

THE LAW OF UKRAINE

On Access to Public Information

[As amended by Laws:
No. 4652-VI of 13.04.2012;
No. 4711-VI of 17.05.2012;
No. 224-VII of 14.05.2013]

This Law determines procedure for exercising and ensuring the right of everyone of access to information in possession of subjects of public authority and other administrators of public information determined by this Law and to information of public interest.

Chapter I. GENERAL PROVISIONS

Article 1. Public Information

1. Public information shall mean information that is reflected and documented by any means and at any media and which was received or created in the process of performance by subjects of public authority of their duties envisaged in the acting legislation or which is in possession of the subjects of public authority, other administrators of public information determined by this Law.
2. Public information shall be open except for instances established by the law.

Article 2. The Aim and Scope of the Law

1. The purpose of this Law is to ensure transparency and openness of the subjects of public authority and to create mechanisms for implementation of the everyone's right of access to public information.
2. This Law does not extend to relations regarding obtaining of information by the subjects of public authority during exercise of their functions and to relations in the sphere of citizens' petitions, which are regulated by a special law.

Article 3. Guarantees for Ensuring the Right of Access to Public Information

1. The right of access to public information shall be guaranteed by:
 - 1) duty of information administrators to provide and publish information, except for instances envisaged by the law;

- 2) designation by the information administrator of special structural units or officials, who organize access to public information in its possession according to the established procedure;
- 3) maximal simplification of the procedure for submitting requests and obtaining information;
- 4) access to meetings of collective subjects of public authority, except for instances envisaged by legislation;
- 5) exercise of parliamentary, civic and state control over observance of rights of access to public information;
- 6) legal liability for violation of legislation on access to public information.

Article 4. Principles for Ensuring Access to Public Information

1. Access to public information according to this Law shall be carried out based on the principles of:
 - 1) transparency and openness of the activity of subjects of public authority;
 - 2) free obtaining and dissemination of information, except for limitations established by the law;
 - 3) equal rights regardless of race, political, religious or other beliefs, gender, ethnic and social origin, financial standing, place of residence, language or other features.

Chapter II. ACCESS TO INFORMATION MODES

Article 5. Ensuring Access to Public Information

1. Access to information shall be ensured by:
 - 1) systematic and prompt publication of information:
 - in official print outlets;
 - on official web-sites in the Internet;
 - on information boards;
 - by any other means;
 - 2) providing information in reply to information requests.

Article 6. Public Information with Limited Access

1. Information with limited access shall be:
 - 1) confidential information;

- 2) secret information;
 - 3) official information.
2. Limitation of access to information shall be carried out in accordance with the law with observance of combination of the following requirements:
 - 1) exclusively in the interests of the national security, territorial integrity or public order with the purpose of prevention of disorder or crimes, for protection of public health, for protection of the reputation or rights of other people, for preventing the disclosure of information received confidentially, or for maintaining the authority and impartiality of justice;
 - 2) disclosure of information can cause significant harm to these interests;
 - 3) the harm from publication of the information outweighs public interest in obtaining the information.
 3. Information with limited access must be provided by the information administrator if he had legitimately published it earlier.
 4. Information with limited access must be provided by the information administrator if there are no lawful grounds to restrict access to such information that have previously existed.
 5. Access to information about the use and disposal of budget funds, state and communal property, including access to copies of corresponding documents, conditions of the receipt of these funds or property, names of natural persons and legal entities that received these funds or property may not be limited. Provided requirements envisaged in paragraph 2 of this Article are complied with, the above provision shall not apply to instances, when publication or provision of such information may harm the interests of national security, defence, investigation or prevention of crime.
 6. Information contained in declarations of assets, income, expenses and financial liabilities, compiled according to the form and procedure established by the Law of Ukraine “On Principles of Preventing and Counteracting Corruption”, except for information mentioned in subparagraph 2 of paragraph 2 of Article 12 of that Law, shall not belong to information with limited access. *[As amended by Law No. 4711-VI of 17.05.2012 and Law No. 224-VII of 14.05.2013]*
 7. Access shall be limited to information and not to the document. If document contains information with limited access, information access to which was not limited shall be made available for examination.

