

LAW OF THE REPUBLIC OF AZERBAIJAN
“on the right to access to information”

№ 1024-IIQ, adopted on 30 September 2005
<http://e-qanun.az/framework/11142>

Chapter I.

General Provisions

Article 1. Purpose of the law

The purpose of this Law is to determine the legal basis for ensuring the right to information provided for in Article 50 of the Constitution of the Republic of Azerbaijan in a free, unimpeded and equal manner, based on the principles of an open society and democratic rule of law. consists of creating conditions.

Article 2. Freedom of information

2.1. Access to information is free in the Republic of Azerbaijan.

2.2. Everyone has the right to contact the owner of the information directly or through his representative, to choose the type and form of access to information.

2.3. Everyone who applies to the owner of the information:

2.3.1. to find out whether the requested information belongs to the owner of the information, to obtain auxiliary information to obtain it in the absence of this information;

2.3.2. The owner of the information has the right to receive the requested information freely, without obstacles and on equal terms for all.

2.4. Individuals have the right to have unimpeded access to documented information about themselves, to obtain it, to request clarifications in this information, to find out who is using the information and for what purpose.

2.4-1. Access to information is allowed on the condition that it protects the interests of the Republic of Azerbaijan in the political, economic, military, financial-credit and monetary policy, protection of public order, health and morality, protection of rights and freedoms of others, commercial and other economic interests. not to contradict the purposes of ensuring the reputation and impartiality of the court, the normal course of the criminal investigation.
[1]

2.5. The creation of a derivative information product from documented information obtained from information owners in accordance with the requirements of this Law, for other purposes, including for commercial purposes, is allowed provided that the primary source is referred to when creating derivative information.

Article 3. Basic concepts

3.0. The main concepts used for the purposes of this Law have the following meanings:

3.0.1. information - facts, opinions, information, news or other information created or obtained as a result of any activity, regardless of the date of creation, form of presentation and classification;

3.0.2. information on personal and family life (hereinafter - personal information) - facts, opinions, information about events, activities, situations that allow direct or indirect identification of the person;

3.0.3. public information - facts, opinions, information created or obtained in the process of performing public duties defined by laws or other normative legal acts;

3.0.4. information services - activities provided to provide information to anyone who makes a request;

3.0.5. owner of information - state bodies, municipalities, legal entities and individuals established regardless of the type of property, defined by Article 9 of this Law to ensure the right to information;

3.0.6. information request - a written or oral request for information;

3.0.7. a legal or natural person requesting information (hereinafter - the requester) applying for information in writing or orally;

3.0.8. Disclosure of information - dissemination of information in mass media, official publications, questionnaires or information booklets without request, placement in Internet information resources, announcement at briefings, press releases or conferences, announcement at official or mass events.

Article 4. Area of regulation of the law

4.1. This Law determines the following:

4.1.1. conditions, rules and forms of obtaining information, as well as grounds for refusal of the owner of information to provide such information;

4.1.2. restrictions on access to public information and rules of disclosure and presentation of the part of the information not regulated by other laws;

4.1.3. rules for exercising control over the organization of access to information.

4.2. This Law does not apply to:

4.2.1. information constituting a state secret defined by law;

4.2.2. To ensure access to archival documents in accordance with the Law of the Republic of Azerbaijan "On the National Archive Fund";

4.2.3. Proposals, applications and complaints regulated by the Law of the Republic of Azerbaijan "On Citizens' Appeals"; [2]

4.2.4. restrictions established by international agreements.

Article 5. Legislation of the Azerbaijan Republic on access to information

5.1. The legislation of the Azerbaijan Republic on access to information consists of the Constitution of the Azerbaijan Republic, this Law and other normative legal acts prepared in accordance with the requirements of this Law.

5.2. Other normative legal acts of the Azerbaijan Republic may not establish rules other than the requirements of this Law regarding access to information.

Article 6. Basic principles of access to information

6.1. The main principles of access to information are as follows:

6.1.1. providing information request freely, without obstacles and on equal terms for all;

6.1.2. legality of access to information;

6.1.3. duty of state bodies and municipalities to disclose information;

6.1.4. maximum openness of information;

6.1.5. providing information request as soon as possible and in the most appropriate way;

6.1.6. the acquisition of information does not contradict the purposes provided for in Article 2.4-1 of this Law; [3]

6.1.7. protection of the right to information by the state, including judicial protection;

6.1.8. free access to information, except as provided by this Law;

6.1.9. liability of information owners for violation of the right to information;

6.1.10. the restriction on access to information shall not be defined beyond the grounds giving rise to this restriction;

6.1.11. non-prosecution of officials for disclosing information about violations of public interest.

