ 30. Selecting manner of disclosure of information**

(1) A holder of information is required to disclose information in a manner which ensures that it reaches every person who needs the information as quickly as possible. A holder of information is not required to carry out further systematisation or analysis of information for the information to be disclosed for the purposes of re-use if this would involve disproportionate effort.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(2) If the manner of disclosure of information is prescribed by a specific Act or an international agreement, the manner provided for in the specific Act or international agreement shall be used upon the disclosure of the information and information shall also be disclosed on a website if such obligation arises from § 31 of this Act.

(3) A holder of information is required to disclose promptly any information concerning danger which threatens the life, health or property of persons or the environment, and shall select the quickest and most suitable manner therefor in order to avert danger and alleviate the possible consequences.

(4) State and local government agencies are required to communicate information concerning events and facts and which is in their possession to providers of media services and the printed press for disclosure if public interest can be expected.

[RT I, 06.01.2011, 1 - entry into force 16.01.2011]

## **Division 2**

# **Disclosure of Information in Public Data Communication Network**

### **§ 31. Obligation to maintain website**

(1) The Chancellery of the *Riigikogu*, the Office of the President of the Republic, the Office of the Chancellor of Justice, the National Audit Office, courts, government agencies and legal persons in public law are required to maintain websites for the disclosure of information.

[RT I 2008, 35, 213 - entry into force 01.01.2009]

(2) A city or rural municipality government shall organise the maintenance of a website in order to provide details of the activities of the bodies and agencies of the city or rural municipality and to disclose information in the possession thereof. On the basis of a contract, city and rural municipality governments may organise the maintenance of a joint website.

(3) The State Chancellery, ministries and county governments are required to take measures for the maintenance of websites by state agencies administered by them.

### **§ 32. Requirements for maintenance of websites by state and local government agencies**

(1) An agency which maintains a website shall:

- 1) inform the public of the opportunity to access the website by disclosing data communication addresses and changes thereto;
- 2) publish topical information on the website;
- 3) not disclose outdated, inaccurate or misleading information on the website;
- 4) promptly apply measures in order to remove any technical problems which hinder access to the website;

(2) On its website, a holder of information shall set out the date of disclosure of each document and when information on the website is updated.

(3) It shall be possible to access directly the websites of agencies administered by the State Chancellery, ministries or county governments from the websites of the State Chancellery, ministries or county governments.

### **§ 32<sup>1</sup>. Estonian information gateway**

(1) The Estonian information gateway is a website allowing access to public information related to the fields of activities of holders of information and the public services provided by them, and allowing access to public electronic services and to reusable information.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(2) Administration and development of the Estonian information gateway shall be ensured by the Ministry of Economic Affairs and Communications.

(3) The administrator of the Estonian information gateway in co-operation with holders of information shall ensure the presentation of information in the information gateway organised in a user-centric manner.

(4) The holder of information shall ensure the relevance and clarity of the information related to the holder of information presented in the Estonian information gateway, and shall ensure that this information is forwarded.

(5) The Government of the Republic may establish, by a regulation, the requirements and procedure for the administration of the Estonian information gateway, for ensuring access to, developing and using the information therein and for interfacing databases with the Estonian information gateway.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

### **§ 33. Access to data communication network**

Every person shall be afforded the opportunity to have free access to public information through the Internet in public libraries, pursuant to the procedure provided for in the Public Libraries Act.

## **Chapter 5 RESTRICTED INFORMATION**

### **§ 34. Restricted information**

(1) Restricted information is information to which access is restricted pursuant to the procedure established by law.

(2) Pursuant to this Act, the head of an agency may establish a restriction on access to information and classify information as information intended for internal use.

