

Law of Ukraine

"On Access to Public Information"

**Date of entry into force:
May 9, 2011**

The Law determines the procedure of exercising and ensuring the common right to access information possessed by power entities, other administrators of public information defined by the Law, and information that constitutes public interest.

According to Article 1 of the Law, public information is information reproduced and documented by any means and on any carriers, that was received or created in the process of a power entity's performance of duties provided for by the current legislation, or that is possessed by power entities or other administrators of public information. Public information is publicly available, except for cases established by the law.

Article 6 of the Law envisages that restricted information is:

- confidential information;
- secret information;
- proprietary information.

According to Article 7 of the Law, confidential information is information, the access to which is limited by a natural person or a legal entity, except for power entities, and which may be promulgated at their discretion, according to the procedure determined by them and on the conditions established by them.

Secret information is information that contains state, professional or banking secrets, secrets of investigation and other secrets provided for by the legislation.

Article 12 of the Law envisages that subjects of relations in the sphere of access to public information are:

- requesters of information – natural persons, legal entities, citizen associations that do not possess the status of a legal entity, except for power entities;
- information administrators;
- a structural division or a responsible person of information administrators in the issues of information requests.

An information administrator is responsible for determining the tasks and providing for the functioning of a structural division or a responsible person in the issues of information requests that are responsible for processing, systematizing, analyzing and controlling the satisfaction of the information request and providing consultations during the request submission (Article 16 of the Law).

Article 17 of the Law establishes that parliamentary control of observance of the right of a person to access information is carried out by the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine, temporary investigation commissions of the Verkhovna Rada of Ukraine, and people's deputies of Ukraine.

An information request is a request addressed by a person to an information administrator, requesting to provide public information possessed by the administrator. The requester has the right to address the information administrator with an information request regardless of whether the information concerns the requester personally, without clarifying the reasons for the request (Article 19 of the Law).

According to Article 20 of the Law, the information administrator must provide a reply to the information request within five working days of receiving the request.

Article 21 of the Law establishes that information on request is provided free of charge. If satisfying the information request requires producing more than 10 pages of document copies, the requester must compensate the actual copying and printing expenses.

According to Article 22 of the Law, the information administrator has the right to refuse satisfying a request in the following cases:

- the information administrator does not possess and is not obligated, according to its competence as provided for by the legislation, to possess the information to which the request pertains;
- the requested information belongs to the restricted information category;
- the person who has submitted the information request, did not pay for the actual copying and printing expenses;
- requirements to the information request have not been met.

Article 23 of the Law envisages that the decisions, actions or inaction of information administrators can be contested with the head of the administrator, a higher body or a court.