6.2. Except in cases when search operations are carried out, surveillance, video and photo recording, audio recording and other such actions by a person without the knowledge or protest of the person shall be punishable by law. [4]

Article 7. Documented information (document)

7.1. Documented information (hereinafter - the document) is considered to be any requisite information recorded on a material carrier in the form of text, sound or description and allowing identification, regardless of the source, place of storage, official status, type of property, created by the organization to which it belongs.

7.2. The owner of the information has the document, if:

7.2.1. if the document existing in the owner of the information does not belong to another information owner;

7.2.2. if the document existing in another information holder belongs to the information owner.

Article 8. Storage, compilation and protection of the document

8.1. The relevant executive authority shall establish rules for the storage, compilation and protection of documents.

8.2. The owner of the information shall be responsible for the organization of storage, compilation and protection of the documents in his possession in accordance with the rules specified in Article 8.1 of this Law.

8.3. The owner of the information shall determine the rules in accordance with the requirements of this Law and the Law of the Republic of Azerbaijan "On Personal Data" and ensure the implementation of these rules in order for the individual to get acquainted with personal data and, if necessary, make clarifications. [5]

Article 9. Owners of information

9.1. The following are considered to be information owners:

9.1.1. state bodies and municipalities;

9.1.2. legal entities performing public functions (including public legal entities), as well as private legal entities and individuals providing services in education, health, culture and social spheres by normative legal acts or on a contractual basis. [6]

9.2. Obligations of owners of information to legal entities and individuals defined in Article 9.1.2 of this Law applies only to information obtained as a result of performance of public functions or services provided in normative legal acts or on the basis of contract in education, health, culture and social spheres.

9.3. The following are considered equal to the owners of the information:

9.3.1. legal entities holding a dominant position in the commodity market, having a special or exclusive right or natural monopoly - on information on the terms of supply of goods and services and their prices, changes in those terms and prices;

9.3.2. non-profit organizations, extra-budgetary funds, as well as commercial associations in which the state is a member or participation - wholly or partly state-owned or dependent - on

information related to the use of funds provided from the state budget or property allocated to them.

Chapter II

Organization of access to information

Article 10. Duties of the owner of information

10.1. The owner of information shall be obliged to ensure the right of everyone to receive information from its information resources freely, without obstacles and on equal terms for all in the manner prescribed by this Law.

10.2. For this purpose, the owner of the information appoints an official on information issues, or creates a structural unit, provides information services.

10.3. Failure to appoint an information official or establish a structural unit shall not be grounds for refusal to provide information services.

10.4. Information owner:

10.4.1. provide the information request as soon as possible and in the most convenient way for the requester;

10.4.2. maintain a register of documents;

10.4.3. regularly inform the public about the implementation of public duties;

10.4.4. to disclose the public information to be disclosed in the manner and within the period established by this Law;

10.4.5. must assist the applicant;

10.4.6. inform the applicant about the restrictions on access to information;

10.4.7. protect information restricted by law;

10.4.8. not to provide untrue, incomplete or inaccurate information, and to check the accuracy and reliability of the information in case of doubt.

10.5. The information officer or structural unit performs the following functions:

10.5.1. carefully examines inquiries and makes decisions;

10.5.2. provides requests in the manner prescribed by this Law;

10.5.3. controls the provision of information services;

~~10.5.4. Prepares reports to be submitted to the Information Commissioner; [7]~~

10.5.5. investigates complaints sent to the owner of information and obtains a decision on obtaining information;

10.5.6. performs other duties related to the provision of information services.

~~10.6. Reports to the Commissioner for Information are submitted twice a year — in the first and seventh months of each current year. If requested by the Commissioner, the owner of the information must submit such reports in addition. [8]~~

Article 11. Responsibility for the organization of access to information

11.1. The head of the information owner shall determine the internal rules of procedure in connection with the organization of information services.

11.2. Owners of information provided for in Article 9 of this Law shall be responsible for the organization of access to information in accordance with the legislation.

11.3. If the owner of the information has not appointed an official on information issues or created a structural unit, the responsibility for the execution of the information request shall be borne by the person determined by the owner of the information to perform this function.

11.4. The responsibility for the disclosure of information in the manner prescribed by this Law shall be borne by the head of the owner of the information, unless the performance of this function is officially delegated to another person.

Article 12. Register of documents

12.1. The register of documents (hereinafter - the register) is an electronic collection of information that enters the owner of information, is created or obtained as a result of public duties, is registered and can be used by anyone.

12.2. The rules for creating, maintaining and periodically updating the register shall be determined by the relevant executive authority.

12.3. The owner of the information must register the following documents in the register within the period specified in this article:

12.3.1. documents received, sent or prepared within the department - the date of receipt, sending or preparation within the department;

12.3.2. legal acts - date of signing;

12.3.3. agreements - the date of entry into force.

