

Reconstructed Act No. 211/2000 Coll.

(on free access to information and on amendments and supplements to certain acts (Freedom of Information Act))

Author: the National Council of the SR

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AMENDMENTS:

543/2002 Coll.

747/2004 Coll.

628/2005 Coll.

REPEALS PARTS OF REGULATION:

287/1994 Coll.

Section 49, paragraphs 2 and 3 and deletes the heading of paragraph 1;

AMENDS PARTS OF REGULATIONS:

372/1990 Coll.

Section 68, paragraph 1;

145/1995 Coll.

Section 4, paragraph 2e);

SUPPLEMENTS PARTS OF REGULATIONS:

372/1990 Coll.

new Section 42a including the heading and note No. 3a;

17/1992 Coll.

new Section 33a and Section 33b including the heading and notes Nos. 2 and 3;

AREA: Civil law – substantive and administrative law

211/2000 Coll.

ACT

of 17 May 2000

on free access to information and on amendments and supplements to certain acts
(Freedom of Information Act)

Amendment: 747/2004 Coll.

Amendment: 628/2005 Coll.

The National Council of the Slovak Republic has passed the following Act:

Article I

Section 1 Subject of the Act

This Act shall regulate terms, procedure and scope of free access to information.¹⁾

¹⁾ Articles 26, 45 and 34 of the Constitution of the Slovak Republic; Articles 17, 25 and 35 of the Charter of Fundamental Rights and Freedoms

Section 2 Obligated persons

(1) The persons obliged to provide access to information under this Act (hereinafter referred to as the “Obligated persons”) shall be state agencies, municipalities, as well as legal entities and natural persons that have been given the power by law to make decisions on the rights and obligations of natural persons or legal entities in the area of public administration, and that only within the scope of their decision-making power.

(2) Legal entities established by law and legal entities established by state agency or municipality under a special law shall also be the obliged persons.²⁾

(3) Legal entities established by obliged persons in accordance with paragraph 1 and 2 shall also be the obliged persons.

(4) A special law may also instruct other legal entities or natural persons to provide access to information.³⁾

²⁾ Sections 21 to 24 of Act of the National Council of the Slovak Republic No. 303/1995 Coll. on Budgetary Rules, as amended

³⁾ For instance, Act of the National Council of the Slovak Republic No. 162/1995 Coll. on Cadastre and on the Entries of Proprietary and Other Rights to Real Estates, as amended; Act No. 149/1975 Coll. on Archiving, as amended

Section 3

(1) Everybody shall have the right of access to information that the obliged persons have available.

(2) The obliged person under Section 2, paragraph 3 shall disclose only information pertaining to the management of public funds, disposal of state property, the property of self-governing region or the property of municipality, the environment^{3a)}, and information on the tasks or professional services relating to the environment and on the content, performance and activities carried out on the basis of the concluded agreement.

(3) Access to information shall be provided without proving any legal or other reason or interest for which information is required.

^{3a)} Act No. 205/2004 Coll. on Collection, Keeping and Dissemination of Environmental Information

Section 4 Definitions of certain terms

(1) An applicant shall mean any natural or legal person making request for access to information.

(2) A mass access to information shall mean access of unlimited number of applicants by means of telecommunications⁴⁾, especially via Internet.

(3) Disclosed information shall mean information that may be repeatedly looked up and obtained by anybody, notably information published by the press or issued on a different data carrier that makes possible recording and storage of information, or displayed on a freely accessible official notice board, or accessible by means of any device enabling mass access [to information], or available in a public library.⁵⁾

(4) Accompanying information shall mean any information closely related to the requested information, notably information on its existence, origin, number, reason for refusal to disclose the information, period of refusal and the date of its re-examination.

⁴⁾ Section 1, paragraph 4a) of Act No. 110/1964 Coll. on Telecommunications, as amended

⁵⁾ Act No. 53/1959 Coll. on the Integrated System of Libraries (Library Act), as amended

Section 5

Mandatory disclosure of information

(1) Each obliged person under Section 2, paragraph 1 a 2 shall disclose the following information:

- a) the way of establishment of the obliged person, its powers and competencies and a description of its organisational structure,
- b) place, time and way of obtaining information; information on where the request, proposal, motion, complaint or other filing may be filed,
- c) place, period and procedure of filing a remedy, and possibilities of judicial review of the obliged person's decision, including explicit definition of requirements that need to be satisfied,
- d) procedure that must be followed by the obliged person in complying with requests, motions and other filings, including the respective deadlines that must be met,
- e) a list of regulations, guidelines, instructions and interpretations governing the obliged person's actions and decisions, or regulating the rights and obligations of natural persons and legal entities in relation to the obliged person,
- f) scale of administrative charges⁶⁾ collected by the obliged person for administrative actions, and scale of charges for providing access to information.

