

GUIDE

FOR AN ACCESS TO THE INFORMATION OF THE
PUBLIC ADMINISTRATION REFORM
COORDINATOR'S OFFICE

SARAJEVO, December 2008.

“Information” is every material by which the facts, thoughts, data or any other contents have been transferred, including every copy or its part, regardless of shape and characteristics, and the fact when it has been created and how it was classified.

*(Article 3. paragraph 1. of the Freedom of Information Act
in Bosnia and Herzegovina)*

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1. INTRODUCTION

The modern democratic societies recline on the idea that the information is oxygen for democracy and that public has a justified interest to know about the state affairs. Citizen can effectively control the work of the state authorities only if the information possessed by the state authorities is available to him/her. Free access to information has a public significance for a qualitative and efficient usage of other human rights and freedoms (freedom of opinion, right on information, right to vote, etc.) and it is an irreplaceable instrument for the execution of control over the work of the state authorities. This right opens the path to the citizens to realistically and responsibly participate in execution of public affairs and in the process of decision making, without mediators, and it also gives them a chance to have an impact on their content and effective implementation. Guarantying this right and ensuring the conditions for its achievement is a necessary instrument to replace the "principle of domination" in the work of the state authorities and bearers of public competences by a principle of a "good coordination", and to transform the citizen from an object into a subject of political process, who in an informed and responsible way participates in public affairs and controls those to whom they have entrusted the execution of governments. This way, the principle of responsibility in work of all bearers of governments is being strengthened in the same time, and the conditions for a faster development of democratic system are being created, creation and stability of the institutions of democratic system, but also for economic development of the country as well.

This Guide has been created in order to help the submitters of the request in achieving the rights on the access to information in accordance with the regulations of the Freedom of Information Act in Bosnia and Herzegovina ("Official Gazette of BiH", No. 28/00 and 45/06 – hereinafter: FIA). The Guide helps you to find out how you can access the information which is in possession and under control of the Public administration reform coordinator's office (hereinafter: PARCO).

The Guide gives the information on rights in accordance with the FIA and so it:

- contains the instruction on submitting the request,
- notifies the submitter of request on procedure and deadlines which should be taken into consideration from the side of the PARCO during processing the requests for access to information,
- notifies the submitter of request on the circumstances under which the access to wanted information can be denied,
- contains the instruction on submitting the complaints and deadlines for submitting the complaints for decisions which have been brought in accordance with the FIA,
- directs to the authorized persons for informing and contact phones which can submitter of request use in order to ease the access to information, and contains the list of information needed for addressing the PARCO,
- regulates the expenditures of copying wanted information

Users of the Guide for access to the information of the PARCO can give their recommendations and suggestions which would contribute to improvement of its next issue. The Guide is free of charge.

2. RIGHT ON ACCESS TO INFORMATION

Each physical and legal person has the right on access to information which is under control of the PARCO, and the PARCO has an appropriate obligation to announce such information. Actually, an access to information will be approved, except for special circumstances confirmed by the FIA. In case of wondering if the PARCO possess wanted information, and which is related to the competence of the PARCO, a person for informing can be contacted.

2.1. Before the request for access to information is being submitted, one should try to get wanted information in an informal way

In case when there is a high level of reliability that the PARCO possesses wanted information, and before submitting the formal request for access to information, Expert Associate for Public Relations should be contacted, in order to try reaching the needed information in an informal way. If one does not succeed to reach the needed information in a simpler, informal way, in that case, the formal request to the PARCO can be submitted.

2.2. Address and information for contacting the Public administration reform coordinator's office

Contact address for submitting the formal request for access to information:

Address: Ured koordinatora za
reformu javne uprave
Vrazova br. 9
71000 Sarajevo

Telefon: 033/565-763

Fax: 033/565-760

Web: www.parco.gov.ba

E-mail: vedrana.faladzic@parco.gov.ba

Expert Associate for Public Relations is a journalist, Vedrana Faladžić, whose obligation is within a frame of legal competences to respond to your request for access to any information possessed by the PARCO.

2.3. Planning of the request for access to information

Before submitting the formal request for access to information, it is necessary to carefully plan and confirm the information or dossiers which one wants to reach, and to predict the amount of the eventually needed financial funds required for copying of wanted documents. It is desirable to confirm in advance that it is about the information to which an access has not been limited or forbidden.

2.4. Submitting the request for access to information

After the request for access to information has been carefully planned out, it is then being submitted to the PARCO. It should be addressed to the Expert Associate for Public Relations, but it can also be delivered in person, with a signature, to the PARCO with a stamp of receiving, as a registered letter by the post, by a fax or electronic mail. Delivering of the request should be done so to appropriately ensure a proof of submitting – confirmation with a date of submitting of the request. The request is being submitted in one of the official languages in BiH. In the request, it should be clearly defined what one wants to find out. It is needed to state the name of wanted document, date of its creation, author, addresser, or to give any other data, which would enable the PARCO to easily find the documents which contain the needed information. If the request has not been submitted in a prescribed form and it does not contain the data which can identify the needed information, the PARCO will in a period of eight days notify the submitter by a conclusion that their request cannot be processed because of the stated reasons.

