

Freedom of Information Law (1998 as amended 2006)

The *Saeima*¹ has adopted and

the President has proclaimed the following law:

Freedom of Information Law

(as amended by the following laws of: 15 May 2003; 26 November 2003; 19 February 2004; 22 December 2005; 5 October 2006)

Chapter I

General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **information** – information or compilations of information, in any technically possible form of fixation, storage or transfer;
- 2) **circulation of information** – the initiation, creation, compilation, collection, processing, use and destruction of information;
- 3) **documented information** – information, the entry of which into the circulation of information may be identified;
- 4) **institution** – every institution, as well as persons who implement administration functions and tasks if such person in the circulation of information is associated with the implementation of the relevant functions and tasks; and
- 5) **re-use** – the utilisation of existing information at the disposal of an institution, which is performed by the institution or a private person for commercial or non-commercial purposes, which is not the initial purpose for the creation of such information.

[22 December 2005; 5 October 2006]

Section 2. Purpose and Scope of Application of this Law

(1) The purpose of this Law is to ensure that the public has access to information, which is at the disposal of institutions or which an institution in conformity with its competence has a duty to create. This Law determines uniform procedures by which private persons are entitled to obtain information from an institution and to utilise it.

(2) This Law applies to documented information, which is within the circulation of information of institutions.

(3) Information shall be accessible to the public in all cases, when this Law does not specify otherwise.

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

[22 December 2005]

Chapter II

Classification of Information

Section 3. Classes of Information

Information to which this Law applies shall be classified as:

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

Section 4. Generally Accessible Information

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

Section 5. Restricted Access Information

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

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

- 1) which has been granted such status by law;
- 2) which is intended and specified for internal use by an institution;
- 3) which is a commercial secret, except in the case where a purchase contract has been entered into in accordance with the Public Procurement Law or other type of contract regarding actions with State or local government financial resources and property;
- 4) which concerns the private life of natural persons;

5) which is related to certifications, examinations, submitted projects (except projects the financing of which is expected to be a guarantee provided by the State), invitations to tender (except invitations to tender, which are associated with procurement for State or local government needs or other type of contract regarding actions with State or local government funds and property) and other assessment processes of a similar nature;

6) which is for official use only; or

7) which are North Atlantic Treaty Organisation or European Union documents, which are designated as “NATO UNCLASSIFIED” or “LIMITE” respectively.

(3) The author of information or the manager of an institution shall determine restricted access information status, indicating the basis therefore provided by this Law or by other laws.

(4) The author of information or the manager of an institution shall determine restricted access information status for information for a time period, which is not longer than one year. The author of information or the manager of an institution may decide regarding the specification of a new time period, as well as regarding the removal of such status prior to the termination of the specified time period. If the time period has ended for any information for which restricted access information status has been specified, or if the restricted access information status has been removed prior to the time period specified by law, such information shall become generally accessible information.

(5) Paragraphs three and four of this Section shall not apply to cases where the restricted access information status has been specified by law.

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

[15 May 2003; 26 November 2003; 22 December 2005; 5 October 2006]

Section 6. Information for the Internal Use of Institutions

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

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

1) advisors or experts specially invited for the particular matter; or

2) one institution for the use by another institution.

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

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

Section 7. Information Regarding Commercial Secrets

(1) Information created by a merchant or belonging to a merchant shall be deemed to be a commercial secret, the disclosure of which may significantly adversely affect the ability to compete of the merchant.

(2) Information, which is associated with the implementation of State administration functions or tasks, may not be deemed to be a commercial secret.

(3) A merchant in transferring information to an institution shall indicate whether the information is a commercial secret and what is the legal basis for such a status.

(4) If an institution has received an application for the provision of such information as is a commercial secret, it shall prior to the provision of such information or refusal to provide it ascertain the viewpoint of the merchant regarding the observance of the provisions of Paragraph one of this Section.

[22 December 2005; 5 October 2006]

Section 8. Information Regarding the Private Life of Natural Persons

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

Section 8.¹ Information for Official Use Only

(1) As information for official use only shall be deemed to be:

1) Protected information created in Latvia, which is associated with State security and does not contain official secrets; and

2) information, which Latvia has transferred to a foreign state, international organisation or the institutions thereof and which is classified as "RESTRICTED", as well as information created in Latvia associated with such information.

(2) No-one has the right to make public information created by a foreign state, international organisation or the institutions thereof for official use only without the consent of the relevant foreign state, international organisation or the institutions thereof.