(2) The National Council of the Slovak Republic shall disclose:

- a) dates of its sessions and sessions of its committees and draft session agendas,
- b) minutes of public sessions,
- c) copies of bills submitted [to the National Council] within three days after their filing with the Office of the National Council of the Slovak Republic,
- d) copies of acts passed [by the National Council] within three days after their approval in third reading,
- e) information on the attendance of MPs at the sessions of the National Council of the Slovak Republic and the sessions of its committees within three days after the end of each session of the National Council of the Slovak Republic,
- f) information on voting of MPs after each session of the National Council of the Slovak Republic, with the exception of secret vote and voting at a closed session.

(3) The Office of the President of the Slovak Republic shall disclose:

- a) the programme and results of business trips of the President, receptions by the President and places of his stays,
- b) signature of any act or its return to the National Council of the Slovak Republic,
- c) conferment of awards,
- d) designation and removal of a state official and acceptance of resignation,
- e) any pardon, mitigation or deletion of any sentence and any ordinance not to commence or interrupt criminal proceedings,
- f) organisational structure and number of employees of the Office of the President of the Slovak Republic.

(4) The Government of the Slovak Republic shall disclose copies of materials (proposals, reports, analyses) submitted at Government sessions and any adopted resolutions, including their supplements.

(5) The ministries, other central bodies of public administration and bodies of local public administration shall disclose materials of programmatic, concept and strategic nature and the copies of draft rules of law after their release for inter-ministerial comment procedure.

(6) The obliged person shall disclose the appellation of immovable property, including flats and non-residential premises, and movable property owned by the state, public institution, municipality, self-governing region or public authority the acquisition price of which exceeded twentyfold the amount of minimum wage^{6a)} and the title to which the obliged person transferred to a person other than the public authority, date of transfer or passage of the title, as well as information on personal data and other identification data of persons that acquired title to the property, and that to the extent as follows:

- a. first name and last name, name or business name,
- b. address or registered office,
- c. company registration number if it is a legal entity or a natural person – self-employed person.

(7) The provision of paragraph 6 shall not apply to flats and non-residential premises the title to which was transferred to the existing tenant for a price set by a law under a special regulation.^{6b)} For the purpose of disclosure of information under paragraph 6, the acquisition price in case of own construction shall be considered the costs of construction, and in case of acquisition for no consideration the price usual for similar item at the place and time of acquisition.

(8) The Constitutional Court of the Slovak Republic shall disclose the motions to commence proceedings, delivered under Articles 125 to 126 and Articles 127a to 129 of the Constitution of the Slovak Republic.

(9) The provision of paragraph 2 shall apply accordingly to the disclosure of information by municipal councils, city councils and local councils⁷⁾ and the councils of self-governing regions.

⁶⁾ Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Charges, as amended
^{6a)} Section 2, paragraph 1b) of Act of the National Council of the Slovak Republic No. 90/1996 Coll. on Minimum Wage, as amended

^{6b)} Sections 16 and 17, paragraph 3 of Act of the National Council of the Slovak Republic No. 182/1993 Coll. on Ownership of Flats and Non-residential Premises, as amended

⁷⁾ Act of the Slovak National Council No. 369/1990 Coll. on Municipalities, as amended

Section 6

(1) Information under Section 5 shall be disclosed in a way enabling mass access. This obligation shall not apply to natural persons and municipalities which do not have the status of a city.⁸⁾ Information under Section 5, paragraph 6 shall be disclosed for a period of at least twelve months, starting on the day the transfer or passage of ownership under Section 5, paragraph 6 took place; this is without prejudice to the obligation to disclose the information after the expiration of this period.

(2) Information under Section 5, paragraph 1 shall be disclosed in the headquarters of the obliged person and all its workplaces on a publicly accessible place.

(3) The obliged persons that operate information systems⁹⁾ shall disclose information contained therein on a freely accessible internet page, unless the disclosure of this information is prohibited by special act.¹⁰⁾ Such disclosure shall not be regarded as a breach of special regulations.⁹⁾

(4) The obliged persons may also disclose information under aforementioned paragraphs in other ways. In addition to information under aforementioned paragraphs, the obliged person may also disclose other information.

(5) In municipalities stipulated by a special law¹¹⁾ the obliged person shall disclose information also in the language of national minorities.

(6) Provisions of Sections 8 to 12 shall apply to any restrictions on disclosure of information.