### **§ 35. Grounds for classification of information as internal**

(1) A holder of information is required to classify the following as information intended for internal use:

1) information collected in criminal or misdemeanour proceedings, except for the information subject to disclosure under the conditions provided by the Code of Misdemeanour Procedure and the Code of Criminal Procedure;

2) information collected in the course of state supervision proceedings until the entry into force of a decision made thereon;

3) information the disclosure of which would damage the foreign relations of the state;

4) information concerning tables reflecting the armament and equipment, and the quantities of armament and equipment of the Defence Forces, unless such information is a state secret or classified foreign information;

[RT I 2008, 35, 213 - entry into force 01.01.2009]

5) information concerning the state assets to be transferred, in the event of mobilisation or increasing of military preparedness, into the possession of the Defence Forces;

5<sup>1</sup>) information concerning the methods and tactics utilised by the Police in its activities, if the disclosure of such information could hinder detection of criminal offences or facilitate committing thereof;

[RT I 2009, 62, 405 - entry into force 01.01.2010]

5<sup>2</sup>) information concerning the quantity of armament of the Police, unless such information is a state secret or classified foreign information;

[RT I, 22.03.2011, 1 - entry into force 01.04.2011]

6) information concerning national defence duty;

7) information the disclosure of which would endanger objects protected under heritage conservation or museum objects belonging to a museum collection;

8) information the disclosure of which would endanger the protected areas or the preservation of protected species and their habitats;

- 9) information including a description of security systems, security organisations or security measures;
  - 10) information on technological solutions if disclosure of such information would damage the interests of the holder of information or if classification of such information as internal is prescribed in a contract entered into with a person in private law;
  - 11) information which contains sensitive personal data;
  - 12) information which contains personal data if enabling access to such information significantly breaches the inviolability of private life of the data subject;
  - 13) information which contains data revealing details of family life;
  - 14) information concerning application for social assistance or social services;
  - 15) information revealing mental or physical suffering endured by a person;
  - 16) data collected on a person during the process of taxation, except data concerning tax arrears;
  - 17) information whose disclosure may violate a business secret;
  - 18) reports of an internal audit before approval thereof by the head of the agency;
  - 18<sup>1</sup>) the risk assessment of vitally important services and information concerning the operational continuity plan;
- [RT I 2009, 39, 262 - entry into force 24.07.2009]
- 19) any other information provided by law.
- [RT I 2007, 68, 420 - entry into force 01.01.2008]

(1<sup>1</sup>) [Repealed - RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(2) The head of a state or local government agency or a legal person in public law may classify the following as information intended for internal use:

- 1) draft legislation of general application before it is sent for approval or submitted for passage;
  - 2) draft documents and accompanying documents before receipt or signature thereof;
- [RT I 2007, 12, 66 - entry into force 01.01.2008]
- 3) in justified cases, documents addressed to persons within the agency which are not registered in the document register (opinions, notices, memoranda, certificates, advice, etc.);
  - 4) information which may damage the interests of the state acting as a participant in the proceedings in a civil proceeding, until the court decision is made.
- [RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 36. Prohibition on classification of information as internal**

(1) A holder of information who is a state or local government agency or a legal person in public law shall not classify the following as information intended for internal use:

- 1) results of public opinion polls;
  - 2) generalised statistical surveys;
  - 3) economic and social forecasts;
  - 4) notices concerning the state of the environment;
  - 5) reports on the work or the work-related success of the holder of information and information on the quality of the performance of duties and on managerial errors;
  - 6) information which damages the reputation of a state or local government official, a legal person in private law performing public duties or a natural person, except sensitive personal data or personal data whose disclosure would breach the inviolability of the private life of the data subject;
- [RT I 2007, 12, 66 - entry into force 01.01.2008]
- 7) information on the quality of goods and services arising from protection of the interests of consumers;
  - 8) results of research or analyses conducted by the state or local governments or ordered thereby, unless disclosure of such information would endanger national defence or national security;
  - 9) documents concerning the use of budgetary funds of the state, local governments or legal persons in public law and remuneration and compensation paid from the budget;
  - 10) information concerning the proprietary obligations of the holder of information;
  - 11) information on the property of the holder of information;
  - 12) precepts which have entered into force and legislation which is issued by way of state supervision or supervisory control or under disciplinary procedure and information relating to punishments in force.

