

THE LAW OF THE KYRGYZ REPUBLIC

Bishkek, December 5, 1997 # 89

On guarantees and free access to information

*(As amended by the Laws of the Kyrgyz Republic dated October 18, 2002 # 147,
December 28, 2006 # 214, December 29, 2016 # 224, March 18, 2017 # 47)*

Article 1. Purposes of the Law

This law shall regulate relations, arising with connection to realization of the right of anyone to search, receive, investigate, produce, give and disseminate the information freely and unimpededly.

Article 2. Law on guarantees and free access to information

The legislation on guarantees and free access to information consists of the Constitution of the Kyrgyz Republic, this law and other legislative acts.

Peculiarities related to access to information held by state bodies and local self-government bodies are also regulated by the law of the Kyrgyz Republic "On Access to information held by state bodies and local self-government bodies of the Kyrgyz Republic".

(As amended by the Law of the Kyrgyz Republic dated December 28, 2006 # 214)

Article 3. Guarantees of access to information

Everyone is guaranteed an access to information.

The state protects everyone's right to search, receive, investigate, produce, give and disseminate information.

Information access and dissemination shall be restricted by the law only.

(As amended by the Law of the Kyrgyz Republic dated December 28, 2006 # 214)

Article 4. Main principles of the free access to information

Main principles of the free access to information are accessibility, objectivity, timeliness, openness, and authenticity of the information.

Article 5. Application for information

Everyone has a right to apply for information by themselves or through their legal representatives. Application may be submitted in a written form.

The written application must contain a full name and address of the applicant, name or character of the inquired information.

Written inquiries are to be registered.

Peculiarities related to application for information held by state bodies and local self-government bodies are also regulated by the law of the Kyrgyz Republic "On Access to information held by state bodies and local self-government bodies of the Kyrgyz Republic".

(As amended by the Law of the Kyrgyz Republic dated December 28, 2006 # 214)

Article 6. Provision with the access to information

State bodies, self-government bodies, public organizations, enterprises, establishments and state officials are obliged to ensure that everyone has a possibility to study documents and other materials, regarding his rights and legal interests. Access to information shall be provided through:

1) publication and dissemination of appropriate materials;

1-1) awareness raising and outreach to the media on socially significant resolutions, including regulatory legal acts, imposing new responsibilities on citizens, legal entities, establishing or reinforcing liability;

2) providing information to inquiries;;

3) disclosure of information about activities;

4) providing direct access to documents and materials;

5); providing direct access to open meetings of state bodies and local authorities;

6) any other means not prohibited by the legislation of the Kyrgyz Republic.

State bodies and local self-government bodies that have adopted resolutions referred to in clause 1-1 of part 2 of this article, or state bodies which competence includes issues related to these resolutions, shall take measures for accessibility and timely awareness-raising as necessary.

(As amended by the Laws of the Kyrgyz Republic dated December 28, 2006 # 214, December 29, 2016 # 224)

Article 7. Provision with the information and payment for it

Inquired information that touches on the rights and legal interests of the person shall be provided free of charge.

Other information can be charged for by agreement between the parties.

Article 8. Openness of the information

State, public and private media ensure accessibility of information to all citizens and organizations, without privileging any special categories of information users.

Openness of the information includes free access to periodicals, informational television and radio programs, as well as possibility to study documents and other materials in cases provided for by law. Regulations of this article shall not extend to confidential information and the information comprising state, commercial and official secret.

Article 9. Information that is not subject for dissemination

State bodies, self-government bodies, public organizations, enterprises, establishments and state officials cannot provide information containing state or other protected by the law secrets and other restricted information.

(As amended by the Law of the Kyrgyz Republic dated December 28, 2006 # 214)

Article 10. List of information not to be publicly accessed

No provision shall be made for the use by mass media:

- 1) to disclose state and commercial secrets;
 - 2) to call for violent overthrow or change of the existing constitutional system, violation of sovereignty and territorial integrity of the Kyrgyz Republic and any other state;
 - 3) to propagate war, violence and cruelty, national, religious exclusivity and intolerance towards other peoples and nations;
 - 4) to insult religious feelings of faith believers and worshipers;
 - 5) to distribute pornography;
 - 6) to use obscene expressions;
 - 7) to distribute materials violating norms of civil and national ethics, insulting state symbols (coat of arms, flag, anthem);
 - 8) to encroach on honor and dignity of the individual;
 - 9) to disseminate wittingly false information;
- (As amended by the Law of the Kyrgyz Republic dated October 18, 2002 # 147)*

Article 11. Responsibility for authenticity of information

The mass media are obliged to check authenticity of information published and together with the source of information are responsible as is envisaged by the law for its trustworthiness.

Persons that infringed the right for information shall be liable in accordance with the law.

Article 12. The right to appeal

Action or inaction of state bodies, self-government bodies, public organizations, enterprises, establishments and state officials which limits the citizens' right to receive information can be appealed against in court in the manner prescribed by the Law of the Kyrgyz Republic "On the basis of administrative activities and procedures "

(As amended by the Law of the Kyrgyz Republic dated March 18, 2017 # 47)

Article 13. International treaties in in the field of guarantees and free access to information

If an international treaty of the Republic of Kyrgyzstan has established other rules from the ones provided by this Law, then the international treaty rules shall be applicable.

Article 14. Implementation of this Law

This Law shall enter into force on the date of its publication.

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President of the Kyrgyz Republic

A.Akayev

**Adopted by the Jogorku Kenesh of
the Kyrgyz Republic**

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