12.4. Accounting documents, congratulatory letters, notices, memoranda, guarantees, as well as information about the programs of meetings, conferences, conferences and other public events or such events, various statistical reports are not recorded in the register of documents. [9]

12.5. In addition to those listed in Article 15.1 of this Law, the register shall include the following information:

12.5.1. method of receipt or sending of the document (by e-mail, mail, fax or in person);

12.5.2. type of document (request for information, proposal, application and complaint, report, normative act, etc.);

12.5.3. if any, restrictions on obtaining the document, etc.

12.6. The register must also indicate the period established by law for the execution of the document requiring consideration or response, the name of the structural unit, as well as the name and surname of the official who compiled the response.

12.7. The relevant executive authority shall establish rules for the use of the register in order to facilitate the use of the register and the search for the document.

Chapter III

Providing access to information on request

Article 13. Method of submission of information request

13.1. The requester submits the information request in the following way:

13.1.1. verbally by contacting the official of the owner of the information directly or by telephone;

13.1.2. by submitting the request in person or by writing to the owner of the information by mail, fax or e-mail.

Article 14. Forms of obtaining information

14.1. The applicant may request that the written request be provided in one of the following forms or in other forms available:

14.1.1. to enter the place allocated for acquaintance with the document;

14.1.2. copying the face of the document;

14.1.3. making a copy of the document or providing a certified copy of the document using the technical capabilities of the information owner;

14.1.4. making a copy of the document using the applicant's own technical capabilities;

14.1.5. submission of transcripts or other coded documents in a readable condition;

14.1.6. translation of the document;

14.1.7. transfer of a copy of the document to electronic media, etc.

14.2. The legal forms of access to information are as follows:

14.2.1. information provided in accordance with the requirements of this Law;

14.2.2. information provided by contract.

14.3. In the cases specified in Article 14.2.1 of this Law, access to information shall be provided free of charge, with payment or on preferential terms.

14.4. In cases specified in Article 14.2.2 of this Law, the period for submission of information shall be determined by mutual agreement of the owner of the information and the requester.

14.5. The owner of the information may refuse to execute the information request in the form specified in this request in the following cases:

14.5.1. in the absence of technical capabilities;

14.5.2. if execution is not possible due to the type of information carrier;

14.5.3. if the information to be provided on the basis of an oral request impedes the fulfillment of the main duties of the owner of the information, as it takes a long time.

14.6. 14.5.1 of this Law. and in the cases specified in Articles 14.5.2, the appropriate form of securing the request shall be chosen by the owner of the information and, if the contact information provided in the request allows, the matter shall be discussed with the requester.

14.7. If the official is not satisfied with the oral answer of the official or in the cases provided for in Article 14.5.3 of this Law, it is proposed to apply to the applicant in writing.

14.8. If the form of submission of information is not clear from the request and it is not possible to specify it within the period specified for the execution of the request, then the execution of the request is provided in the form chosen by the owner of the information.

Article 15. Request for access to information

15.1. The following should be indicated in the written information request:

15.1.1. name and surname of the applicant;

15.1.2. if the request is submitted by a legal entity, also the name of the legal entity;

15.1.3. contact information of the requester (postal or e-mail address, telephone or telefax number) so that the owner of the information can provide the request;

15.1.4. the content of the requested information, or the type or name of the document, the details of the document known to the applicant;

15.1.5. form of information presentation.

15.2. If the requester wishes to obtain personal information, he / she submits the request directly to the official of the owner of the information and submits an identity document.

15.3. When personal information is required, or when a government or municipal employee requests a job, the need for information must be justified. Provision of personal data is carried out in accordance with the Law of the Republic of Azerbaijan "On personal data". [10]

15.4. An applicant may not obtain information for personal purposes under the pretext of performing a duty or using a position of service, or may not use the information obtained while performing a duty for other purposes.

15.5. The applicant shall not be obliged to substantiate the need to obtain information, except for the cases specified in Articles 15.3, 21.2.1, 22.4 and 24.3 of this Law.

15.6. The written request shall be signed by the head of the individual or legal entity or their authorized representative.

15.7. Refusal to accept a written request is prohibited.

Article 17. Obligation of the owner of information to assist the requester

17.1. The owner of the information must clearly explain to the requester the terms, rules and methods of obtaining the information.

17.2. If the owner of the information does not have the requested information, he should assist the requester in locating it.

17.3. If the request does not specify what information is obtained or in what form this information is provided, the official must contact the applicant in order to clarify this in the manner prescribed by this Law.

17.4. An oral request of those who are unable to apply due to illiteracy or physical disability shall be made in writing by the officials of the owner of the information, indicating their names and positions, and shall be registered with the date.

Article 18. Registration of information request

18.1. The owner of the information shall register the information request on the day of its receipt and enter the information listed in Article 15.1 of this Law in the register specified in Article 12 of this Law.