Article 7. Confidential Information

1. Confidential information shall mean information, access to which is limited by natural or legal person, except for the subjects of public authority, and that may be disseminated at their wish and under their conditions. Information specified in paragraphs 1 and 2 of Article 13 of this Law may not be referred to confidential.

2. Information administrators, specified in paragraph 1 of Article 13 of this Law, who possess confidential information, may disseminate it only upon consent of persons, who had limited access to this information; and if there is no such consent – the information may be disseminated only in the interests of national security, economic wellbeing and human rights.

Article 8. Secret Information

1. Secret information shall mean information, access to which is limited in accordance with paragraph 2 of Article 6 of this Law, and disclosure of which may harm a person, society, and the state. Information that contains state, professional, banking secrets, secrets of pre-trial investigation and other secrets envisaged by the law shall be considered secret. *[As amended by Law No. 4652-VI of 13.04.2012]*
2. Procedure of access to secret information shall be regulated by this Law and special laws.

Article 9. Official Information

1. According to paragraph 2 of Article 6 of this Law the following information may belong to official:
 - 1) information contained in documents of subjects of public authority, which constitute internal official correspondence, memoranda, recommendations if they are connected with development of the activity direction of the institution or performance of control and oversight functions by the bodies of state power, with decision making process and precede public discussion and/or adoption of decisions;
 - 2) information collected in the process of search and detective, counterintelligence activity, in the sphere of the country's defence and is not classified as state secret.
2. Documents that contain official information shall be assigned a stamp "For Official Use". Access to such documents shall be provided in accordance with paragraph 2 of Article 6 of this Law.
3. Access to the list of information that is official information and is compiled by the bodies of state power, bodies of local self-government, other subjects of public authority, including in execution of delegated powers, may not be limited.

Article 10. Access to Information about a Person

1. Each person shall have the right:
 - 1) to know, during collection of information but prior to its use, what information about him and for what purpose is being collected, in what way, by whom and with what purpose it is used, transferred or disseminated, except for instances, established by the law;

- 2) to have access to information about him that is being collected and stored;
 - 3) to demand correction of inaccurate, incomplete, outdated information about him, destruction of information about him, whose collection, use or storing are carried out in violation of requirements of the law;
 - 4) to familiarize, in accordance with a court decision, with information about other persons, if it is necessary for the exercise and protection of rights and lawful interests;
 - 5) to get compensation in case of disclosure of information about this person with violation of requirements established by the law.
2. The scope of information about a person that is collected, stored and used by information administrators must be maximally limited and used exclusively with the purpose and in a way specified by the law.
 3. Information administrators, who possess information about a person, shall be obliged to:
 - 1) provide it with no impediments and free of charge upon demand of the persons, whom it concerns, except for instances specified by the law;
 - 2) use it only with the purpose and in a way specified by the law;
 - 3) take measures to prevent unauthorised access to it by other persons;
 - 4) correct inaccurate and outdated information about a person on their own or upon demand of persons, whom this information concerns.
 4. Storing of information about a person shall not last longer than it is necessary for reaching the goal for which this information was collected.
 5. Refusal to a person in access to information about him, withholding, illegal collection, use, storing or dissemination of information may be appealed.

Article 11. Protection of Person who Discloses Information

1. Officials and employees shall not be subject to legal liability, regardless of the breach of their duties, for disclosure of information about infringements or information concerning serious threat to the health or safety of citizens and environment, if the person was guided by good intentions and had a justified conviction that the information was accurate and contained evidence of infringement or concerned serious threat to the health or safety of citizens and environment.

Chapter III. SUBJECTS OF RELATIONS IN THE AREA OF ACCESS TO PUBLIC INFORMATION

Article 12. Definition and List of Subjects

1. Subjects of relations in the area of access to public information are:
 - 1) requesters of information – natural persons, legal persons, associations of citizens without legal person status, except for subjects of public authority;
 - 2) information administrators – subjects defined in Article 13 of this Law;
 - 3) structural unit or responsible person for the issues of information requests of information administrators.