(2) The prohibition provided for in subsection (1) of this section also applies to:

- 1) non-profit associations, foundations or companies which are founded by the state, local governments or legal persons in public law or in which the state, local governments or legal persons in public law participate;
- 2) information pertaining to the use of funds allocated and assets transferred to legal persons in private law from the state or a local government budget.

**§ 37. [Repealed - RT I 2003, 26, 158 - entry into force 01.10.2003]**

**§ 38. Access to information classified as internal only**

(1) A holder of information shall disclose information concerning facts which arouse public interest and which are related to an offence or accident before the final clarification of the circumstances of the offence or accident to an extent which does not hinder the investigation or supervision or clarification of the reasons for the accident. The competent official who organises the investigation or supervision or who clarifies the circumstances of the accident shall decide on the extent of disclosure of such information.

(2) If the grant of access to information may cause the disclosure of restricted information, it shall be ensured that only the part of the information or document to which restrictions on access do not apply may be accessed.

(3) State and local government officials have the right to access information which is classified as information intended for internal use in order to perform their duties. Such information shall not be communicated to third persons without the permission of the agency which establishes the restriction on access.

(4) The head of an agency may decide to grant access to information classified as internal to persons outside the agency if this does not damage the interests of the state or a local government.  
[RT I 2003, 26, 158 - entry into force 01.10.2003]

**§ 39. Access to information which contains personal data**  
**[RT I 2003, 26, 158 - entry into force 01.10.2003]**

(1) A holder of information shall grant access to personal data in its possession upon the existence of a basis provided for in the Personal Data Protection Act pursuant to the procedure provided for in this Act.

(2) A holder of information is required to maintain records concerning to whom, for what purpose, when, in which manner and which information classified as internal which contains personal data is released.

(3) [Repealed - RT I 2007, 12, 66 - entry into force 01.01.2008]

**§ 40. Terms of restrictions on access**

(1) A restriction on access to information intended for internal use applies as of the preparation or receipt of the documents for as long as necessary or until the arrival of the event, but not for longer than five years. The head of an agency may extend the term by up to five years if the reason for establishment of the restriction on access continues to exist.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) A restriction on access to documents pertaining to state supervision, supervisory control and preparation of individual decisions of executive power applies until adoption of a decision unless another reason to restrict access to the information exists.



(3) A restriction on access to information classified as internal which contains private personal data applies for 75 years as of the receipt or documentation thereof or for 30 years as of the death of the person or, if it is impossible to establish death, for 110 years as of the birth of the person.

#### **§ 41. Procedure for classification of information as internal**

(1) Information shall be classified as information intended for internal use by the head of the agency.

(1<sup>1</sup>) The head of an agency shall establish, in the list of documents, the series containing documents to which access may be restricted, and indicate the basis therefor provided by this Act or another Act. Establishment of restriction on access to specific documents shall be decided by the head of the agency or, pursuant to the list of documents established by the head of the agency, by a competent employee appointed by the head of the agency, based on the content of the document and the goal of the restriction on access.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) The person who prepares a document classified as information intended for internal use shall make a notation “*ASUTUSESISESEKS KASUTAMISEKS*” [“FOR INTERNAL USE”] in capital letters on the document or file of documents, if the medium enables this, or use the corresponding abbreviation *AK*. The name of the holder of information, the basis of the restriction on access, the final date for application of the restriction on access and the date on which the notation is made shall be added to the notation.

(3) A notation shall not be made on documents bearing a notation concerning restriction on access forwarded by other states or international organisations which, pursuant to the State Secrets and Classified Information of Foreign States Act is not deemed to be classified foreign information, except for the invalidation of such restriction if the reason for the restriction on access has ceased to exist.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(4) A holder of information who classifies information as internal shall promptly notify the holders of information to whom such information has been forwarded of its classification as internal.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

#### **§ 42. Invalidation of restriction on access**

(1) A holder of information is required to invalidate a restriction on access if the reasons for establishment thereof cease to exist.

(2) If a restriction on access to a document is invalidated, a corresponding notation shall be made on the document.

(3) A holder of information shall promptly give notice concerning the invalidation of restriction on access to the holders of information to whom such information has been forwarded.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

#### **§ 43. Protection of internal information**

(1) A holder of information shall apply administrative and technical measures to ensure that information to which a restriction on access applies cannot be accessed by persons who do not have the right of access.

