

LAW
REPUBLIC OF TAJIKISTAN
THE RIGHT TO ACCESS TO INFORMATION
CHAPTER 1. GENERAL

Article 1. The purpose of this Act

The purpose of this Act is to create legal conditions for the realization of the right of every citizen to free exercise of search and retrieval of information, as well as providing information openness of public authorities, organs of the township and village governments.

Article 2. Concepts

In this Law the following basic concepts:

right of access to information - the right of every citizen to free exercise of finding information and getting it from the public authorities and organizations, other agencies and organizations which have the state of power, bodies of local self-government (hereinafter - the organs and organizations), their officials with this information on legal grounds;

public interest - the interest of any person associated with the provision of welfare, stability, security and sustainable development of society;

document - the information in written, audio-visual, acoustic, electronic, optical or any other form suitable for direct perception, with the requisites established for this form of instrument;

official document - a document created by agencies, organizations, an official in the limits of their authority and certified in the prescribed manner;

Restricted Information - information, access to which is limited in the interest of national security in accordance with the law on state secrets and other legal acts regulating relations in the field of protection of state secrets;

information - information about persons, objects, facts, events, phenomena, processes, and opinions about them, regardless of their presentation.

Article 3. Legislation of the Republic of Tajikistan on the right of access to information

Legislation on the right of access to information based on the Constitution and consists of this Law, other normative and legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan.

Article 4. Scope of this Act

1. This law applies to:

a) The organs and organizations and their officials, providing information;

b) persons receiving the information (physical and legal) who are entitled to access information and request it in due course.

2. This law applies to relations connected with access to the information contained in the official documents and not classified as restricted information.

The decision on reading the draft of the official documents or bring them to the public authorities shall take or organizations which are developing these projects.

Article 5. Information, access to which can not be restricted

1. It can not be restricted from access to information necessary for the satisfaction and protection of rights and legitimate interests of persons who seek to obtain this information, unless it falls under the law of Tajikistan "On State Secrets" and other normative legal acts regulating relations in the field of protection of state secrets to the category of restricted information.

2. Restricting access is not allowed in the following documents and information:

a) laws, other regulatory legal acts, which, in accordance with the laws of the Republic of Tatarstan shall be subject to mandatory publication;

b) emergency (accidents, accidents, natural disasters) that threaten the safety and health of citizens, their official forecasts: environmental, meteorological, demographic, sanitary-epidemiological and other information necessary to ensure the safety of citizens, human settlements, industrial and other facilities ;

c) the privileges, compensation and benefits provided to citizens, officials and organizations;

d) the facts of violation of the rights and freedoms of man and citizen, as well as the rights and legitimate interests of legal persons;

d) the activities of agencies and organizations, their officials.

Article 6. Basic principles of the right to access to information

1. The main principles of the right of access to information are:

a) accessibility and openness of information;

b) the accuracy and completeness of the information;

c) timely provision of information;

d) protection of rights of access to information, including the courts;

d) liability for violation of the right of access to information;

e) compliance with the provision of information rights and legitimate interests of third parties;

f) establishing restrictions on access to information law and only in so far as is necessary to protect the constitutional order, national defense and national security, credibility and impartiality of justice, morality, health, rights and lawful interests of individuals and entities .

2. The order establishing a regime of limited access to information is determined by law and adopted in accordance with regulations.

CHAPTER 2. ORDER OF THE RIGHT TO ACCESS TO INFORMATION

Article 7. Ways of the right of access to information

1. Access to information:

a) mandatory dissemination of information to the public;

b) the satisfaction of personal and collective requests for information.

2. The order of mandatory dissemination of information to the public is determined by the laws and adopted in accordance with regulations.

In all cases, bodies and organizations, their officials are obliged to by all available means to bring to the public of their knowledge about the facts and circumstances that threaten public safety, life and health.

3. Communication of information to the public shall be effected by the publication of official documents in special editions, placing them in databases and data banks available for an unlimited range of stakeholders.

4. Access to information at the request of the person concerned may take the form:

a) familiarization with the official documents containing the requested information;

b) obtain a copy of the document, or extracts from it;

obtain a written certificate containing the requested information;

receiving oral presentation of the content of the requested information;

c) obtain information about the source of the publication of the requested information in the official gazette.

5. Request for information, as well as providing information on request can be made in writing or orally, including the use of electronic data transmission technologies.

Article 8. Provision of access to information

1. The functions of the organization access to information in the structure of organs and organizations assigned to the service and divisions, consisting of, the structure of these bodies and organizations, as well as to specific officials.

2. Function for the information of persons requesting the information is fixed in position on the body or entity, during the activity that created the information.

The rights, duties, responsibilities of specialized services, departments, officials, implementing these functions, establishes provisions for these services, departments and job descriptions, approved in the prescribed manner.

3. To implement the functions of providing access to information at the discretion of the authority or organization that provide this information may be subject to the conditions of the treaty organization that provides information.

Details of these organizations (organization name, mailing address, telephone number and fax number, email address, network address - more - details of organizations) are brought to the attention of persons seeking for information.

4. Rules of execution of requests for information are determined by the head of the agency or organization.

The above rights include the name and mode of operation of the organizations, services, departments or officials with responsibilities for access to information, the categories of information provided, the types of services related to its provision (including the order of access to computerized information systems), order of payment of these services, and other conditions of access.

