



# ***LAW OF UKRAINE***

## **On access to public information**

This law defines the procedure of implementation and provision of the common right to access to the information which is in the possession of public authority, other processors of public information, specified by this Law, and to the information that is of public interest.

### **Section I**

#### **GENERAL PROVISIONS**

##### **Article 1. Public information**

1. Public information is the reflected and recorded by any means and through any media information that was obtained or created during the execution by public authorities of their duties stipulated by law, or that is in the possession of the public authorities, other processors of public information specified by this law.

2. Public information is open, except for cases established by law.

##### **Article 2. The purpose and scope of the law**

1. The purpose of this law is to ensure the transparency and openness of the public authorities and to create mechanisms of realization of the common right to access to public information.

2. This Law does not cover the obtaining of information by public authorities during performance of their functions, as well as relations in the area of citizens' applications, which are regulated by a special law.

##### **Article 3. Guarantee of the right to access to public information**

1. The right to access to public information is guaranteed by:

1) duty of the processors of the information to provide and publish information except for the cases established by law.

2) special units or officials designated by the processor that shall provide access to public information, which is at their possession, according the established procedure;

3) as much as possible simplified procedure of submitting request and receiving information;

4) access to the meetings of the collegial public authorities, except for the cases stipulated by the law;

5) implementation of parliamentary, public and state control over the observance of rights of access to public information;

6) legal responsibility for violation of legislation on access to public information.

##### **Article 4. The principles of access to public information**

1. Access to public information in accordance with this law is carried out on the principles of:

1) transparency and openness of the activity of public authorities;

2) the free obtaining, distribution or any other use of the information that has been provided or published under this Law, except for the limitations established by law;

3) equality regardless of race, political, religious and other beliefs, sex, ethnic and social origin, financial situation, place of residence, linguistic or other characteristics.

### **Section II**

#### **PROCEDURE OF ACCESS TO INFORMATION**

##### **Article 5. Providing access to information**

1. Access to information is ensured by:

- 1) systematic and prompt publication of information:  
in official publications;  
on official web-sites in the internet;  
on the unified state web-portal of open data;  
at the information stands;  
in any other way;
- 2) provision of information on the requests for information.

#### **Article 6. Public information with restricted access**

1. Information with restricted access is:

- 1) confidential information;
- 2) secret information;
- 3) information for internal use only.

2. Restriction of access to information is carried out according to the law, provided that the following requirements are met:

1) solely in the interests of national security, territorial integrity or public order with the purpose of preventing disturbances or crimes, protecting the health of the population, for the protection of the reputation or rights of others, for preventing disclosure of information received confidentially, or for maintaining the authority and impartiality of justice;

2) disclosure of the information would cause substantial harm to the interests, mentioned above;

3) harm from publication of such information exceeds the public interest in receiving it.

3. Restricted Information shall be provided by the information processor if has lawfully published it earlier.

4. Restricted information shall be provided by the information processor, if there are no more legitimate grounds to restrict access to such information, which existed before.

5. Access to information about the disposal of budgetary funds, possession, use or disposal of state, municipal property, including copies of the relevant documents, the conditions of the receipt of such funds or property, the surnames, names, patronymic names of natural persons and legal entities who have received these funds or property cannot be restricted. Subject to the requirements stipulated by part 2 of this Article, the above provision does not apply to cases when the publication or provision of such information may harm the interests of national security, defense, to investigate or to prevent a crime.

6. Information, specified in the declaration of the person authorized to perform functions of the state or local government, submitted in accordance with the [Law of Ukraine](#) "On prevention of corruption" does not belong to the restricted information, except for the information, specified in [paragraph four](#) of part one of Article 47 of the mentioned Law.

7. Subject to restriction is the information, not the document. If the document contains restricted information, then one can get acquainted with the information, the access to which is unrestricted.

#### **Article 7. Confidential information**

1. Confidential information is the information access to which is restricted by a physical or legal entity, except for public authorities, and which can be distributed according to the procedure, defined by them, with their consent and according to the conditions, defined by them. The information specified in [part one](#) and [two of the Article 13](#) of this Law cannot be regarded as confidential.