⁸⁾ Section 22 of Act of the Slovak National Council No. 369/1990 Coll.

⁹⁾ Act No. 428/2002 Coll. on the Protection of Personal Data, as amended

¹⁰⁾ For instance, the Commercial Code; Act of the National Council of the Slovak Republic No. 162/1995 Coll., as amended by Act of the National Council of the Slovak Republic No. 222/1996 Coll.; Decree of the Government of the Slovak Republic No. 100/1993 Coll. on the Commercial Bulletin, as amended by Decree of the Government of the Slovak Republic No. 50/1998 Coll.; Act No. 83/1990 Coll. on the Association of Citizens, as amended by Act No. 300/1990 Coll.; Act No. 513/1991 Coll.; Act of the National Council of the Slovak Republic No. 62/1993 Coll.; Act of the National Council of the Slovak Republic No. 207/1996 Coll. on Foundations, as amended by Act No. 147/1997 Coll.

¹¹⁾ Act No. 184/1999 Coll. on the Use of National Minorities Languages

Section 7 **Reference to disclosed information**

(1) In the event that the applicant makes request for information that has already been disclosed, the obliged person may, instead of providing the information, without any delay, but not later than within five days from filing of the request, notify the applicant of information that make possible to look up and obtain the disclosed information.

(2) In the event that the applicant insists on having access to previously disclosed information, the obliged person shall provide it. In that event, the period for providing access to information shall commence on the day the applicant stated it insists on a direct access to information.

Limitations of access to information

Section 8 **Protection of classified information**

If the requested information has been classified in accordance with a special law¹²⁾ or has been subject to bank secret or tax secret under a special law¹²⁾, and the applicant has no authorisation, the obliged person shall not disclose such information, but shall quote the reference to the respective legal regulation.¹²⁾

¹²⁾ For instance, Act No. 215/2004 Coll. on the Protection of Classified Information and on Amendments and Supplements to Certain Acts; Sections 91 to 93a of Act No. 483/2001 Coll. on Banks and on Amendments and Supplements to Certain Acts, as amended; Section 40 of Act of the National Council of the Slovak Republic No. 566/1992 Coll. on the National Bank of Slovakia, as amended; Section 122 of Penal Code; Section 23 of Act of the Slovak National Council No. 511/1992 Coll. on the Administration of Taxes and Fees and on Changes in the System of Territorial Financial Bodies, as amended

Section 9 **Protection of person and personal data**

(1) Information relating to personality and privacy of a natural person, private letters, pictures and photographs, and video and audio recordings relating to a natural person or its personal expressions shall be disclosed by the obliged person only if it is stipulated by a special law, or with the prior written consent of the person concerned. In the event that the person concerned is dead, the consent may be given by a close person.¹³⁾ This is without prejudice to the provisions of special regulations.¹⁴⁾

(2) Information on personal data of a natural person that is processed by information system under the conditions stipulated by a special law⁹⁾ shall be disclosed by the obliged person only if it is stipulated by the law or upon the prior written consent of the person concerned. In the event that the person concerned doesn't have legal capacity, the consent may be given by his/her legal representative.¹⁶⁾ In the event that the person concerned is dead, the consent may be given by a close person.¹³⁾

(3) In order to inform the public, the obliged person shall disclose personal data of natural persons processed by information system under the conditions stipulated by a special law⁹⁾, namely personal data of officials^{16a)}, members of municipal council^{16b)}, superiors in civil service^{16c)}, experts performing tasks for members of the Government of the Slovak Republic, President of the Slovak Republic, Chairman of the National Council of the Slovak Republic or Vice-chairman of the National Council of the Slovak Republic^{16d)}, executives performing works in public interest^{16e)}, executives employed by public authority^{16f)}, superiors in service relationship^{16g)} or members of the Evaluation committee or of other similar body who take part in the decision-making on the use of public funds^{16h)}. In accordance with the first sentence, personal data shall be disclosed to the extent as follows:

- a) decree,
- b) first name,
- c) last name,
- d) function and the date of designation or appointment to an office,
- e) position and the date of taking up work,
- f) place of the performance of office or work and a body in which the function or work is carried out,
- g) salary, wage or wage conditions and other financial elements awarded for the performance of office or work if paid from state budget or other public budget.

(4) Personal data of a person who is a superior in service relationship^{16g)} shall be disclosed by the obliged person to the extent and for the purpose under paragraph 3 only if such disclosure is not at variance with confidentiality obligation under special regulations¹⁶ⁱ⁾ and does not endanger security or defence of the Slovak Republic, protection of public order or the performance of tasks by these persons or by bodies in which they carry out their activity; the provision of Section 13 shall not apply.