18.2. The request for information is not registered in the following cases and is not answered in writing:

18.2.1. if the request is anonymous;

18.2.2. if the request is made orally.

18.3. The request is not considered anonymous if the legal entity is sent on a form with trademarks, or at least one of the contact details of the individual is provided.

Article 19. Study of information request

19.1. The request is carefully studied by the official of the owner of the information. For this purpose:

19.1.1. whether the request is compiled in accordance with the requirements of this Law;

19.1.2. whether the required information is in the information resources;

19.1.3. if the required information is not available in the information resources, where the request will be sent;

19.1.4. if the required information is in the information resources, whether it is related to the information whose access is restricted;

19.1.5. if the required information is open, but its acquisition is part of the information restricted by law, the possibility of allocating that information;

19.1.6. whether it is possible to provide the required information in the form specified in the request;

19.1.7. the provision of information on a paid, unpaid or preferential basis is specified and a decision is made on the outcome of the investigation.

Article 20. Decision on the results of the investigation

20.1. The official of the owner of the information makes one of the following decisions depending on the results of the investigation:

20.1.1. refuses to execute the request;

20.1.2. ensures the execution of the request;

20.1.3. sends the request to the owner of the relevant information.

Article 21. Refusal to execute an information request

21.1. The owner of the information refuses to execute the request in the following cases:

21.1.1. if the request relates to information whose access is restricted by law, or if the applicant does not have the authority to obtain this information or, if required by this Law, the applicant has not submitted an identity document;

21.1.2. if the owner of the information does not have the requested information or has difficulty in identifying the owner of that information;

21.1.3. if it is not possible to clarify what information the requester wants to obtain.

21.2. The owner of the information may refuse to execute the request in the following cases:

21.2.1. if the applicant has already been provided with such information and the request does not substantiate the need to obtain the information again;

21.2.2. if the information requested from legal entities and individuals provided for in Articles 9.1.2 and 9.3 of this Law does not relate to the performance of the duties specified in Articles 9.1.2 and 9.3 of this Law;

21.2.3. if the execution of the request seriously hinders the fulfillment of the public duties imposed on the owner of the information or causes unreasonably large expenses due to the large volume of the requested information;

21.2.4. if it is not possible to ensure the execution of the request at once;

21.2.5. if the execution of the request requires systematization, analysis or documentation of the information.

21.3. The response to the refusal to provide the information request shall be made in a clear and substantiated manner, indicating the relevant articles of the legislation of the Republic of Azerbaijan. [11]

Article 22. Provision of information request

22.1. The owner of the information shall create conditions for obtaining the information or provide the information to the requester in accordance with the requirements of Article 14.1 of this Law.

22.2. If access to the required information is part of a document restricted by law, only the public part may be provided.

22.3. The owner of the information who provided incomplete or inaccurate information must deliver it to the requester free of charge, making free additions to the information at the request of the requester.

22.4. If the official confirmation of the information is required for the exercise of the applicant's rights and freedoms or the performance of his / her duties, the owner of the information must provide that information, including the disclosed information, together with the official confirmation.

Article 23. Sending information request accordingly

23.1. If the requested information is not available to the owner of the information, he must identify the owner of the relevant information and send it to him without delay, but not later than 5 working days, informing the requester.

23.2. Owners of information provided for in Articles 9.1.2 and 9.3 of this Law may not send the request, respectively, provided that they inform the requester without delay, but not later than 5 working days, that they do not have the requested information.

Article 24. Term of execution of information request

24.1. The request for information shall be executed as soon as possible, but not later than 7 working days.

24.2. If this information loses its urgency within this period, the request must be answered immediately, and if this is not possible, no later than 24 hours.

24.3. In cases where there is a real threat to human life, health or liberty, information that requires a certain amount of time to search and prepare shall be provided within 48 hours (excluding rest, voting, non-working holidays and days of national mourning). [12]

24.4. If the request is incomplete or inaccurate, the official shall notify the applicant of the identified deficiencies within 5 working days.

24.5. The period of execution of the information request determined by this Law shall be calculated from the next business day following the day of registration of the request.

24.6. In cases specified in Article 24.4 of this Law, the deadline for execution of the request shall be from the next working day after the elimination of deficiencies, and in cases provided for in Article 23.1 of this Law, not later than the date of receipt of the request. calculated from the working day.

Article 25. Extension of the term of execution of the information request

25.1. If the owner of the information receives too many requests and therefore requires additional time to prepare the information, or to clarify the essence of the request, or to examine numerous documents to clarify the information, he may extend the execution period provided by this Law for an additional 7 working days.

25.2. The owner of the information shall inform the applicant within 5 working days, stating the reasons for the extension.

Article 26. Payment for access to information

26.1. The applicant shall not pay for access to the information if he / she gets acquainted with the information, copies it by hand or makes a copy using his / her technical capabilities, as well as in other cases where technical assistance is not provided.