2. The processors of the information, defined by [part one of Article 13](#) of this Law, who have at their disposal confidential information, can distribute it only with the consent of the persons, who have restricted access to such information, and in case of the absence of such consent - only in the interests of national security, economic welfare and human rights.

#### **Article 8. Secret information**

1. The secret information is the information, access to which is restricted pursuant to [part two of the Article 6](#) of this Law, the disclosure of which can cause harm to a person, society and the state. Information containing state, professional, banking secret, secrecy of pre-trial investigation and the other secrets, established by the law, shall be regarded as secret information.

2. The procedure of access to the secret information is regulated by this law and special laws.

#### **Article 9. Information for internal use only**

1. In accordance with the requirements of [part two of the Article 6](#) of this Law the following information can be restricted for internal use only:

1) information contained in the documents of public authorities, that belong to interdepartmental official correspondence, internal reports, guidelines, if they are related to the development of activity or exercise of control, oversight functions by public authorities, decision making process and take place prior to the public discussion and/or decision-taking;

2) information collected in the process of operation and investigation, counter-intelligence activities in the sphere of the country defense, which does not belong to state secrets.

2. Documents that contain information that is for internal use only, shall be labeled "for official use". Access to such documents is provided in accordance with [part two of Article 6](#) of this Law.

3. Access to the list of information that is for internal use only, which is prepared by state, local self-government authorities, other public authorities, including the execution of the delegated powers, cannot be restricted.

#### **Article 10. Access to the information about a person**

1. Every person has the right:

1) to know during gathering of information, but prior to its use, what kind of information about themselves and for which purpose is collected, how, by whom and for what purpose it is used, transferred, or distributed, except in cases established by law;

2) to access to information about themselves that is collected and stored;

3) to request correction of inaccurate, incomplete, outdated information about themselves, the deletion of information about themselves, the collection, use, or storage of which is carried out in violation of the law;

4) to get acquainted with decision of the court with information about other persons, if it is necessary for the provision and protection of the rights and legitimate interests;

5) to compensation of damages in the case of disclosure of information about this person in violation of the requirements specified by law.

2. The amount of information about a person that is collected, stored and used by the processor of information shall be as limited as possible and used only for the purposes and in the manner determined by law.

3. The processors of information, who have information about the person, shall:

1) provide it freely and for free at the request of the persons concerned, except for the cases provided by law;

2) use it only for the purposes and in the manner established by law;

3) take measures to prevent unauthorized access to it by other persons;

4) correct inaccurate and outdated information about a person on their own or at the request of the persons concerned.

4. Storage of the information about a person should not take longer than necessary to accomplish the purpose for which the information was collected.

5. Refusal to a person in access to information about themselves, hiding, illegal collection, use, storage or distribution of information can be challenged.

#### **Article 10. Public information in the form of open data**

1. Public information in the form of open data is public information in a format that allows its automatic processing by electronic means, free and unpaid access to it, as well as its further use.

Processors of information are obliged to provide public information in the form of open data on request, publish and regularly update it on a unified state web-portal of open data and on their own web-sites.

2. Public information in the form of open data is permitted for its further free use and distribution.

Any person may freely copy, publish, distribute, use, including for commercial purposes, combined with other information or by incorporating a part to their own product, public information in the form of open data with mandatory reference to the source of such information.

3. Public information containing personal data of a physical person, is published and provided on request in the form of open data in the case of the observance of one of the following conditions:

1) personal data are de-personalized and protected in accordance with [the Law of Ukraine](#) "On protection of personal data";

2) physical persons (data subjects), whose personal data are contained in the information in the form of open data, have given their consent to the distribution of such data in accordance with the [Law of Ukraine](#) "On the protection of personal data";

3) provision or publication of such information is provided by law;

4) restriction of access to such information (information is regarded as with restricted access) is prohibited by law.

4. [The list of data sets](#) that are subject to publication in the form of open data, requirements to the format and structure of these data sets, the frequency of updates is determined by the Cabinet of Ministers of Ukraine. Additionally, to such list the Cabinet of Ministers of Ukraine shall include information, access to which in the form of open data is provided by law.