(2) If a restriction on access applies to a document prepared on a computer, the person who prepares the document shall verify that measures have been taken in the agency for the secure processing of data in order to restrict access.

# **Chapter 5<sup>1</sup>**

## **DATABASES**

**[RT I 2007, 12, 66 - entry into force 01.01.2008]**

### **§ 43<sup>1</sup>. Database**

(1) A database is a structured body of data processed within an information system of the state, local government or other person in public law or person in private law performing public duties which is established and used for the performance of functions provided in an Act, legislation issued on the basis thereof or an international agreement.

(2) A structured body of data processed within a database may consist exclusively of unique data contained in other databases.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 43<sup>2</sup>. State information system**

(1) The state information system consists of databases which are interfaced with the data exchange layer of the state information system and registered in the administration system of the state information system, and of the systems supporting the maintenance of the databases.

(2) The Minister of Economic Affairs and Communications may establish, by a regulation, the procedure for the conduct of the information technology audit of the state information system, and the requirements for the initiation and implementation of and reporting on development projects relating to the state information system.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 43<sup>3</sup>. Establishment of databases**

(1) A database is established by an Act or legislation issued on the basis thereof.

(2) Establishment of separate databases for the collection of the same data is prohibited.

(3) Before the establishment of a database or changing the composition of the data collected in a database, introducing a database or terminating a database, the technical documentation of the database shall be approved by the Ministry of Economic Affairs and Communications, the Data Protection Inspectorate and the Statistics Estonia.

[RT I 2010, 41, 241 - entry into force 01.08.2010]

(4) A database not belonging to the state information system which is kept only for fulfilling internal administration needs of an organisation or for inter-agency processing of documents need not be approved pursuant to the procedure provided in subsection (3) of this section.

(5) The specific conditions and procedure for obtaining the approval of the Ministry of Economic Affairs and Communications and the Data Protection Inspectorate and, where necessary, also the technical and organisational requirements for establishment and maintenance of databases shall be provided by the regulation establishing the support system specified in clause 43<sup>9</sup> (1) 6) of this Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 43<sup>4</sup>. Chief and authorised processors of database**

(1) The chief processor (administrator) of a database is the state or local government agency, other legal person in public law or person in private law performing public duties who organises the introduction of the

database and the administration of services and data. The chief processor of a database is responsible for the legality of the administration of the database and for developing the database.

[RT I, 14.03.2011, 3 - entry into force 24.03.2011]

(2) The chief processor of a database may authorise, within the extent determined by the chief processor, another state or local government agency, legal person in public law or, based on a procurement contract or a contract under public law, a person in private law to perform the tasks of processing of data and housing of the database.

(3) An authorised processor is required to comply with the instructions of the chief processor in the processing of data and housing of the database, and shall ensure the security of the database.

(4) The chief processor of a database shall organise the establishment and administration of the central technological environment of a database established for the performance of the tasks imposed on or delegated to a local government by the state.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 43<sup>5</sup>. Statutes of database**

(1) The statutes of a database shall provide the procedure for maintaining the database, including the chief processor (administrator) of the database, the composition of the data to be collected in the database, persons submitting data and where necessary, also other organisational matters related to the keeping of the database.

(2) The persons submitting data shall be state or local government agencies or other persons in public or private law who have a duty provided by an Act or legislation issued on the basis thereof to submit data to the database or who submit the data voluntarily.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 43<sup>6</sup>. Basic data and effect of data**

(1) Basic data are the unique data collected in a database belonging to the state information system which are created in the process of performance of the public duties of the administrator of the database.

(2) The processing of data which are collected as basic data by another database belonging to the state information system shall be based on the basic data of the other database.

(3) Whether data are basic data shall be determined in the administration system of the state information system based on the technical documentation approved pursuant to subsection 43<sup>3</sup> (3) of this Act. The objective for establishing the database shall be the basis for determination whether data are basic data.