26.2. There is no charge for accessing public information.

26.3. There may be a fee for the information service, provided that the amount of payment does not exceed the cost of preparation and submission of information.

26.4. Relevant executive authority in coordination with the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan: [13]

26.4.1. list of paid information services;

26.4.2. payment rules for preparation and submission of information;

26.4.3. cases of submission of information with advance payment;

26.4.4. the terms of the discount that can be made at the time of payment;

26.4.5. except as provided in Article 14.4 of this Law, determines the conditions and rules for securing information requests by contract.

Article 27. Consideration of the information request executed

27.1. The information request is considered executed in the following cases:

27.1.1. when the information is provided to the requester in the form and method provided by this Law;

27.1.2. when the request for information is sent accordingly and the applicant is informed about it;

27.1.3. when the opportunities for access to the disclosed information are explained to the applicant;

27.1.4. when the requester is given a reasoned response to the refusal to execute the information request.

Article 27-1. Complaint about refusal or improper execution of the information request

The applicant has the right to appeal to the court or the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan against the refusal or improper execution of the request. The owner of the information requesting the information shall explain to the requester this right and state it in the response (information) provided.

Article 28. Registration of execution and refusal to execute the information request

28.1. Execution and refusal to execute the information request shall be registered in the register.

28.2. In case of execution or refusal to execute the information request, the following information shall be included in the register:

28.2.1. name and surname of the official responsible for the execution of the request;

28.2.2. details of documents with copies, translations or extracts;

28.2.3. the date on which the request was executed or refused to be executed;

28.2.4. the grounds for refusal to execute the request established by this Law.

Chapter IV

Disclosure of information

Article 29. Obligation of the owner of information to disclose information

29.1. The owner of the information must disclose the following information, created or obtained as a result of the performance of public duties, in order to ensure the interests of society more easily and efficiently, to reduce the number of requests for information:

29.1.1. generalized statistical data, including generalized statistics of crimes and administrative offenses;

29.1.2. budget forecasts;

29.1.3. regulations on structural units of state bodies;

29.1.4. prepared instructions on the activities of state bodies and municipalities;

29.1.5. information on staffing tables of state bodies and municipalities, names, surnames, telephone numbers, e-mail addresses of officials working in these departments, as well as their education and specialties;

29.1.6. reports on the activities of state bodies and municipalities;

29.1.7. names and surnames, e-mail addresses of employees of governing bodies of legal entities (including public legal entities) performing public functions; [15]

29.1.8. information on conditions and results of state and municipal procurements, as well as sale of state and municipal property, change of property rights on it;

29.1.9. information on loans, grants, terms and conditions of use of information holders defined by Article 9.1 of this Law;

29.1.10. from the moment the draft normative legal acts are sent for approval or approval;

29.1.11. from the date of entry into force of normative legal acts;

29.1.12. reports on the activities of legal entities (including public legal entities) performing public functions, information on their income and expenses;

29.1.13. reports on the execution of the state budget and consolidated budget;

29.1.14. information on the state of the environment, damage to the environment, hazardous environmental impacts and environmental impact assessment; [16]

29.1.15. orders, decrees and decisions of state bodies and municipalities - from the date of entry into force of orders, decrees and decisions;

29.1.16. until the drafts of concepts, development plans and programs of public importance of the state are submitted for approval;

29.1.17. information on vacancies of state bodies and municipalities;

- 29.1.18. information on goods and services of state bodies and municipalities;
- 29.1.19. information on the use of funds provided from the state budget or property allocated to private legal entities established by state bodies and municipalities or operating with their participation;
- 29.1.20. programs of mass events;
- 29.1.21. information on changes in the services provided by state bodies and municipalities - no later than ten days prior to the change;
- 29.1.22. information on reception hours of heads of state and municipal bodies;
- 29.1.23. information on salary rates in force in state and municipal enterprises, instructions on remuneration of labor, as well as rules for payment of additional remuneration and special benefits;
- 29.1.24. information held by legal entities performing public functions (including public legal entities), as well as private legal entities and individuals serving in education, health, culture and social spheres on the basis of normative legal acts or on a contractual basis in connection with the performance of these functions;
- 29.1.25. Legal entities holding a dominant position in the commodity market, having a special or exclusive right or natural monopoly, information on the terms of supply of goods and services and their prices, changes in those terms and prices - at least 30 days left;
- 29.1.26. information on the use of funds provided from the state budget or property allocated to non-profit organizations, extra-budgetary funds, as well as commercial associations in which the state is a member or participation, in whole or in part;
- 29.1.27. information on public services provided to the population, as well as changes in their prices during the provision of services - until these changes are made;
- 29.1.28. judicial acts;
- 29.1.29. information on state registers to the extent provided by law;
- 29.1.30. register of information owners;
- 29.1.31. results of public opinion polls;
- 29.1.32. information on the property owner's property and property liability;
- 29.1.33. list of information constituting a state secret;
- 29.1.34. information, the disclosure of which is determined by a special law, international agreements or normative acts adopted on their basis, or other information that the owner of the information deems necessary to disclose.