¹³⁾ Section 116 of the Civil Code

¹⁴⁾ Sections 11 to 16 of the Civil Code

¹⁶⁾ Sections 26 to 30 of the Civil Code

^{16a)} Section 2, paragraph 1 of Constitutional Act No. 357/2004 Coll. on Public Interest Protection at Performance of Public Functions

^{16b)} Act of the Slovak National Council No. 369/1990 Coll. on Municipalities, as amended

^{16c)} Section 5, paragraphs 3 to 5 and Section 9 of Act No. 312/2001 Coll. on Civil Service and on Amendments and Supplements to Certain Acts, as amended

^{16d)} Section 25, paragraph 2b) of Act No. 312/2001 Coll., as amended

^{16e)} Section 5, paragraph 1 of Act No. 552/2003 Coll. on the Performance of Works in Public Interest, as amended

^{16f)} Section 9, paragraph 3 of the Labour Code

^{16g)} For instance, Act No. 73/1998 Coll. on the Civil Service of Members of the Police Force, the Slovak Intelligence Service, the Court Guards and Prison Wardens Corps and the Railway Police, as amended

^{16h)} Section 2a of Act No. 523/2004 Coll. on Budgetary Rules of Public Administration and on Amendments and Supplements to Certain Acts

¹⁶ⁱ⁾ For instance, Act of the National Council of the Slovak Republic No. 46/1993 Coll. on the Slovak Intelligence Service, as amended; Act of the National Council of the Slovak Republic No. 198/1994 Coll. on Military Intelligence, as amended; Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Force, as amended

Section 10 **Protection of trade secret**

(1) The obliged person shall not disclose any information classified as a trade secret.¹⁷⁾

(2) Disclosure of the following information shall not be deemed as a violation of or danger to a trade secret:

- a) information related to a significant impact on health of the population, world cultural and natural heritage¹⁸⁾, environment, including biological diversity and ecological stability,¹⁹⁾
- b) information on environmental pollution,²⁰⁾
- c) information obtained through public funds or relating to the use of public funds, or to the disposal of state property or the property of municipality,
- d) information on state assistance²¹⁾ and information under Section 3, paragraph 2.

¹⁷⁾ Sections 17 to 20 of the Commercial Code; Section 122 of Penal Code, as amended by Act No. 100/1996 Coll. and by Act No. 13/1998 Coll.

¹⁸⁾ Communication of the Federal Ministry of Foreign Affairs No. 159/1991 Coll. on concluding the Treaty on Protection of the World Cultural and Natural Heritage

¹⁹⁾ Communication of the Ministry of Foreign Affairs of the Slovak Republic No. 34/1996 Coll. on concluding the Treaty on Biological Diversity

²⁰⁾ Section 8, paragraph 1 of Act No. 17/1992 Coll. on the Environment

²¹⁾ Act No. 231/1999 Coll. on State Assistance

Section 11

Other limitations of access to information

(1) The obliged person shall limit the disclosure of information or not disclose information, if:

- a) it was obtained from a person who is not obliged to provide information and who notified the obliged person in writing that it disapproves of the disclosure of information. If the person authorised to give consent to the disclosure of information fails to respond to the notice of the obliged person within seven days from the delivery of the notice, it shall be deemed that the person approved of the disclosure of information. The person must be notified of the consequences in the notice,
- b) it is disclosed under a special law²²⁾; if a special law stipulates the disclosure of such information in a period set in advance, it shall be disclosed only within this period,
- c) it may violate intellectual property rights under a special regulation²³⁾, except for the situation when the person authorised under the special regulations²³⁾ gives consent to the disclosure of information upon the notification of the obliged person,
- d) it concerns the decision-making power of the courts, including international judicial authorities or law-enforcement bodies under special regulations²⁴⁾, except for information on the decision or the result of proceedings, unless the provision of such information is prohibited by special regulations,²⁴⁾
- e) it concerns the habitat of protected species of plants and animals, minerals and fossils and there is a threat of inappropriate disturbance, damage or destruction,
- f) it is at variance with the legislation of the European Communities and the European Union or with the international treaty that is binding upon the Slovak Republic,^{24a)}
- g) it concerns the performance of control, supervision or inspection by public authorities under special regulations^{24b)}, except for information on the decision or any other result of control, supervision or inspection, unless the provision of such information is prohibited by special regulations.^{24b)}

(2) The provision of letter a) shall not apply to information obtained through public funds, or information concerning the use of public funds, or information concerning the disposal of state property or the property of municipality.