(4) Data are given legal effect by law.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 43<sup>7</sup>. Registration of database**

(1) A database shall be registered in the administration system of the state information system before the introduction of the database. The procedure for registration of databases shall be provided by the regulation establishing the support system specified in clause 43<sup>9</sup> (1) 6) of this Act.

(2) Before a database belonging to the state information system is registered, an employee authorised by the Minister of Economic Affairs and Communications or an employee of an agency belonging to the area of administration of the Ministry who has appropriate competence shall check and harmonise the technical conformity of the database, and the conformity of the data to be collected and the sources thereof with the

requirements established by an Act or legislation issued on the basis thereof.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 43<sup>8</sup>. Access to databases**

(1) The data processed by a database shall be accessible to the public unless access thereto is restricted by or on the basis of law.

(2) [Repealed - RT I, 19.12.2012, 2 - entry into force 29.12.2012]

(3) In recording data relating to security authorities in state databases, shadow information may be used based on a classified directive of the head of the security authority.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

### **§ 43<sup>9</sup>. Support systems to state information system**

(1) The following support systems for the maintenance of databases shall be established by a Regulation of the Government of the Republic:

- 1) the classifications system;
- 2) the geodetic system;
- 3) the system of address details;
- 4) the system of security measures for information systems;
- 5) the data exchange layer of information systems;
- 6) the administration system of the state information system.

(2) The Government of the Republic may grant the right to establish the support systems specified in subsection (1) of this section and the procedure for application of such systems to the relevant minister.

(3) Use of support systems for the maintenance of the state information system is mandatory upon maintenance of all state and local government databases. The support systems specified in clauses (1) 1), 2), 4) and 6) of this section are mandatory for the maintenance of the database specified in subsection 43<sup>3</sup> (4) of this Act.

(4) An exception to the requirement to use systems supporting the state information system may be made, with the approval of the Ministry of Economic Affairs and Communications, concerning a database founded for the performance of the duties arising from an international agreement.

(5) Exchange of data with the databases belonging to the state information system and between the databases belonging to the state information system shall be carried out through the data exchange layer of the state information system.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

## **Chapter 6 SUPERVISION**

### **§ 44. Supervision over compliance with this Act**

Within the limits of their competence, the following shall exercise supervision over compliance with this Act:

- 1) the Data Protection Inspectorate pursuant to the procedure provided for in this Act;
  - 2) a superior body or agency by way of supervisory control;
  - 3) the Ministry of Economic Affairs and Communications pursuant to the procedure provided by this Act.
- [RT I 2007, 12, 66 - entry into force 01.01.2008]

## **§ 45. Supervisory competence of Data Protection Inspectorate**

(1) The Data Protection Inspectorate shall exercise state supervision over holders of information during compliance with requests for information and the disclosure of information.

(2) The Data Protection Inspectorate may initiate supervision proceedings on the basis of a challenge or on its own initiative.

(3) Upon the exercise of supervision, the Data Protection Inspectorate shall ascertain whether:

- 1) a request for information is registered pursuant to the procedure prescribed by law;
- 2) a request for information is complied with pursuant to the procedure, within the term and in a manner prescribed by law;
- 3) refusal to comply with a particular request for information is in accordance with law;
- 4) a restriction on access to particular information is established pursuant to the procedure provided by law;
- 5) a holder of information performs the obligation to disclose information;
- 6) a holder of information performs the obligation to maintain a website pursuant to the procedure provided by law.

[RT I 2002, 61, 375 - entry into force 01.08.2002]

(4) The Data Protection Inspectorate may give recommended instructions for the implementation of this Act.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

## **§ 46. Filing of challenges and actions concerning refusal to comply with request for information or unsatisfactory compliance with request for information**

A person whose rights provided for in this Act are violated may file a challenge with a supervisory body specified in § 44 of this Act or an action with an administrative court either personally or through a representative.