(3) The status “informācija dienesta vajadzībām” [information for official use only] shall be specified for one year. The institution, which has specified such a status, may decide regarding the specification of a new time period, as well as regarding the removal of such status prior to the termination of such status. If in relation to information for which the status of “informācija dienesta vajadzībām” has been specified the time period of such status specified by law has terminated or the status has been removed prior to the time period specified by law, such information created in Latvia shall become generally accessible information.

(4) The procedures by which information for official use shall be protected shall be determined by the Cabinet.

[26 November 2003]

Section 9. Registration of Information

(1) Each institution shall perform registration of information.

(2) An applicant for information has the right to become acquainted with generally accessible information.

(3) A person has the right to become acquainted with the list of restricted access information of the institution in which are included the types of information, themes, separate documents and the types thereof.

(4) *[5 October 2006]*

[22 December 2005; 5 October 2006]

Chapter III

Provision of Information, Re-use and Protection of the Rights

of Applicants for Information

[22 December 2005]

Section 10. Duty to Provide Information

(1) An institution shall provide information on its own initiative or on the basis of an application from a private person.

(2) Taking into account good administration principles, an institution on its own initiative shall ensure accessibility of certain types of generally accessible information.

(3) Generally accessible information shall be provided also on the basis of an application from a private person. Such information shall be provided to anyone who wishes to receive it, subject to the equal rights of persons to obtain information. The applicant shall not be required to specially justify his or her interest in generally accessible information, and he or she may not be denied it because such information does not apply to the applicant.

(4) If the entirety of the requested information also includes restricted access information, the institution shall provide only that part of the information, which is generally accessible. That part of the information, which includes restricted access information shall be provided taking into account the special procedures specified in this Law.

(5) An institution may agree with an applicant for information regarding permanent co-operation in transfer of the information at its disposal for re-use.

(6) The procedures by which institutions shall place information on the Internet shall be determined by the Cabinet.

[22 December 2005; 5 October 2006]

Section 11. Form for Requesting Information and Registration Procedures

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

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

(3) A written request for information shall indicate the name, surname or designation (firm name), the place of domicile, place of residence in Latvia or legal address of the applicant, and the applicant shall sign it. The request for information shall be formulated as precisely as possible.

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

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

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

[22 December 2005; 5 October 2006]

Section 11.¹ Request for Information Re-use

(1) An application for the re-use of existing information at the disposal of an institution shall be drawn up in writing in accordance with documentation requirements specified for the relevant information group.

(2) In addition in the application shall be indicated that the information is requested for the purpose of re-use, and the goods or services for the formation of which the requested information is necessary.

[5 October 2006]

Section 11.² Manner of Providing Requested Information

(1) Requested information shall be provided orally, in writing or, if it is possible, by utilising electronic means of communications. Restricted access information shall be provided in writing.

(2) In providing requested information, an institution shall as far as possible take into account the manner of receiving the information indicated by the applicant, especially taking care of persons with sight or hearing disturbances.

(3) An institution may refuse to fulfil an information request or the fulfilment conditions thereof if the information request or the fulfilment conditions thereof are not commensurate with the resources at the disposal of the institution, to wit, as a result of the fulfilment of the information request or the fulfilment conditions thereof the work of the institution or the rights of another person are threatened.

(4) An institution may invite a private person to the institution and at a time acceptable to both sides acquaint the private person with the requested information at the institution if the requested information is incommensurably large or the provision of the information outside the institution is not possible due to the conditions of storage of the information.

[22 December 2005; 5 October 2006]

Section 12. Refusing Requested Information and Procedures by which a Statement is Provided regarding the Requested Information

[22 December 2005]

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

(2) If the institution does not have the requested information, the institution shall provide a statement regarding the location of the information and if such is known to the institution, it shall indicate by which procedures the information is accessible.

(3) If the information has been published in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia], the institution having evaluated whether this newspaper is accessible to the applicant, may refuse to provide the requested information indicating when and where the information was published in the newspaper *Latvijas Vēstnesis*.

(4) In the case referred to in Section 11.², Paragraph four of this Law, the institution shall draw up a refusal to provide information if after the receipt of a notification regarding the possible manner in which the information shall be provided, the applicant for the information informs the institution in writing that he or she does not agree with offered manner in which the information shall be provided.

[22 December 2005; 5 October 2006]

Section 13. Payment for the Provision of Information

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

(2) Payment for the provision of information may not exceed the expenses of the searching for, additional processing and copying of documents or information. The payment may not include any other expenses, which have been incurred in respect of resolving legal or political issues, which are associated with the provision of answers to the request for information.