(3) When disclosing information obtained by the obliged person from a third party with the aim to perform tasks by virtue of a special act²⁵⁾ under which the obliged person is bound to keep secrecy or respect other limitations protecting information from being disclosed or misused, but the information may be provided under this Act, the obliged person shall provide only the information that is directly connected with its tasks.

²²⁾ For instance, Act No. 540/2001 Coll. on State Statistics; Section 36 of Act No. 747/2004 Coll. on Supervision of Financial Market and on Amendments and Supplements to Certain Acts; Act of the Slovak National Council No. 81/1992 Coll. on the Czech-Slovak Press Agency of the Slovak Republic, as amended by Act No. 442/2003 Coll.; Act No. 619/2003 Coll. on the Slovak Radio; Act No. 16/2004 Coll. on Slovak Television

²³⁾ For instance, Act No. 383/1997 Coll. the Copyright Act and Act amending and supplementing Customs Act, as amended; Act No. 527/1990 Coll. on Inventions, Industrial Designs and Improvement Proposals; Act No. 478/1992 Coll. on Utility Models; Act No. 132/1989 Coll. on the Protection of Rights to New Plant Varieties and Animal Breeds; Act No. 529/1991 Coll. on the Protection of Topographies of Semiconductor Products

²⁴⁾ For instance, Penal Code; Code of Civil Procedure; Act No. 757/2004 Coll. on Courts and on Amendments and Supplements to Certain Acts; Act of the National Council of the Slovak Republic No. 38/1993 Coll. on the Organisational Structure of the Constitutional Court of the Slovak Republic, and on the Proceedings Brought to the Court and on the Positions of its Judges, as amended

^{24a)} For instance, Section 38.1 of Protocol No. 18 on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty establishing the European Community, annexes to the Treaty of Accession of the Slovak Republic to the European Union (Communication No. 185/2004 Coll.)

^{24b)} For instance, Act of the National Council of the Slovak Republic No. 10/1996 Coll. on the Control in State Administration, as amended; Act No. 747/2004 Coll. on Supervision of Financial Market and on Amendments and Supplements to Certain Acts, as amended by Act No. 340/2005 Coll.; Act of the National Council of the Slovak Republic No. 39/1993 Coll. on the Supreme Audit Office of the Slovak Republic, as amended; Act No. 541/2004 Coll. on the Peaceful Use of Nuclear Energy (Nuclear Act) and on Amendments and Supplements to Certain Acts

²⁵⁾ For instance, Act of the National Council of the Slovak Republic No. 314/1996 Coll. on the Prosecution Authority, as amended; Act of the Slovak National Council No. 71/1986 Coll. on the Slovak Trade Inspection, as amended; Act of the Slovak National Council No. 126/1985 Coll. on Fire Protection

Section 12

Terms of limitation

The obliged person shall exercise any limitation of the right to information by making the requested information, including accompanying information, available, after excluding the information stipulated by law. The entitlement to refuse the disclosure of information shall only last as long as the reason for non-disclosure exists.

Section 13

Disclosure of information under this Act shall not be regarded as a breach of confidentiality obligation under a special law.²⁶⁾

²⁶⁾ For instance, Section 73, paragraph 2b) of Act No. 65/1965 Coll., Labour Code, as amended; Section 34, paragraph 4 of Act No. 229/1992 Coll. on Commodity Exchanges, as amended; Section 10, paragraph 2 of Act No. 124/1992 Coll. on Military Police; Section 54, paragraph 3 of Act No. 335/1991 Coll., as amended; Section 15, paragraph 3 of Act of the National Council of the Slovak Republic No. 38/1993 Coll., as amended; Section 16 of Act of the National Council of the Slovak Republic No. 39/1993 Coll. on the Supreme Audit Office of the Slovak Republic; Section 12, paragraph 1 of Act of the National Council of the Slovak Republic No. 180/1996 Coll. Customs Act, as amended; Sections 40 and 41 of Act of the National Council of the Slovak Republic No. 566/1992 Coll. on the National Bank of Slovakia, as amended; Section 11, paragraph 2k) of Act of the National Council of the Slovak Republic No. 10/1996 Coll. on the Control in State Administration; Section 80, paragraph 1 of Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Force, as amended

Disclosure of information upon request

Section 14

Request for disclosure of information

- (1) The request may be filed in writing, orally, by fax, e-mail or in any other technically reasonable way.
- (2) The request must include the name of the obliged person, first name, last name, name or business name, address or registered office of the applicant, the information concerned and the way of disclosure of information suggested by the applicant.
- (3) In the event that the request fails to meet the requirements stipulated in paragraph 2, the obliged person shall invite the applicant without any delay to complete the request within a period of not less than seven days. The obliged person shall instruct the applicant how to complete the request. If the applicant fails to complete the request in spite of the obliged person's notice and information cannot be provided due to this imperfection, the obliged person shall set the request aside.
- (4) The request is regarded as filed on the day the obliged person with appropriate competence was notified.
- (5) The obliged person shall confirm the filing of the request in writing and notify the applicant of the estimated charge for disclosure of information, if required.

