

Dear Ms. Medland,

Information Commissioner of Slovenia received your e-mail from 24 August with questions regarding procedure of filing a request and appeal under Slovenian freedom of information legislation. Below, we give you our answers in Q & A form.

[1. Can I file a request to a Slovenian body in English?](#)

In short, yes and no. In a formal procedure (with the possibility of appeal), the request must be in Slovenian, in an informal communication... everything is possible.

General Administrative Procedure Act governs that administrative procedure is conducted in the official language (i.e. Slovenian or in special cases in the languages of the two minorities, Italian and Hungarian). The Act states that all applications, decisions, conclusions, etc. have to be in official language; if an application is not filed in the official language, the body has to:

1. Call upon the applicant to "correct" the application (in a given time period) so that it is understandable and
2. Dismiss the application, if the applicant does not "correct" the application in time.

It would be much easier for the non Slovenian speakers to be able to request information in English, but if the body acts formally (especially when it denies access), the procedure must be conducted in Slovenian. We think that you can at least try and send a request in English, the disadvantage being that the body can invite you to translate your application to Slovenian and consequently dismisses your request and there is no appeal if the body does not reply to your application. The advantage is, obviously, the possibility that the body sends you the information, if it considers there are no reasons to deny your request.

If you do not get the information upon a request in English, there is, however, the possibility that someone who speaks Slovenian (most possibly that would be a Slovene, right?) helps you with filling an application and later an appeal. Maybe you can turn to NGO Integriteta Society, which is a Slovene partner of Transparency International, active also in the field of freedom of information. We have good experience with them. Here is their contact: info@integriteta.si, they do not have a webpage in English, though.

[2. Can I appeal to the Information Commissioner in English?](#)

Unfortunately no.

The appellate procedure is formal and has to be conducted in Slovenian. We cannot pressure the body to decide upon your request (if there is no reply), or to release the information (after a negative decision) if we handle an appeal that does not fall under the provisions of the General Administrative Procedure Act.

[3. In your FAQ you say I can file a request by e-mail if I include an electronic signature with a certificate. If I scan a copy of my signature and insert this into the letter of request, is this good enough? If not, what should I do? What do you mean by 'certificate'.](#)

Actually, this is old information on our website and we will correct it. With an administrative decree, the Ministry of Public Administration decided that no digital signature (that is meant by "certificate") is needed for FOI requests (anymore). Application can therefore be filed by "regular" e-mail, no scanning or such necessary.

Besides describing the information that you seek and in which form you wish to receive it (photocopy, electronic form etc.), there are some other formal requirements for the content of the application, especially your name and address (but the body needs this information only if it denies the request by issuing a formal decision).

[4. After filing a request, if I do not agree with the response or if there is no response, is there a time limit within which I have to appeal. \(in the case of an administrative appeal or appealing to yourselves\)](#)

If you get no response from the body in 20 working days, you can appeal to the Information Commissioner without any time limit (just beware of the 20 working days period that have to

pass after you filed your application).

If a body denies your request, it has to issue a formal decision; you have 15 days (regular, not working days) after being served with the decision, to appeal to the Information Commissioner. If Information Commissioner denies your appeal, you have 30 days to lodge an administrative dispute (at the Administrative Court).

I hope this information helps. It seems complicated, but we advise you to contact the above mentioned NGO or just try and file a request in English (there could be no appellate procedure, though). We remain available if you need more advice or other assistance.

Kind regards,

Polona Tepina,
Legal advisor to the Commissioner