Creation and maintenance of the unified state web-portal of open data is carried out by the central body of executive power, which implements the state policy in the field of e-governance.

#### **Article 11. Protection of the person who publishes information**

1. Officers and officials are not subject to liability, despite the violation of their obligations, for disclosure of information about the breach of law or information relating to a serious threat to the health or safety of citizens, environment, if a person in this case was guided by good intentions and had a reasonable belief that the information is accurate, and also contains evidence of the breach of law, or relates to a substantial threat to the health or safety of the citizens, the environment.

### **Section III**

## **SUBJECTS OF RELATIONS IN THE FIELD OF ACCESS TO PUBLIC INFORMATION**

#### **Article 12. Definitions and the list of subjects**

1. Subjects of relations in the field of access to public information are:

1) information requesters are physical, legal entities, civil associations without the status of legal entity, except for public authorities;

2) information processors are entities defined in [Article 13](#) of this law;

3) structural unit or person responsible for access to public information of the information processors.

#### **Article 13. Information processors**

1. Information processors for the purposes of this Law are:

1) public authorities - state bodies, other state, local self-government authorities, authorities of the Autonomous Republic of Crimea, and other entities that perform control and management functions in accordance with the legislation and the decisions of which are binding;

2) legal entities, which are financed from the state budget, local budgets, budget of the Autonomous Republic of Crimea - concerning information on the use of budgetary funds;

3) persons if they perform the delegated powers of public authorities according to the law or agreement, including providing of educational, recreational, social or other public services - concerning information related to the performance of their duties;

4) business entities that occupy a dominant position on the market or are endowed with special or exclusive rights or are natural monopolies - concerning information on the conditions of the supply of goods, services, and prices for them.

2. The following business entities shall be considered equivalent to information processors, who are obliged to publish and provide information upon request according to the procedure, established by this Law, which have:

1) information on the environmental conditions;

2) information about the quality of food and household items;

3) information about the accident, catastrophe, dangerous natural phenomena and other extraordinary events that have occurred or may occur and threaten the health and safety of citizens;

4) other information that is of public interest (socially necessary information).

3. The information processors described in items 2, 3 and 4 of part one and part two of this Article, are subjects to the requirements of this Law only in terms of the publication and provision of relevant information upon request.

4. All the information processors regardless of the regulatory act, under which they operate, while addressing the issues related to access to information shall be governed by this Law.

#### **Article 14. Duties of the information processors**

1. The information processors shall:

1) publish information provided by this and other laws;

2) systematically keep records of documents that are in their possession;

3) keep records of the requests for information;

4) define special places for the work of the requesters with documents or their copies, as well as provide the requesters with the possibility to make extracts from them, photograph, copy, scan them, record on any media, etc.;

5) have special structural units or appoint persons responsible for access of requesters to the information and publication of information;

6) provide and publish reliable, accurate and complete information, and in case of necessity to check the accuracy and objectivity of information provided and update the published information.

#### **Article 15. Publication of information by the processors**

1. The information processors are required to publish:

1) information about the organizational structure, mission, functions, powers, basic tasks, activities and financial resources (the structure and volume of the budget funds and mechanism of their expenditure, etc.);

2) normative-legal acts, acts of individual actions (except for internal regulations), taken by the administrator, draft decisions, which are subject to discussion, information about legal framework of activity;

3) list and conditions of receiving services provided by these bodies, forms and sample documents, instructions how to fill them in;

4) procedure for drafting, submitting a request for information, the appeal against decisions, actions or inactions of the information processors;

5) information about the record keeping system, the types of information that are kept by the processor;

5<sup>1</sup>) a list of datasets that are published in the form of open data;

6) information about the mechanisms or procedures with the help of which society can represent its interests, or in other ways affect the implementation of the powers of the information processor;