29.2. Public information specified in Article 29.1 of this Law may not be the subject of an information request, except for the cases provided for in Article 22.4 of this Law.

Article 30. Methods of disclosure of information

30.1. The public information specified in Article 29.1 of this Law shall be disclosed in Internet information resources. Information on the annual financial activities of budget organizations, public legal entities established on behalf of the state, extra-budgetary state funds, 30 percent or more of shares (shares) owned by the state, as well as the use of funds from the state budget or property allocated to them The procedure for disclosure of information in Internet information resources shall be approved by the body (institution) determined by the relevant executive authority. [17]

30.2. The public information specified in Article 29.1 of this Law shall also include:

30.2.1. in the mass media;

30.2.2. in official publications;

30.2.3. by creating conditions for access to documents in libraries, public information centers, other places where public use is possible;

30.2.4. may be disclosed in other ways provided by the legislation.

Article 31. Selection of the method of disclosure of information

31.1. The owner of the information must disclose the public information in such a way that this information reaches everyone in need as soon as possible.

31.2. If the method of disclosure of public information is provided by a special law or international treaties, then the method provided for by that law or international treaty shall be applied when disclosing public information. If this duty also arises from the requirements of Article 29.1 of this Law, public information shall also be included in Internet information resources.

31.3. Information about the threat to human life, health and property, or the environment, other events and facts of public importance, in periodicals, television and radio programs and Internet information resources in order to prevent this threat and reduce its possible consequences. should disclose immediately.

Article 32. The task of creating Internet information resources

32.1. State bodies and municipalities shall create Internet information resources to disclose public information specified in Article 29.1 of this Law.

32.2. Relevant executive authorities should create conditions for the formation of Internet information resources of their subordinate state bodies. For this purpose, sectoral (corporate), regional, etc. Internet information resources can be created in the form of.

32.3. Owners of information specified in Articles 9.1.2 and 9.3 of this Law may create separate or joint information resources on the Internet for the purpose of disclosing public information.

32.4. Forms and rules for the creation of Internet information resources of state bodies and municipalities shall be determined by the relevant executive authority.

Article 33. Requirements to Internet information resources

33.1. Owners of information specified in Article 9.1 of this Law:

33.1.1. Communicate to the public through the mass media the relevant addresses or changes made to them, reflecting the information on the opportunities to get acquainted with Internet information resources;

33.1.2. Post the latest and most up-to-date information on Internet information resources;

33.1.3. refuse to place outdated, incomplete, inaccurate or confusing information in Internet information resources;

33.1.4. They ensure the reliable operation of Internet information resources.

33.2. The owner of the information must indicate the time of placement of the document in the Internet information resources and the date of publication in other ways.

33.3. Owners of information specified in Article 9 of this Law must create conditions for quick and easy access to public information posted on Internet information resources.

Chapter V.

The information is intended for service use

Article 34. Classification of information

34.1. According to the type of access, information is divided into publicly available and restricted information.

34.2. Information, access to which is not restricted by the law of the Republic of Azerbaijan, shall be considered public information.

34.3. Information restricted by law is confidential and confidential according to its legal regime.

34.4. State secrets, professional (doctor, lawyer, notary), commercial, investigative and judicial secrets, which are restricted in order to protect the legitimate interests of citizens, departments, enterprises and organizations and other legal entities, regardless of the type of property, are confidential. Personal information is divided into confidential and public categories according to the type of access.

Article 35. Grounds for considering information intended for official use

35.1. The owner of the information may consider the information intended for service use by restricting access to the information.

35.2. The owner of the information must consider the following information intended for service use within the period specified in this Law:

35.2.1. until the information collected on the criminal case or administrative offense case is submitted to the court or a decision is made to terminate the proceedings;

35.2.2. information collected in the course of state control until a decision is made on that issue;

35.2.3. until an agreement is reached on the completion of the information process, the early disclosure of which prevents or may impede the formation, development and successful completion of public policy;

35.2.4. information whose premature disclosure by a public authority will pose a serious threat or potential threat to the effectiveness of testing or financial audit - until the end of the test or financial audit;

35.2.5. information, the early disclosure of which will or may disrupt the exchange of views, the consultation process in the state body - until a final decision is made;

35.2.6. until the completion of a specific operation related to economic, monetary or financial activities, the disclosure of which may adversely affect the implementation of economic, monetary or financial policy of the state body;

35.2.7. information that will impede or may impede the administration of justice - until a court decision is made;

35.2.8. documents received from foreign countries or international organizations until mutual consent is obtained for the disclosure of the document;

35.2.9. information that may or may not pose a threat to the environment, damage or potentially damage components of the environment - until the causes of this threat are eliminated;

35.2.10. if disclosure harms the legitimate interests of the owner of the information, or if the contract concluded with private legal entities performing public functions stipulates that the information is intended for official use - information on technical solutions.