Section 15
Transfer of request

- (1) If the obliged person doesn't have the requested information available and knows where it is possible to obtain the information, it shall transfer the request within five days from the delivery of the request to the obliged person that have the requested information available, otherwise it shall reject the request by a decision (Section 18).
- (2) The obliged person shall notify the applicant of the transfer of request without any delay.
- (3) The period for compliance with request shall commence anew on the day the obliged person received the transferred request.

Section 16
Disclosure of information upon request

- (1) Information shall be disclosed mainly orally, by inspection of files, including the possibility to make copies or notes, by downloading data to data carrier, by providing copies of the original with requested information, by telephone, fax, post, e-mail. In the event that the information cannot be provided in a way required by the applicant, the obliged person and the applicant shall agree on a different way of providing the information.
- (2) The obliged person shall enable anybody to make copies of and notes and abstracts from files and documents without proving legal or other reason or interest.
- (3) The obliged person shall take measures to prevent the breach of obligations under Sections 8 to 12 by inspection of documents.

Section 17
Period for compliance with request

- (1) The obliged person shall comply with the request for information without undue delay, but not later than eight working days after filing of the request or after the day the applicant removed imperfections of the request (Section 14, paragraphs 2 and 3), unless otherwise stipulated herein.
- (2) The obliged person shall be entitled to extend the period (paragraph 1) for serious reasons by a maximum of eight working days. The following shall be regarded as serious reasons:
 - a) searching for and gathering of required information on a place other than the headquarters of the obliged person complying with the request,
 - b) searching for and gathering of large amount of separate or diverse information requested in a single request,
 - c) provable technical problems related to the search and disclosure of information that are expected to be removed within the extended period.
- (3) The obliged person shall notify the applicant of the extension of the period without undue delay, not later than before the expiration of the period (paragraph 1). The notice must include the reasons leading to the extension of the period.

Section 18
Compliance with request and issuance of decision

- (1) If the obliged person provides the applicant with required information to the extent and in the manner under Section 16 within the statutory period, the obliged person shall issue a decision that is to be recorded in file. No appeal is possible against this decision.
- (2) If the obliged person fails to satisfy the request, even partially, it shall issue a decision to that effect within the statutory period. The obliged person shall not issue a decision if the request was set aside (Section 14, paragraph 3).

(3) If the obliged person fails to provide information within the period for compliance with request, or to issue a decision, or provide access to information, it shall be deemed that the obliged person issued a decision rejecting the provision of information. In this instance, the decision shall be regarded as delivered on the third day after the expiration of the period for compliance with request (Section 17).

(4) If the obliged person (Section 2, paragraph 3) fails to satisfy the request, even partially, it shall propose, not later than within three days, the motion to issue the decision (paragraph 2) with the person that established the obliged person or with which the obliged person made an agreement on the performance of tasks in the area of environmental care.

Section 19 Remedies

(1) Parties to the proceeding may file appeal against the obliged person's decision rejecting the provision of requested information within fifteen days from the delivery of a decision note or the expiration of the period for compliance with request under Section 17. The appeal shall be filed with the obliged person that issued or should have issued the decision.

(2) The decision on the appeal against the decision of the obliged person shall be made by the superior of the obliged person that issued or should have issued the decision. If it is a decision of municipal authority, the decision on the appeal shall be made by the mayor (city mayor). It shall be possible to file an appeal against the decision of a central body of the state administration, which will be decided by the head of a central body of the state administration.

(3) The appellate body shall decide on the appeal within fifteen days from the delivery of the appeal by the obliged person. If the appellate body fails to make decision within this period, it shall be deemed that it issued the decision rejecting the appeal and confirming the contested decision; the decision shall be regarded as delivered on the second day after the expiration of the period for the issuance of a decision.

(4) The decision rejecting the request can be examined in legal proceedings under a special law.²⁷⁾

²⁷⁾ Section 244 et seq. of the Code of Civil Procedure

Section 20 Registration of requests

The obliged person shall register the requests in order to provide data necessary to review the procedure of compliance with requests, and data on most frequently requested information. The register shall contain mainly the following data:

- a) the date of filling of the request,
- b) information requested and the suggested way of disclosure,
- c) the result of compliance with request (provision of information, issuance of decision or transfer of the request),
- d) filing of an appeal.