[RT I 2002, 61, 375 - entry into force 01.08.2002]

## **§ 47. [Repealed - RT I 2007, 12, 66 - entry into force 01.01.2008]**

**§ 48. – § 49.** [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

## **§ 50. Rights of Data Protection Inspectorate**

(1) Competent officials of the Data Protection Inspectorate who exercise supervision have the right to:

- 1) demand explanations and documents from holders of information;
- 2) examine documents concerning access to information held by holders of information and internal documents to which access is restricted;
- 3) issue precepts to holders of information to comply with legislation;
- 4) [Repealed]
- 5) make proposals to holders of information for the better organisation of access to information.

(2) The Data Protection Inspectorate shall notify the person filing the challenge, the holder of information and the superior body or agency of the holder of information of the decision on the challenge. The supervision results shall be disclosed on the website of the Data Protection Inspectorate.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

## **§ 51. Precept of Data Protection Inspectorate**

**[RT I 2003, 26, 158 - entry into force 01.10.2003]**

(1) The Data Protection Inspectorate may issue a precept which requires a holder of information to bring its activities into accordance with law if the Inspectorate finds that the holder of information:

- 1) has refused illegally to comply with a request for information;
- 2) has not responded to a request for information within the prescribed term;
- 3) has not complied with a request for information as required;
- 4) has not processed a request for information as required;
- 5) has failed to disclose information subject to disclosure as required;
- 6) has not performed the obligation to maintain a website as required;
- 7) has established restrictions on access to information illegally;
- 8) has failed to establish restrictions on access to information provided by law;
- 9) has released information to which restrictions on access are established pursuant to this Act.

(2) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

## **§ 52. Compliance with precepts of Data Protection Inspectorate**

(1) A holder of information shall, within five working days as of receipt of a precept, take measures to comply with the precept and shall notify the Data Protection Inspectorate thereof. The Data Protection Inspectorate shall publish the notice on its website.

(2) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

## **§ 53. Application of Data Protection Inspectorate for organisation of supervisory control**

(1) If a holder of information fails to comply with a precept of the Data Protection Inspectorate and does not contest it in an administrative court, the Data Protection Inspectorate shall initiate misdemeanour proceedings or address a superior body or agency of the holder of information in order for supervisory control to be organised

(2) A body or agency exercising supervisory control is required to review an application within one month as of receipt thereof and notify the Data Protection Inspectorate of the results of supervisory control.  
[RT I 2002, 63, 387 - entry into force 01.09.2002]

## **§ 53<sup>1</sup>. Supervision over administration of databases**

(1) Supervision over the introduction of databases and the compliance of the administration of databases with Acts, other legislation and technical requirements shall be exercised, and the disputes arising in the course of data processing shall be settled by the Ministry of Economic Affairs and Communications or an agency belonging to the area of government of a ministry authorised by the Ministry of Economic Affairs and Communications.

(2) In order to guarantee compliance with this Act and legislation issued on the basis thereof, persons exercising supervision have the right to issue precepts to the chief processor and authorised processor of a database. A precept shall include a requirement to bring the maintenance or introduction of the database into conformity with this Act and legislation issued on the basis thereof.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

## **§ 54. Report of Data Protection Inspectorate on compliance with this Act**

(1) The Data Protection Inspectorate shall submit a report on compliance, during the preceding year, with this Act to the Constitutional Committee of the *Riigikogu* and to the Legal Chancellor by 1 April each year.  
[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) The report shall contain an overview of offences, the holders of information which committed the offences, challenges, precepts, misdemeanour proceedings initiated, punishments imposed, and other circumstances relating to the implementation of this Act.

(3) Reports shall be published on the website of the Data Protection Inspectorate.

## **Chapter 6<sup>1</sup>** **LIABILITY**

**[RT I 2002, 63, 387 - entry into force 01.09.2002]**

### **§ 54<sup>1</sup>. Violation of requirements for disclosure and release of public information**

(1) Knowing release of incorrect public information or knowing disclosure or release of information intended for internal use or failure to comply with a precept of the Data Protection Inspectorate is punishable by a fine of up to 300 fine units.

(2) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in this section.

(3) The Data Protection Inspectorate is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in this section.