35.3. The owners of the information may, if they justify it, consider the following information intended for use of the service:

35.3.1. draft orders, decrees and decisions of the owners of information provided for in Article 9.1 of this Law - until the orders, decrees and decisions are submitted for adoption;

35.3.2. acts of legal entities specified in Article 9.3 of this Law on performance of duties provided for in Articles 9.3.1 and 9.3.2 of this Law and documents related to them - until these acts are adopted or signed.

35.4. The information provided for in Article 35.2 of this Law may be intended for official use only if the damage caused by the dissemination of information exceeds the public interest in that information.

Article 36. Procedure for considering information intended for official use

36.1. Documents intended for use of the Service and (or) the folder where they are stored shall be marked "For Service Use". Documents containing personal data and (or) the folder in which they are stored shall be marked "For service use. Personal data".

36.2. In both cases, the documents and (or) the folder in which they are kept must indicate the date on which the restriction came into force and expired.

Article 37. Restrictions on the consideration of information as intended for official use

37.1. Holders of information specified in Article 9.1 of this Law may not consider the following information intended for service use:

37.1.1. results of public opinion polls;

37.1.2. generalized statistics;

37.1.3. economic and social forecasts;

37.1.4. on emergencies, natural disasters and accidents endangering the life and health of citizens;

37.1.5. on the state of ecology, health, demography, education, culture, economy, including transport and agriculture, as well as crime;

37.1.6. reports on the activities of the owner of information, as well as on the quality of performance of duties and shortcomings;

37.1.7. on privileges, privileges and compensations provided by the state to citizens, officials, legal entities regardless of the type of property;

37.1.8. On the health status of the highest officials of the Republic of Azerbaijan;

37.1.9. facts of violation of the law by state authorities and their officials;

37.1.10. on the tarnishing of the business reputation of civil and municipal servants, as well as legal (including public legal) and individuals performing public functions, with the exception of personal data; [19]

37.1.11. on vacancies in state bodies and municipalities;

- 37.1.12. on the use of budget funds and the economic situation in the country;
 - 37.1.13. job descriptions of employees working in state bodies and municipalities;
 - 37.1.14. on precious metal and foreign exchange reserves of the state;
 - 37.1.15. normative legal acts;
 - 37.1.16. Minutes and transcripts of open sessions of the Milli Majlis of the Republic of Azerbaijan;
 - 37.1.17. court decisions that have entered into force;
 - 37.1.18. list of information constituting a state secret;
 - 37.1.19. about grants;
 - 37.1.20. on the property and property obligations of the owner of the information;
 - 37.1.21. orders, directives and decisions adopted in the course of state control or discipline;
 - 37.1.22. on the quality of goods and services in connection with the protection of the legitimate interests of consumers;
 - 37.1.23. on the results of research and analysis conducted or commissioned by state bodies and municipalities, if the disclosure of information does not harm the defense and security of the state;
 - 37.1.24. changes that have occurred or may occur in the components of the environment as a result of activities that affect or may affect the environment, human health, their assessment, measures and expenditures aimed at the protection and efficient use of the environment;
 - 37.1.25. internal documents not registered in the register - congratulatory letters, guarantees, memoranda, programs of public events, various statistical reports.
- 37.2. Legal entities specified in Article 9.3.1 of this Law shall provide information on terms and prices of goods and services, changes in those conditions and prices, and legal entities and individuals specified in Article 9.3.2 of this Law shall receive information from the state or municipal budget and or they may not restrict the use of property allocated to them for service use.

Article 38. Personal information

- 38.1. By restricting access, personal data may be considered intended for use by the Service.
- 38.2. Personal information is a collection of information about personal and family life. Information on personal life, the access to which is restricted, is as follows:

38.2.1. information reflecting political views, religious beliefs, convictions and worldviews in private legal entities registered in accordance with the law, except for information on membership; [20]

38.2.2. information on ethnic origin or racial affiliation;

38.2.3. information collected in the course of criminal or other offense proceedings prior to a public hearing or a court decision on the offense, or to the protection of human morality, protection of private and family life, the interests of minors, victims or witnesses, or the administration of justice. in cases required for holding;

38.2.3-1. information on the person's conviction; [21]

38.2.4. health information;

38.2.5. information on personal characteristics, abilities and other features of personalities;

38.2.6. information on applications for social assistance and social services;

38.2.7. information on mental and physical suffering;

38.2.7-1. information on the commission of domestic violence against a person; [22]

38.2.8. information related to taxation, except for debts on tax payments;

38.2.9. information on financial transactions. [23]

38.3. Information on family life, the access to which is restricted, is as follows:

38.3.1. information about sexual life;

38.3.2. information on registration of civil status acts;

38.3.3. information on various aspects of family life;

38.3.4. adoption information.