Article 9. Provision of access to information in automated information systems, agencies and organizations

1. To ensure the right to access information from automated information systems, organs and organizations of these bodies and organizations:

- a) a scheme to connect the PSTN and also offer information on the official server body (ies) or organization (s) for unlimited access of citizens, institutions and organizations connected to the network;
- b) create a user locations connected to public networks, in places accessible to citizens, agencies and organizations (in the premises of bodies and organizations, public libraries, post offices and other locations specified by law);
- a) distinguish e-mail address to receive requests and send the information requested on the PSTN;
- g) are responsible for the content, accuracy and completeness of the information, the official server.

2. In the case of providing information electronically to its accuracy is confirmed by the electronic digital signature or other electronic means in the manner prescribed by law. The documents created with a computer and transmitted via telecommunication channels, necessarily an indication of all the requisites established for these instruments.

Article 10. Rights and duties of the requesting information

1. Requesting information is entitled to:

- a) choose any form of inquiry provided for by this Law;
- b) does not justify the need to obtain the requested information, if such a justification is not required to clarify the content of the request and unless otherwise provided by law;
- a) to require a written response;
- g) to appeal in the prescribed manner of the bodies and organizations, their officials who violate the right of access to information and the established order of its realization.

2. Requesting the information must comply with the terms and conditions of access to information provided by this Law and other rules issued in accordance with regulations.

Article 11. Responsibilities of agencies and organizations, their officials on access to information

1. The bodies and organizations, their officials are obliged to:

- a) establish the organizational and technical and other conditions necessary for the realization of the right of access to information;
- b) during a specified period to keep the official documents containing information to be provided in accordance with this Act;
- c) ensure the accuracy and completeness of the information provided, the deadlines and conditions for its provision;
- d) to comply with procedure prescribed by law the publication of official documents issued in the form of laws and regulations;
- d) within the specified period taken to keep them, acts that determine their legal status, the acts of bodies and organizations, the successor to which they are, as well as other official documents.

2. If the information provided contains incorrect or incomplete information, authority or agency required a reasoned written statement by the person requesting information in a short time, not later than seven

working days after receipt of the application, to clarify or supplement the information provided.

3. Bodies and organizations are obliged to enter the official documents on the rosters, communicate to the public and available on request.

The register shall contain the name, date of adoption, the number of each act, and published information about its publication. The entity or organization, leading the registry may provide other mandatory requirements for this roster.

Article 12. Request for Information

1. Request addresses of the authorities, organization or official, who, in the opinion made the request, have the necessary information.

2. The request indicates the first name and patronymic of the person who applies for information, the name of the organization on whose behalf the inquiry is addressed, first name and patronymic of the person who should send a response, postal address, telephone number or fax number, e-mail address for reply or clarify the nature of the request, as well as the desired shape and type of response.

Article 13. Procedure for consideration and satisfy

1. Answer to a request for information is issued as soon as possible but not later than thirty calendar days after receiving the request.

If the requested information can not be provided within the specified period, applies for its receipt within seven working days after receiving the request sent written notice of the postponement of the answer. The notice must state the reasons for delay and the duration of the requested information, which may not exceed fifteen calendar days beyond the term of this Act to answer.

2. If the agency or organization receiving the request, do not possess the requested information, not later than seven days they are required to notify the person requesting the information, and, if possible, provide him with details of the organs, organizations or persons who may have requested information or specify the details of the authority or organization, which sent the query.

3. In that case, if the requested information is published in a public official publications, the Executive request may be limited to specifying the details of the publication and the date of publication.

4. The answer to the request must contain details of the body or organization and the Executive request.

5. Provide information verbally instead of writing required is not permitted without the consent of the person requesting the information. This should provide reasons for the submission of information in this form.

6. Submission of information on this document or extracts from the requested document is acceptable if they help or extracts contain detailed information on request, as well as in the case of the need for a regime to limit access to information.

7. Queries (including oral), as well as responses to inquiries are subject to mandatory registration at the place of receipt of these requests.

Article 14. Refusal to provide information

1. Except as provided by the law on state secrets and other legal acts regulating relations in the field of protection of public interest, not to be available on request information, containing information:

a) The components of state or official secrets;

- b) about the private life of another person without his consent (personal data), unless otherwise provided by applicable law;
- c) the implementation in accordance with the law of search operations and investigative activities;
- g) for judicial review of civil and criminal cases and materials on administrative law in cases where disclosure of such information is prohibited by law or may violate the human right to impartial judicial review of his case, endanger the life or health of citizens;
- d) access to which is limited by other laws.

If the document contains the information listed in this article, get acquainted with such a document, his explanation and delivery of copies are limited to part of the document does not contain the specified information.

2. Not to be provided upon request memoranda, correspondence, assignments of officials and other information in-house nature.

3. The entity or organization, their officials may refuse to provide information requested if:

Violations are reviewed and meet the request under this Act may be appealed to a superior officer or in court.

The action (inaction) of officials, organizations, their officials, violates the right of access to information, in accordance with the laws of the Republic of Tajikistan may be appealed to the relevant authorities.

2. Persons who have wrongfully denied access to information, as well as persons who have received inaccurate, incomplete information or received it late, have a right to compensation for moral injury suffered in the manner prescribed by law.

Article 17. Responsibility for violation of this Act

Individuals and legal entities violating the provisions of this Act shall be held liable in accordance with the laws of the Republic of Tajikistan.

Article 18. The order of entry into force of this Act

This Law shall enter into force after its official publication.

President
Tajikistan
Emomali Rakhmon

Dushanbe, 18 June 2008,
Number 411