[RT I 2003, 26, 158 - entry into force 01.10.2003]

## **Chapter 7** **IMPLEMENTING PROVISIONS**

### **§ 55. Access to public computer network in public libraries**

The state and local governments shall ensure that there is the opportunity to access public information through the data communication network in public libraries by 2002.

### **§ 56. Commencement of maintenance of website**

(1) Ministers within their area of government, and the State Secretary and county governors with respect to state agencies administered thereby shall establish schedules by 1 June 2001 for the transition to websites which comply with the requirements of this Act.

(2) Holders of information specified in § 31 of this Act shall create a website which complies with the requirements of this Act by 1 March 2002 at the latest.

### **§ 57. Bringing of procedure for access to information maintained in state and local government databases into accordance with law**

The Government of the Republic, ministries and local government bodies shall bring legislation regulating the maintenance of databases into accordance with this Act and with the amendments made to the Databases Act by this Act by 1 January 2002.

### **§ 58. Bringing of records management procedures into accordance with this Act**

(1) The Government of the Republic shall establish the bases for the records management procedures of state and local government agencies and legal persons in public law by 1 March 2001.

(2) Holders of information shall bring their records management procedures into accordance with this Act by 1 June 2001.

### **§ 58<sup>1</sup>. Application of Chapter 5<sup>1</sup> of this Act**

(1) The statutes for maintaining national registers established in accordance with the Databases Act and the databases maintained on the basis thereof, and other databases of the state and local governments shall be brought into conformity with this Act within six months after the repeal of the Databases Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(1<sup>1</sup>) The regulations established on the basis of subsection 43<sup>9</sup> (1) of this Act may prescribe longer terms for the application of the systems supporting the state information system than the terms specified in subsection (1) of this section.

[RT I 2007, 67, 413 - entry into force 28.12.2007]

(2) Databases which are not compatible with the state information system, and databases which duplicate the collection of information of other databases or which collect interrelated data shall be merged, maintenance thereof shall be terminated or they shall be made compatible according to the requirements of Chapter 5<sup>1</sup> of this Act within six months after the repeal of the Databases Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(3) The transfer provided in subsections (1) and (2) shall be coordinated by the Ministry of Economic Affairs and Communications.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(4) A database registered in the national register of databases prior to the entry into force of Chapter 5<sup>1</sup> of this Act is deemed to be registered in the administration system of the state information system upon entry into force of Chapter 5<sup>1</sup> of this Act. The administrator of a database shall update the data of the database in the state information system not later than within three months after the entry into force of Chapter 5<sup>1</sup> of this Act. Upon updating the data of a database, the basic data of the database shall be determined.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(5) The first sentence of subsection (4) of this section does not apply to the databases which are registered in the national register of databases but are not interfaced to the data exchange layer of the state information system.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(6) Databases registered in the national register of databases or which are deemed to be registered therein pursuant to subsection (4) of this section and are interfaced to the data exchange layer of the state information system are deemed to be databases belonging to the state information system.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(7) The contracts for maintenance of databases concluded before the entry into force of Chapter 5<sup>1</sup> of this Act shall remain valid until the end of the term set forth therein.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(8) The requirements provided in this Act for databases belonging to the state information system shall apply to the *Riigi Teataja* and the official publication *Ametlikud Teadaanded* from the establishing of the necessary technical possibilities, but not later than from 1 July 2011.

[RT I 2010, 19, 101 - entry into force 01.06.2010]

## **§ 58<sup>2</sup>. Application of provisions regulating the re-use of public information**

(1) Holders of information shall bring the information specified in clause 28 (1) 30) of this Act and contained in databases created after the entry into force of this section into accordance with the requirement specified in subsection 29 (4) of this Act.

(2) Every person shall be ensured access free of charge to further unprocessed data contained in databases established after the entry into force of this section.



(3) Every person shall be ensured access free of charge to further unprocessed data contained in databases established prior to the entry into force of this section not later than by 1 January 2015.

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]

§ 59. – § 68. [Omitted from this text.]

## **§ 69. Entry into force of Act**

This Act enters into force on 1 January 2001.

<sup>1</sup> Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90–96).

[RT I, 19.12.2012, 2 - entry into force 29.12.2012]