Article 13. Information Administrators

1. For the purposes of this Law, the information administrators shall be:
 - 1) subjects of public authority – bodies of state power, other state bodies, bodies of local self-government, bodies of the Autonomous Republic of Crimea, other subjects that perform public management functions in accordance with legislation and whose decisions are mandatory for execution;
 - 2) legal persons that are funded from the state, local budgets, budget of the Autonomous Republic of Crimea – regarding information about the use of budget funds;
 - 3) persons, if they perform delegated authorities of the subjects of public authority in accordance with the law or agreement, including delivery of education, health, social, or any other state services – regarding information connected with execution of their duties;
 - 4) subjects of economic activity that dominate on the market or have been assigned special or exclusive rights, or that are natural monopolies – regarding information about conditions of supply of goods, services, and their prices.
2. Subjects of economic activity, who possess the following kinds of information, shall be equated to the information administrators that are obliged to publish and provide upon request information specified in this Article in accordance with the procedure provided in this Law:
 - 1) information about the state of environment;
 - 2) information about quality of food products and household goods;
 - 3) information about accidents, catastrophes, dangerous natural phenomena and other emergencies that had happened or may happen and endanger the health and safety of citizens;
 - 4) other information that is of public interest (publicly necessary information).

3. The provisions of this Law shall apply to information administrators specified in subparagraphs 2, 3, 4 of paragraph 1 and in paragraph 2 of this Article only with regard to publication and provision of relevant information upon requests.
4. All information administrators, regardless of the legal act that determines their activity, must be guided by this Law when deciding issues concerning access to information.

Article 14. Duties of Information Administrators

1. Information administrators shall be obliged to:
 - 1) publish information about their activity and adopted decisions;
 - 2) systematically carry out recording of documents which are in their possession;
 - 3) keep records of information requests;
 - 4) allocate special places for requesters to work with documents or their copies, as well as allow requesters to make extracts from them, photograph, copy, scan them, record on any information media, etc.;
 - 5) have special structural units or appoint responsible persons for ensuring access of requesters to information;
 - 6) provide accurate, exact and complete information and, if needed, verify the correctness and objectiveness of information.

Article 15. Publication of Information by Administrators

1. Information administrators shall be obliged to publish:
 - 1) information about organizational structure, mission, functions, powers, main tasks, directions of activity and financial resources (structure and amount of budget funds, procedures and mechanism of expenditures, etc.);
 - 2) normative and legal acts, acts of individual application (apart from internal organizational acts) adopted by the administrator, draft decisions that are subject to discussion, information about normative and legal basis of activity;
 - 3) list and conditions for obtaining services that are provided by these bodies, forms and examples of documents, rules for filling them out;
 - 4) how to prepare and submit a request of information, contest decisions of information administrators, their actions or inaction;
 - 5) information about the system of registration, types of information stored by the administrator;
 - 6) information about mechanisms or procedures with the help of which the public can represent its interests or in other form influence the exercise of power by the information administrator;
 - 7) schedule and agenda of their open meetings;