(3) Every applicant for information may request exemption from the payment for the service. The Cabinet shall determine the cases where payment for the provision of information by a private person shall be reduced or shall be released from such payment.

(4) The Cabinet shall determine the procedures by which payment is performed for the provision of information, as well as the paid services and the amounts thereof.

(5) Commercial companies founded by public persons for the re-use of information in their commercial activities shall have applied the same payment and provision procedures as for other applicants for information.

[22 December 2005]

Section 14. Time Periods for the Provision of Information

(1) An institution, which has received a written request for information, shall perform one of the following operations:

- 1) within the period of seven days provide the answer referred to in Section 11.², Paragraph four and Section 12, Paragraph two, three or four of this Law;
 - 2) within a period of 15 days answer the applicant if the information requires no additional processing; or
 - 3) within a period of 30 days answer the applicant if information requires additional processing, and not later than within a period of 15 days notify the applicant of this.
- (2) An answer to a collective information request shall be sent to the person who has first signed the relevant request for information, or to the person who is indicated by the collective applicants for information.

[22 December 2005; 5 October 2006]

Section 15. Decision of an Institution and Control of Actions

An administrative act issued by an institution or the actual actions performed may be disputed or appealed according to the procedures specified in the Administrative Procedure Law.

[19 February 2004; 22 December 2005]

Section 16. Protection of Restricted Access information

- (1) An institution shall ensure that the duty to protect restricted access information is known by all persons to whom this duty applies, if it is not otherwise specified by law. A written confirmation shall be required from persons who process restricted access information that they know the regulations and undertake to observe them.
- (2) If, due to illegal disclosure of restricted access information, harm has been caused to its owner or another person, or his or her legal interests have been materially infringed, these persons have the right to bring an action for damages for the harm done, or for restoration of the rights infringed.
- (3) If a person has unlawfully disclosed information, which has been recognised as restricted access information, he or she shall be disciplinarily or criminally liable.

[26 November 2003; 19 February 2004; 22 December 2005; 5 October 2006]

Section 17. Information Re-use Provisions

For information re-use conditions shall not be imposed. In exceptional cases, in order to ensure qualitative and efficient re-use of information, an institution without restricting competition, may provide for re-use conditions.

[22 December 2005]

Section 18. Exclusive Agreements

(1) It is prohibited to grant exclusive rights for information re-use, except in the case where exclusive rights are necessary in order to provide public information services in the interests of the public. Such agreements shall be transparent, and they shall be published. The justification for the agreements shall be reviewed not less often than once every three years.

(2) The Cabinet shall determine the procedures by which exclusive rights are granted and information regarding the granting of such rights shall be published.

[22 December 2005]

Section 19. Supervisory Institution

Compliance with this Law shall be supervised the State Data Inspection according to the procedures specified in regulatory enactments.

[15 May 2003; 22 December 2005]

Transitional Provisions

1. [22 December 2005]

2. [22 December 2005]

3. Section 9, Paragraph three of this Law shall come into force on 1 January 2007.

4. Information for which restricted access status has been specified up to the day of the coming into force of Section 5, Paragraph four of this Law and for which the referred to status is not removed according to the procedures specified in this Law, shall be deemed to be restricted access information up to 31 December 2006.

5. Exclusive agreements, which are entered into up to 1 February 2006 and do not conform to the requirements of Section 18, Paragraph one of this Law shall be terminated, when their time period ends, but not later than by 31 December 2008.

6. The Cabinet shall by 31 December 2006 issue the regulations referred to in Section 10, Paragraph six; Section 13, Paragraphs three and four, as well as Section 18, Paragraph two of this Law.

7. [5 October 2006]

[15 May 2003; 22 December 2005; 5 October 2006]

Informative Reference to European Union Directives

This Law contains legal norms arising from

- 1) Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information; and
- 2) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC.

[22 December 2005]

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

President

G.Ulmanis

Rīga, 6 November 1998

Transitional Provisions Regarding Amendments

to the Freedom of Information Law

Transitional Provision

(regarding amending law of 15 May 2003)

With the coming into force of this Law, Cabinet Regulation No. 579, Amendments to the Freedom of Information Law (Latvijas Vēstnesis, 2002, No. 189) issued in accordance with Article 81 of the Constitution of the Republic of Latvia is repealed.

Source: Latvian Translation and Terminology Centre