- 7) plans and agenda of their open meetings;
- 8) places where the requesters can find the necessary application forms and blanks of the institution;
- 9) general rules of the institution, internal labor regulations;
- 10) reports, including on the replies to the requests for information;
- 11) information about the activities of the public authorities, namely:
  - their location, address, telephone and fax numbers, official website and e-mail;
  - surname, name and patronymic name, work telephone and fax numbers, e-mail address of the head of the body, and his\her deputies, as well as the heads of structural and regional units, main functions of structural and regional units, except when these data belong to the restricted information;
  - work schedule and hours of reception of citizens;
  - vacancies, terms and conditions of competition to fill in the vacancy;
  - list and conditions of services provision, forms and samples of documents, necessary for the provision of services, instructions how to fill them in;
  - the list of telephone and fax numbers of enterprises, institutions and organizations that belong to the sphere of their management, and their heads, except of the enterprises, institutions and organizations, created with the purpose of the conspiracy, investigation or counter-intelligence activity;
  - the procedure of drafting, submitting a request for information, the appeal against decisions of public authorities, their actions or inactions;
  - the record keeping system, the types of information which are at disposal of public authority;
- 12) other information about the activities of the public authorities, the procedure for the compulsory publication of which is established by the law.

2. The information, provided for in part one of this Article, is subject to compulsory publication without undue delay, but not later than five working days from the date of approval of the document. If the information processor has official web-site, such information shall be published on the website indicating the date of publication of the document and date of update of the information.

3. Drafts of normative legal acts, decisions of local self-government authorities, developed by the corresponding processors, are published by them not later than in 20 working days before the date of their examination for the purpose of adoption.

4. Any information on threats to life, health and/or property of persons, and about the measures applied in this regard, is subject to publication without undue delay.

#### **Article 16. Persons responsible for access to public information**

1. The information processor is responsible for defining the tasks and work organization of the structural unit or person responsible for access to public information of the information processors, responsible for processing, systematization, analysis and control of the requests for information, advice during request submission, as well as the publication of information provided by this law.

2. The request that passed the registration in accordance with the procedure, established by information processor, is processed by persons, responsible for access to public information.

#### **Article 17. Control over the access to public information**

1. Parliamentary control over the observance of human rights to access to information is carried out by the Ukrainian Parliament Commissioner for Human Rights, temporary investigating commissions of the Verkhovna Rada of Ukraine, people's deputies of Ukraine.

2. Public control over the provision of access to public information by the information processors is carried out by the deputies of the local councils, civil society organizations, community councils, citizens in person by holding respective public hearings, public expertise, etc.

3. State control over the provision of access to information by information processors is carried out in accordance with the law.

### **Article 18. Registration of documents by the information processor**

1. To ensure the preservation and access to public information, documents of public authorities are subject to mandatory registration in the record keeping system, which should include:

- 1) title of the document;
- 2) date of creation of the document;
- 3) date of receipt of the document;
- 4) source of information (author, the unit concerned);
- 5) the reason of classifying information into categories with restricted access, established by the law;
- 6) the time limits of restriction of access to the information, if it is classified as restricted information;
- 7) sphere;
- 8) keywords;
- 9) media type (text document, electronic document, film, video, audio clips, etc.);
- 10) type (regulations, agreements, decisions, protocols, reports, press-releases);
- 11) draft decisions (internal reports, applications, statements, remedial action orders, proposals, letters, etc.);
- 12) form and place of storage of the document, etc.

2. Access to the record keeping system, which contains information about the document of public authority, is ensured by:

- 1) publication on the official web-sites of public authorities of such information, and in case of their absence - another acceptable way;
  - 2) provision of access to the system upon requests.
3. The record keeping system of public information could not be attributed to the category of information with restricted access.

4. The information processors are responsible for providing access to the record keeping system in accordance with the law.

## **Section IV**

### **PROVISION OF THE RIGHT OF ACCESS TO INFORMATION UPON THE INFORMATION REQUEST**

#### **Article 19. Form of requests for information**

1. Request for information is a request of person to the information processor to provide public information, which is in its possession.

2. Requester has the right to apply to the information processor with the request for information regardless of whether this information concerns him\her personally or not, without giving reasons for the request.

3. The request for information may be individual or collective. Requests may be submitted in oral, written or other form (by mail, fax, telephone, email) at the discretion of the requester.