- 8) location of places, where requesters can get necessary forms of the institution;
 - 9) general rules of the work of the institution, internal labour regulations;
 - 10) reports, including reports on satisfaction of information requests;
 - 11) information about activity of subjects of public authority, namely about:
 - their location, postal address, numbers of communication means, web-site address, e-mail;
 - name, office telephone number, e-mail of the body's head and his deputies, heads of structural and regional units, main functions of structural and regional units, except for instances, when this information belongs to information with limited access;
 - work schedule and public hours;
 - vacancies, procedure and terms of competitive selection for filling vacancies;
 - list and conditions for provision of services, forms and examples of documents that are required for providing services, rules for filling them out;
 - list and office phone numbers of enterprises, institutions and organisations that pertain to the sphere of their management, their managers, except for enterprises, institutions and organizations that have been established with the purpose of undercover activity, search and detective, counterintelligence activity;
 - procedure for preparing and submitting requests of information, appealing against decisions of the subjects of public authority, their actions or inaction;
 - system of registration, types of information in the possession of the subject of public authority;
 - 12) other information about activity of the subjects of public authority, rules on mandatory publication of which are established by the law.
2. Information, envisaged in paragraph 1 of this Article, is subject to mandatory publication without delay but no later than five working days from the date of the document's approval. In case the information administrator has an official web-site, such information shall be published on the web-site with indication of the date of the document's publication and the date when information was updated.
 3. Draft normative and legal acts, draft decisions of the bodies of local self-government developed by corresponding administrators shall be published by them no later than 20 working days before the date of their consideration with the purpose of adoption.
 4. Any information about facts threatening life, health and/or property of persons, as well as measures that have been taken in their respect, are subject to publication without delay.

Article 16. Responsible Persons for Issues of Information Requests

1. Information administrator shall be responsible for defining tasks and ensuring activity of a structural unit or a responsible person for issues of information requests, who shall be responsible for processing, systematization, analysis and control concerning satisfaction of information request and providing consultation during preparation of the request.
2. The request that was registered in accordance with the procedure established by the information administrator shall be processed by responsible persons for issues of information requests.

Article 17. Control over Ensuring of Access to Public Information

1. Parliamentary control over observance of human right of access to information shall be carried out by the Parliament's Ombudsman, temporary investigation commissions of the Verkhovna Rada of Ukraine, members of the Ukrainian Parliament.
2. Civic control over ensuring by information administrators of access to public information shall be performed by members of local councils, NGOs, public councils, individual citizens through public hearings, public expertise, etc.
3. State control over ensuring by information administrators of access to information shall be carried out in accordance with the law.

Article 18. Registration of Documents of the Information Administrator

1. To ensure preservation and access to public information, documents that are in possession of the subjects of public authority shall be subject to mandatory registration in the recording system that must contain:
 - 1) name of the document;
 - 2) date when the document was created;
 - 3) date when the document was received;
 - 4) source of information (author, relevant unit);
 - 5) lawful ground for referring information to the category of limited access;
 - 6) term for limitation of access to information, in case it is referred to information with limited access;
 - 7) thematic area;
 - 8) key words;
 - 9) type, medium (text document, tapes, video tapes, audio recordings, etc.);
 - 10) type (normative acts, agreements, decisions, protocols, reports, press releases);

- 11) draft decisions (memoranda, petitions, statements, requests, proposals, letters, etc.);
- 12) form and place of the document's storage and so on.
2. Access to the recording system, which contains information about documents that are in possession of the subject of public authority, shall be ensured by:
 - 1) publication of such information on official web-sites of the subjects of public authority or, if the web-site does not exist, - by any other acceptable means;
 - 2) providing access to the system in response to requests.
3. System of public information recording may not be referred to the category of information with limited access.
4. Information administrators shall bear responsibility for ensuring access to the recording system in accordance with the law.

Chapter IV. EXERCIZING THE RIGHT OF ACCESS TO INFORMATION BY MEANS OF INFORMATION REQUEST

Article 19. Preparation of Information Requests

1. Information request shall mean a request of person to information administrator to provide public information that is in its possession.
2. A requester shall have the right to address the information administrator with information request regardless of whether this information concerns him personally or not and without having to explain the reasons for submitting the request.
3. Information request may be individual or collective. Requests may be submitted orally, in writing or in other form (by mail, fax, phone, e-mail) as chosen by the requester.
4. A written request may be submitted in any form.
5. Information request shall contain:
 - 1) the name of the requester, postal address or e-mail, as well as the number of communications means if available;
 - 2) general description of information or type, name, number or content of the requested document, if the requester knows it;
 - 3) signature and date if the request is submitted in writing.
6. To simplify the procedure for preparing written information requests, a person may submit request by filling relevant forms of information requests which can be obtained from the information administrator and on the official web-site of the respective administrator. The forms shall contain a brief instruction on how the information request is to be submitted and information obtained.