Section 21 Payment of costs

(1) Information shall be provided free of charge, with the exception of payments not higher than the costs of material for making copies, the costs of technical data carriers and delivery of information to the applicant.

(2) The obliged person may forgive the charges.

(3) The details on the costs of disclosure shall be regulated by a generally binding legal regulation of the Ministry of Finance of the Slovak Republic.

(4) The payments of costs shall be regarded as the income of the obliged person.

Section 21a

Offences

(1) An offence is committed by a person who

- a) intentionally issues and discloses untrue or inaccurate information,
- b) gives rise to the violation of the right to information by issuing decision, order or any other measure,
- c) breaches any other obligation stipulated in this Act.

(2) A fine up to SKK 50,000 may be imposed for an offence under paragraph 1 and relevant activity banned for up to two years.

(3) An offence under paragraph 1 may only be heard upon a motion of an injured person, its legal representative or a guardian (hereinafter referred to as the "Petitioner"). The Petitioner shall be a participant in the hearing of an offence.

(4) The motion must include the name of an injured person, the name of a person described by the Petitioner as an offender, the date and the way in which the offence was committed.

(5) The offences under this Act shall be heard by a district office.

(6) A general regulation on offences^{27a)} shall apply to offences and their hearing.

^{27a)} Act of the Slovak National Council No. 372/1990 Coll. on Offences, as amended

Common, transitional and final provisions

Section 22

(1) Unless otherwise stipulated herein, general regulations on administrative proceedings shall apply to the proceedings under this Act.²⁸⁾

(2) Disclosure of information from state archives shall be governed by a special regulation.²⁹⁾

²⁸⁾ Act No. 71/1967 Coll. on Administrative Procedure (Administrative Procedure Code)

²⁹⁾ Act of the Slovak National Council No. 149/1975 Coll., as amended

Section 22a

This Act transposes the legislation of the European Communities and the European Union stipulated in the Annex.

Section 22b

Mandatory disclosure of information under Section 5, paragraph 6 and paragraph 8 shall apply to the transfer or passage of property that took place after 2 January 2006, and to the motions to commence proceedings delivered after 2 January 2006. Disclosure of information under Section 5, paragraph 6 and paragraph 8 shall also apply, under the terms and subject to the conditions set by this Act, to the transfer or passage of property that took place before 2 January 2006 and to the motions to commence proceedings delivered before 2 January 2006.

Section 23

Repealing provision

This Act repeals Act of the National Council of the Slovak Republic No. 171/1998 Coll. on Access to Environmental Information.

Article II

Act of the Slovak National Council No. 372/1990 Coll. on Offences, as amended by Act No. 524/1990 Coll.; Act of the Slovak National Council No. 295/1992 Coll.; Act of the Slovak National Council No. 266/1992 Coll.; Act of the Slovak National Council No. 511/1992 Coll.; Act of the National Council of the Slovak Republic No. 237/1993 Coll.; Act of the National Council of the Slovak Republic No. 42/1994 Coll.; Act of the National Council of the Slovak Republic No. 248/1994 Coll.; Act of the National Council of the Slovak Republic No. 249/1994 Coll.; Act of the National Council of the Slovak Republic No. 250/1994 Coll.; Act of the National Council of the Slovak Republic No. 202/1995 Coll.; Act of the National Council of the Slovak Republic No. 207/1995 Coll.; Act of the National Council of the Slovak Republic No. 265/1995 Coll.; Act of the National Council of the Slovak Republic No. 285/1995 Coll.; Act of the National Council of the Slovak Republic No. 160/1996 Coll.; Act of the National Council of the Slovak Republic No. 168/1996 Coll.; Act No. 143/1998 Coll.; Act No. 319/1998 Coll. shall be amended as follows:

1. Section 42a shall be inserted after Section 42 as follows:

“Section 42a Violation of the right to information

(1) Any person intentionally issuing and disclosing untrue or inaccurate information, or breaching any obligation stipulated in a special regulation^{3a)}, or giving rise to the violation of the right to information by issuing a decision, order or any other measure, shall be guilty of an offence.

(2) A fine up to SKK 50,000 may be imposed for an offence under paragraph 1 and relevant activity banned for up to two years.”

The footnote to reference 3a shall read:

“^{3a)} Act of the National Council of the Slovak Republic No. 211/2000 Coll. on Free Access to Information and on Amendments and Supplements to Certain Acts (Freedom of Information Act).”