2.5. How to behave in situation when the PARCO does not possess the information

In the case the PARCO does not have the information asked by the request, and in the case it does not have an access to wanted information, the PARCO is obligated (within eight days after reception of the request at the latest) to forward it to an institution or a legal person, which/who can proceed with the request. The Office then notifies the request submitter on this, in a written form.

2.6. Deadline for obtaining the information

Within a deadline of 15 days after receiving the request, the PARCO is obligated to notify the submitter if their access to information has been approved or rejected. In the case of exemptions and a need of examining the trustworthy commercial information and examining of the public interest, the deadline can, in accordance with the FIA, be prolonged. The request submitter must be notified about all events and reasons of prolongation of deadline.

2.7. Access to information

When the PARCO approves an access to wanted information totally or partly, it notifies the submitter on this. By resolving this, the possibility of personal access and insight into the information in the premises of the PARCO in time when it suits both submitter and employed staff is confirmed, or under condition that the information is shorter than ten

pages, it will be delivered to the submitter in a written form. In accordance with the approved request, the PARCO notifies the request submitter on their possibility to get a copy of wanted information, or if the information is longer than ten pages, after the payment for expenditures of copying has been done.

2.8. Prohibition of an access to information

If the PARCO rejects the information access requested by you, totally or partially, in a period of 15 days it will notify you on this by a letter. The PARCO will in a letter state the reasons for rejection of access to information, which has been based on a legal basis for exemption, all material questions important for a decision, and remind you on your right to submit a complaint.

In that case, you can:

- submit a complaint on a decision the PARCO brought in administrative procedure, to the Complaint Council at the Council of Ministers of BiH, which you will deliver to the Office,
- if you are not satisfied with a decision, regarding your complaint you can initiate an administrative dispute by the authorized Court and/or
- deliver your complaint to the Ombudsman for human rights of BiH (which can be delivered in any phase of the procedure for the information access)

Telephone: 033/ 666-006 and 666-005

Fax: 033/ 666-004 and 666-007

E-mail: info@ohro.ba

Address: Maršala Tita br. 7/II, 71000 Sarajevo

Special attention you should pay to a deadline for submitting complaint because by an omission of these deadlines, you can lose a right to submit a complaint.

3. ACCESS TO PERSONAL INFORMATION

The FIA stipulates a special procedure for access to personal information, or to information related to privacy. As an addition to general demands related to requests for access to information, it is important to point out that access to personal information can request only a person to which the information relates, by hand-signing the request, and showing an identification document with a photograph. The request can also be submitted by a legal representative, or an assignee of a person to which the information relates. The legal representative and an assignee are obligated to show the valid proofs on a status of the legal representative or the assignee, and a copy of a valid identification document with photograph of the person whom they represent, and to show their valid identification documents with photograph. The FIA gives a right by which it ensures that the personal information, which is under control of the public authority, is correct, actual, complete,

relevant for a legal usage because of which they have been archived, and that they are not in any other way incorrect.

After accessing the personal information, a change or an amendment to it, or giving comments to it, can be requested. Requests for changes or amendments of personal data are not time limited. If the PARCO confirms the legal conditions regarding accuracy, actuality, relevance for a legal usage because of which they have been archived, or it confirms that the data is in any other way incorrect, it can by a conclusion reject a wanted change or amendment of personal data. Such conclusion also contains a remark on a legal remedy of the administrative procedure.

4. EXPENDITURES OF COPYING

In accordance with the Law, the PARCO does not charge remunerations for submitting the FIA request or for written notifications in a sense of the FIA, while remuneration for the executed services of copying it charges in accordance with the Regulation of the Council of Ministers of BiH on Expenditures of Copying of Wanted Information in Accordance with the Freedom of Information Act in BiH (“Official Gazette of BiH”, No. 12/01), and it is:

0,50 KM for each page of a standard format,
10 KM per diskette for electronic documentation.

First ten pages of copying of material of a standard format are free of charge, and for all other wanted information with a bigger number of pages, the request submitter pays in advance.

Stated amount is to be paid to the account:

Receiver: Centralna banka BiH
Ministarstvo finansija i trezora BiH
Account number: 0000030000000145
SWIFT CODE CBBSBA22
Reference Number: 37111
Purpose of assignation: payment to the Public Administration Reform
Coordinator's Office (with a remark for the information in accordance with the FIA).

To some particular information, the Office can respond right away, and they are related to:

- Competences of the Public Administration Reform Coordinator's Office
- Implementation structure of the public administration reform
- Realization of the Action plan 1

5. OMBUDSMAN FOR HUMAN RIGHTS OF BiH

This Guide has been delivered to the Ombudsman for human rights of BiH. The Guide can be received in the Public administration reform coordinator's office, and it is also available on the website www.parco.gov.ba .