7. If because of sound reasons (disability, limited physical ability, etc.) a person cannot submit a written request, it shall be prepared by the responsible person for the issues of information requests indicating his name, contact phone, and a copy must be provided to the requester.

Article 20. Term for Considering Information Requests

1. Information administrator must provide a reply to the information request not later than five working days from the date of receipt of the request.
2. If information request concerns information that is necessary for protection of life or freedom of an individual, state of environment, quality of food products and household goods, accidents, catastrophes, dangerous natural phenomena and other emergencies that have happened or may happen, the reply must be provided no later than 48 hours from the date of receipt of the request.
3. Request for an urgent consideration of the information request shall be substantiated.
4. If the request requires providing a big scope of information or requires search within a large amount of data, the information administrator may extend the term for consideration of the request to 20 working days with substantiation of such extension. The information administrator shall notify the requester about the extension in writing no later than five working days from the date of receipt of the request.

Article 21. Payment for Provision of Information

1. Information in response to request shall be provided free of charge.
2. If satisfaction of the information request requires making of photocopies of documents of more than 10 pages, the requester shall be obliged to compensate the factual expenses for copying and printing.
3. The amount of factual expenses shall be determined by the respective information administrator within the limits established by the Cabinet of Ministers of Ukraine. In case the information administrator has not established the amount of payment for copying and printing, the information shall be provided free of charge.
4. Requestor's personal information and information of public interest shall be provided without payment for copying and printing.

Article 22. Refusal and Postponement in Satisfaction of the Information Request

1. Information administrator shall have the right to refuse in satisfaction of the request in the following cases:

- 1) the information administrator does not possess and is not obligated, according to his competence envisaged by the legislation, to possess information which was requested;
 - 2) requested information belongs to the category of information with limited access according to paragraph 2 of Article 6 of this Law;
 - 3) the person who requested information did not pay factual expenses related to copying and printing envisaged by Article 21 of this Law;
 - 4) requirements to information request envisaged in paragraph 5 of Article 19 of this Law were not complied with.
2. The information administrator's reply that information can be obtained by the requester from publicly available sources or reply not on substance of the request shall be considered an unlawful refusal to provide information.
 3. The information administrator, who does not possess the requested information yet who by his status or the nature of his activity is aware or should be aware of who possesses it, shall be obliged to transfer this request to the appropriate administrator while simultaneously notifying the requester thereof. In this case, the term for request consideration shall start on the day of receipt of the request by the appropriate administrator.
 4. A refusal to satisfy information request shall include:
 - 1) the last, first and paternal name and position of the person responsible for consideration of the request by the information administrator;
 - 2) the date of the refusal;
 - 3) grounded reason for the refusal;
 - 4) procedure to appeal the refusal;
 - 5) signature.
 5. A refusal to satisfy information request shall be provided in writing.
 6. A postponement in satisfaction of the information request shall be acceptable in case the requested information cannot be provided for examination within the terms envisaged by this Law due to force majeure. The requester shall be notified of the decision about the postponement in writing with accompanying explanation of how to appeal the adopted decision.
 7. The decision to postpone satisfaction of the information request shall indicate the following:
 - 1) the last, first and paternal name and the position of the person responsible for consideration of the request by the information administrator;
 - 2) the date of mailing or delivery of the postponement notification;
 - 3) reasons in connection with which it is impossible to satisfy the information request within the term envisaged by this Law;
 - 4) term within which the request will be satisfied;

- 5) signature.