2. In Section 68, paragraph 1, phrase “Section 42a and” shall be inserted after the words “as well as offences under”.

Article III

Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Charges, as amended by Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 224/1996 Coll., Act No. 70/1997 Coll., Act No. 1/1998 Coll., Act No. 232/1999 Coll. shall be amended as follows:

Section 4 paragraph 2e) shall read:

“e) on free access to information.”

Article IV

Act of the National Council of the Slovak Republic No. 287/1994 Coll. on Nature and Landscape Protection, as amended by Act of the National Council of the Slovak Republic No. 222/1996 Coll. shall be amended as follows:

Paragraphs 2 and 3 in Section 49 shall be omitted. The heading of paragraph 1 shall be omitted.

Article V

Act No. 17/1992 Coll. on the Environment, as amended by Act of the National Council of the Slovak Republic No. 127/1994 Coll. and by Act of the National Council of the Slovak Republic No. 287/1994 Coll. shall be amended as follows:

1. Sections 33a and 33b shall be inserted after Section 33 as follows:

SPECIAL PROVISIONS ON ENVIRONMENTAL INFORMATION

Section 33a

Disclosure of information on environmental pollution

(1) Any natural person licensed to conduct business or legal entity obliged under special regulations, or resolutions based on such regulations, to measure the amount of specified emissions into the air or water, or to monitor any other impacts of the facility run by such person on the environment, shall be obliged to disclose the results of these measurements and observations in generally comprehensible form and on generally easily accessible place on a regular basis within 10 days after the end of each month when such obligation applied, and disclose a summary within 30 days after the end of a calendar year.

(2) The published results of measurements and observations must show clearly the extent of environmental pollution caused by the respective facility and the relation of measured values to the legal or permitted limits.

(3) An obligation to inform the public without any delay shall also apply to a natural person licensed to conduct business or to a legal entity that gravely endangered or caused damage to the environment, especially as a result of any accident of the facility, fire or traffic accident. The information shall include, to the extent known, a brief description of the incident, its causes, extent of damage or danger to the environment or its individual parts and adopted remedial measures. The form and extent of published information shall correspond with the type, seriousness and extent of danger or damage to the environment and with the capacity of the obliged person.

(4) The performance of the obligation under paragraph 3 is without prejudice to the reporting duty or any other obligation under special regulations.²⁾

Section 33b

State of the Environment Report

(1) The Ministry of Environment of the Slovak Republic shall annually publish a report on the state of the environment in the Slovak Republic. The respective central bodies of state administration of the Slovak Republic³⁾ shall provide the Ministry with necessary materials.

(2) The Ministry shall publish the report under paragraph 1 by 15 December of the following year. The respective central bodies shall provide the materials by 31 August of the following year.

(3) The report under paragraph 1 shall be available at the Ministry of Environment of the Slovak Republic, at the Slovak Environmental Inspection, as well as at regional and district offices.

2. The footnotes to references 2 and 3 shall read:

²⁾ For instance, Section 5 of Act of the Slovak National Council No. 51/1988 Coll. on Mining Activities, Explosives and State Mining Administration, as amended by Act of the Slovak National Council No. 499/1991 Coll.; Section 7, paragraph 1b) of Act No. 309/1991 Coll., as amended by Act of the National Council of the Slovak Republic No. 148/1994 Coll.; Section 8 of Act of the National Council of the Slovak Republic No. 330/1996 Coll. on Occupational Health and Safety; Section 51 of Act of the National Council of the Slovak Republic No. 315/1996 Coll. on Road Traffic

³⁾ Act of the Slovak National Council No. 347/1990 Coll. on the Organisational Structure of Ministries and Other State Administration Bodies of the Slovak Republic, as amended.”

Article VI

This Act shall come into force on 1 January 2001.

Act No. 747/2004 Coll. shall come into force on 1 January 2006, except for the provisions of Articles XVII, XVIII, XIX and XX that shall come into force on 1 January 2005, and except for the provisions of Article I, Section 45 paragraph 5 third sentence and Article XII, paragraph 1 (Section 21 paragraph 2d), paragraph 3 (Section 71a) and paragraph 4 (Section 72a) that shall come into force on 1 February 2005.

Act No. 628/2005 Coll. shall come into force on 2 January 2006.

Rudolf Schuster, m.p.

Jozef Migaš, m.p.

Mikuláš Dzurinda, m.p.

Annex to Act No. 211/2000 Coll., as amended

LIST OF TRANSPOSED LEGISLATION OF THE EUROPEAN COMMUNITIES AND THE EUROPEAN UNION

1. Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31 December 2003).
2. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 041, 14 February 2003).