4. A written request is submitted in any form.

5. The request for information shall include:

- 1) name of the requester, postal address or e-mail address, as well as the number of telephone or fax, if any;
- 2) general description of the information or type, name, details of the content of the document, which is requested, if they are known to the requester;
- 3) signature and date if submitting a request in writing.

6. In order to simplify the procedure of written requests for information a person may submit a request by filling in the relevant forms, [requests for information](#), which one can get at the



information processor and on the official web -site of the respective processor. These forms should contain a brief instruction on the procedure of submitting a request for information, its receipt, etc.

7. If for valid reasons (disability, limited physical capabilities, etc) a person cannot submit a written request, it must be completed by a person responsible for access to public information, with indication of his\her name, phone number in the request and a copy of the request shall be given to the person who submitted it.

#### **Article 20. Time limit for consideration of requests for information**

1. The information processor shall give a response to the request for information no later than in five working days from the date of the receipt of the request.

2. If the request for information concerns the information, necessary to protect the life or freedom of a person, the environmental conditions, food and household items quality, accidents, catastrophes, dangerous natural phenomena and other emergency events that happened or can happen and threaten the security of citizens, the answer must be given not later than in 48 hours from the day of the receipt of the request.

3. The plea about an urgent processing of the request must be well-grounded.

4. In the case of the request concerns provision of a large amount of information or requires the information search among a significant amount of data, the information processor may prolong the time limit for consideration of the request up to 20 working days with the justification of such prolongation. The information processor shall notify the requester in writing about prolongation of time limit not later than in five working days from the day of the receipt of the request.

#### **Article 21. Payment for the provision of information**

1. Information upon request is provided free of charge.

2. If the reply to the request for information involves making copies of documents in volume more than 10 pages, requester shall reimburse the actual costs of copying and printing.

3. The amount of actual costs is determined by the processor concerned, for copy and print within the [limits](#), established by the Cabinet of Ministers of Ukraine. If the information processor has not set the amount of payment for copying or printing, the information shall be provided free of charge.

4. When providing information to a person about themselves and information that is of public interest, payment for copying and printing shall not be collected.

#### **Article 22. Refusal and postponement to satisfy a request for information**

1. The information processor has the right to refuse to satisfy the request in the following cases:

1) the information processor does not and is not obliged according to its competence, provided by law, to possess information regarding which the request was made;

2) information requested belongs to the category of information with restricted access pursuant to [part two of the Article 6](#) of this Law;

3) the person who submitted the request for information, has not paid for the actual costs for copying or printing stipulated in [Article 21](#) of this Law;

4) the requirements to the request for information, provided by [part five of the Article 19](#) of this Law are not met.

2. A response of the information processor that information can be obtained by the requester from public sources, or the response not on the merits of the request shall be considered as illegitimate refusal to provide information.

3. The information processor, who does not have the information requested, but who by status or the nature of its activity knows or should know, who has such information, shall forward this request to the proper processor notifying the requester about it. In this case, the time limits for consideration of the request for information shall be calculated from the date of receipt of the request by the proper processor.

4. The refusal to satisfy a request for information should contain the following information:



1) surname, first name, patronymic name and position of the person responsible for the consideration of the request of information;

2) date of refusal;

3) motivated grounds of refusal;

4) procedure for appealing against the refusal;

5) signature.

5. The refusal to satisfy a request for information shall be given in writing.

6. Postponement to satisfy the request for information is permitted if the information requested cannot be provided within time limits provided for by this Law, in case of force majeure. The decision about postponement shall be notified to the requester in writing, with an explanation of the procedure of appeal against the decision.

7. The decision about postponement to satisfy the request for information should contain the following information:

1) surname, first name, patronymic name and position of the person responsible for the consideration of the request of information;

2) date of sending or handing in the notice of postponement;

3) reasons why the request for information cannot be satisfied within time limits, provided for in this Law;

4) time when the request will be satisfied;

5) signature.

## **Section V**

### **APPEAL AGAINST DECISIONS, ACTIONS OR INACTIONS OF THE INFORMATION PROCESSORS**

#### **Article 23. The right to appeal against decisions, actions or inactions of the information processors**

1. the decision, action or inaction of the information processors can be appealed to the head of the processor, higher authority or court.