Chapter V. APPEALING AGAINST DECISIONS, ACTIONS OR INACTION OF INFORMATION ADMINISTRATORS

Article 23. Right to Appeal Decisions, Actions or Inaction of Information Administrators

1. Decisions, actions or inaction of information administrators may be appealed to the administrator's superior official, a higher authority or court.
2. The requester shall have the right to appeal:
 - 1) refusal to satisfy the information request;
 - 2) postponement in satisfaction of the information request;
 - 3) failure to provide reply to the information request;
 - 4) provision of false or incomplete information;
 - 5) late provision of information;
 - 6) non-observance by the administrator of the duty to publish information in accordance with Article 15 of this Law;
 - 7) other decisions, actions or inaction of information administrators that violated lawful rights and interests of the requester.
3. Appeals to court against decisions, actions or inaction of information administrators shall be carried out in accordance with the Code of Administrative Adjudication 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 persons guilty of commission of the following offenses:
 - 1) failure to provide a reply to the request;
 - 2) failure to provide requested information;
 - 3) ungrounded refusal to satisfy information request;
 - 4) failure to publish 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) ungrounded referring of information to information with limited access;
 - 8) failure to register documents;
 - 9) wilful withholding or destruction of information or documents.

2. Persons who believe that their rights and legal interests were violated by information administrators shall have the right to seek compensation of material and moral damages in accordance with procedure defined by the law.

Chapter VI. FINAL PROVISIONS

1. This Law shall come into effect in three months from the day of its publication.
2. Before legislation of Ukraine is brought into accordance with this Law legislative acts of Ukraine shall be applied in the part that is not contradicting this Law.
3. To make amendments in the following legislative acts of Ukraine:
 - 1) in the Code of Ukraine on Administrative Offenses (The Vidomosti of the Verkhovna Rada of URSR, 1984, Addendum to #51, p. 1122):

to complement paragraph 1 of Article 212-3 after the words “On Information” with the words “On Access to Public Information”;

the Note shall be laid out in the following wording: “Note. Persons defined in the Note to Article 212-26 of this Code shall be held responsible for actions described by this Article in accordance with Article 212-26.”;

to complement paragraph 1 of Article 212-26 after the words “On Information” with the words “On Access to Public Information”;
 - 2) in the title and subparagraph 1 of paragraph 1 of Article 330 of the Criminal Code of Ukraine (The Vidomosti of the Verkhovna Rada of Ukraine, 2001, #25-25 p. 131) the words “that is the property of the state” shall be replaced with the words “that is in possession of the state”;
 - 3) paragraph 10 of Article 9 of the Law of Ukraine “On Search and Detective Activities” (The Vidomosti of the Verkhovna Rada of Ukraine, 1992, # 22, p. 303; 2000, # 10, p.79) shall be complemented with the sentences: “It is prohibited to publish or provide collected information, as well as information concerning the conducting or not conducting of search and detective activities with regard to a certain person prior to making a decision based on the outcome of such activities. The issue of publication or provision of such information after the decision is made shall be regulated by the law.”.
 - 4) Article 9 of Law of Ukraine “On Counterintelligence Activities” (The Vidomosti of the Verkhovna Rada of Ukraine, 2003, # 12, p. 89) shall be complemented with a sentence of the following wording: “It is prohibited to publish or provide (disclose) collected information, as well as information concerning the conducting or not conducting of counterintelligence activities and measures with regard to a certain person prior to making a decision based on the outcome of such activities or measures”;

5) Article 13 of Law of Ukraine “On Copyright and Neighbouring Rights” (The Vidomosti of the Verkhovna Rada of Ukraine, 2001, # 43, p. 214) shall be complemented with the following paragraph 5:

“5. The above provisions shall not apply to cases of publication or provision of information based on the Law of Ukraine “On Access to Public Information”.

4. The Cabinet of Ministers of Ukraine within two months after this Law has come into effect shall:

adopt the limits for expenses of copying or printing envisaged in Article 21 of this Law;

submit for consideration of the Verkhovna Rada of Ukraine draft laws concerning bringing laws of Ukraine into accordance with this Law;

bring its normative and legal acts in accordance with this Law;

ensure that the bodies of executive power bring their normative and legal acts in accordance with this Law.

President of Ukraine

V.YANUKOVYCH

Kyiv

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