38.4. Restrictions on access to the personal data specified in this Article shall be imposed from the date of their receipt or documentation. [24]

38.5. The owner of the information is obliged to provide individuals with personal information about themselves on the basis of requests of individuals, except in the following cases:

38.5.1. if the acquaintance of the minor with the information violates the secret of its origin;

38.5.2. if the acquisition of information impedes the prevention of the crime, the apprehension of the offender or the determination of the truth in the criminal case;

38.5.3. if the protection of the rights and freedoms of other persons requires non-disclosure of information;

38.5.4. if the information was collected for the sake of state security.

38.6. The following persons have the right to access or obtain the personal information specified in this article:

38.6.1. parents or guardians - with information about minors;

38.6.2. guardians - with information on ~~physically disabled~~ persons with physical disabilities;

38.6.3. information on the performance of official duties of civil and municipal servants;

38.6.4. those who are allowed to work with personal data - only with the information specified in this permission;

38.6.5. employees and entrepreneurs of private legal entities providing services in the field of education, culture, health and social services on the basis of normative legal acts or on a contractual basis only with information to the extent necessary for the provision of these services;

38.6.6. individuals - with information about themselves;

38.7. The owner of the information must keep a record of the persons who received the personal information, indicating the purpose, time and method of getting acquainted with the information or obtaining it.

Article 39. Obtaining information intended for service use

39.1. The owner of the information must disclose information about the violation or accident of public interest to the extent that the result is fully clarified, so as not to impede the investigation or clarification of the causes of the accident.

39.2. The decision on the extent of disclosure of such information shall be made by the official conducting the investigation or supervision, or clarifying the causes of the accident.

39.3. If the information specified in Article 37 of this Law is part of the restricted information, then only the unrestricted part of the document shall be disclosed.

39.4. Civil and municipal servants have the right to work with documents intended for official use in connection with the performance of their official duties.

39.5. The head of the owner of the information may allow outsiders to work with the information intended for official use, provided that this information does not harm the interests of state bodies and municipalities.

Article 40. Terms of restriction on access to information

40.1. Restrictions on access to information intended for use of the Service shall be lifted if the reasons for this restriction are eliminated, but not later than 5 years.

40.2. Restrictions on access to personal data shall be valid for a period of up to 75 years from the date of receipt or documentation of this information or for a period of 30 years after the death of the person or up to 110 years from the date of birth of the person.

40.3. The restriction on access to information shall be considered invalid and shall be recorded in the information carrier and in the register.

Article 41. Protection of information intended for service use

41.1. The owner of the information shall take administrative and technical measures to protect the information intended for use.

41.2. If information with limited access is included in Internet information resources, measures should be taken to make it impossible to access it.

Chapter VI

Monitoring the implementation of the law

Article 42. Monitoring the implementation of the law

42.1. Control over the implementation of this Law:

42.1.1. the head of the owner of the information - on an official basis, the higher body - on the basis of subordination;

42.1.2. Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan - in accordance with the procedure established by the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan".

Chapter VII

Transition provisions

Article 56. Term of creation of Internet information resources

56.1. State bodies shall create their own Internet information resources as soon as possible to disclose public information specified in Article 29.1 of this Law, but not later than 1 year after the publication of this Law, and municipalities as soon as possible to disclose public information specified in Article 29.1 of this Law. , but not later than 3 years after the publication of this Law, may form their own Internet information resources.

56.2. Relevant executive authorities must create conditions for subordinate state bodies to form their own Internet information resources as soon as possible, but not later than 2 years after the publication of this Law.

56.3. Legal entities performing public functions (including public legal entities), as well as private legal entities and individuals providing services in education, health, culture and social spheres by normative legal acts or on a contractual basis, owners of information provided for in Article 9.3 of this Law shall Internet information resources shall be created as soon as possible, but not later than 2 years after the publication of this Law.

56.4. Owners of information shall disclose the public information they possess, create or obtain as a result of their activities by other means provided by the legislation or provide it on the basis of an information request before the entry into force of Articles 56.1, 56.2 and 56.3 of this Law.

Article 58. Entry into force of the law

58.1. Requirements arising from Articles 8.1, 8.3, 10.2, 11.1, 12.2, 12.7 and 32.4 of this Law shall be implemented within 3 months from the date of publication of this Law.

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

Ilham Aliyev,

President of the Republic of Azerbaijan

Baku, September 30, 2005

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