2. The requester has the right to appeal against:

1) refusal to satisfy the request for information;

2) postponement in satisfying the request for information;

3) failure to provide response to the request for information;

4) provision of false or incomplete information;

5) late provision of information;

6) failure by the processors to fulfill their obligation to publish information in accordance with [Article 15](#) of this Law;

7) other decisions, actions or inactions of the information processors that violate the legitimate rights and interests of the requester.

3. Appeal against decisions, actions or inactions of the information processors in court is carried out in accordance with the [Code of administrative procedure of Ukraine](#).

#### **Article 24. Responsibility for violation of legislation on access to public information**

1. Responsibility for violation of legislation on access to public information shall be borne by the persons guilty of committing such violations:

1) failure to provide a response to the request;

2) failure to provide the information upon request;

3) ungrounded refusal to satisfy the request for information;

4) non-publication of information in accordance with [Article 15](#) of this Law;

5) provision or publication of false, inaccurate or incomplete information;

6) late provision of information;

- 7) non-grounded classification of the information as information with restricted access;
- 8) non-registration of documents;
- 9) deliberate concealment or destruction of information or documents.

2. Persons, according to which their rights and legitimate interests are infringed by the information processors, have the right to compensation for material and moral damages according to the procedure, established by the law.

## Section VI FINAL PROVISIONS

1. This law shall enter into force in three months after its publication.

2. In order to bring the legislation of Ukraine in conformity with this Law, acts of legislation shall be applied to the extent, which does not contradict this Law.

3. The following legal acts of Ukraine shall be amended:

1) the [Code of Ukraine On administrative offence](#) (Journal of Verkhovna Rada of USSR, 1984, Annex No. 51, art. 1122):

in [article 212](#)<sup>3</sup>:

part one after the words "On information" shall be supplemented by "On access to public information";

Note shall have the following wording:

"Note. The persons, identified in the note to article 212<sup>26</sup> of this Code, shall be liable for the acts stipulated in this Article, in accordance with article 212<sup>26</sup>";

part one of article 212<sup>26</sup> after the words "On information" shall be supplemented by the words "On access to public information";

2) in the title and the first paragraph of part one of Article 330 of the [Criminal Code of Ukraine](#) (Verkhovna Rada Journal, 2001, No 25-26, art.131), the words "which is the property of the state" to replace with the words "which is in the possession of the state";

3) part ten of Article 9 of the [Law of Ukraine "On operative Investigation activity"](#) (Verkhovna Rada Journal, 1992, No. 22, 303; 2000, No. 10, Article 79) shall be supplemented with the two sentences of the following contents: "It is forbidden to publish or provide collected information as well as information about operational-investigation activity in relation to a person before the decision on the results of such activities is taken. The issue of publication or provision of such information after the decision is regulated by the law ";

4) Article 9 of the [Law of Ukraine "On counter-intelligence activity"](#) (Verkhovna Rada Journal, 2003, No 12, art. 89) shall be supplemented by the following sentence: "it is forbidden to publish or provide (disclose) the collected information as well as information about counter-intelligence activity in relation to a person before the decision on the results of such activities is taken";

5) Article 13 of the [Law of Ukraine "On copyright and related rights"](#) (Verkhovna Rada Journal, 2001, no. 43, art. 214) to supplement with part five of the following contents:

"5. These provisions do not apply to cases of publication or provision of information on the basis of the Law of Ukraine "On access to public information".

3. Within two months after this Law comes into effect, the Cabinet of Ministers of Ukraine shall:

approve the cost limits for copying or printing, provided for in [Article 21](#) of this Law;

submit to the Verkhovna Rada of Ukraine draft laws on bringing the laws of Ukraine in accordance with this Law;

bring its normative-legal acts in compliance with this Law;

ensure that the executive bodies bring their normative-legal acts into conformity with this Law.

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|---------------------------------|----------------------|
| <b>The President Of Ukraine</b> | <b>V. YANUKOVYCH</b> |
| <b>the city of Kyiv</b>         |                      |

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