



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media**



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 7 January 2004

ATCM(2004)001 (English only)

Comments on the Croatian Law on Access to Information

by

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1. Introduction

The Croatian law on access to information (CAI) was adopted on 15 October 2003. In these comments I will give an evaluation of the law in relation to the Council of Europe Recommendation of the Committee of Ministers Rec(2002) 2 on access to official documents (hereafter the Recommendation).

In general the CAI seems to comply with the main principles of the Council of Europe Recommendation. However, the restrictions in article 8 para 1 of the Act are much too broadly drafted, and go far beyond what is recommended by the Council of Europe. Since I have not had access to the legislation to which article 8 refers, it has not been possible to assess whether the Croatian legislation as a whole is compatible with the Recommendation. For the Croatian legislation on restrictions to official information to be in compliance with the Recommendation, it is necessary for the legislation referred to in CAI article 8 to comply with the principles in principle 4 of the Recommendation, including the principle of proportionality, the harm test, and the balancing of interest as they are set out in principle IV para 2 of the Recommendation.

I also have some comments on certain other articles of the CAI.

The CAI contains a number of rules on sanctions. This aspect has not been dealt with in the Recommendation, and I will therefore not comment on these articles. The CAI also has a broader scope than the Recommendation, since it also covers the obligation for the public authorities to publish information at their own initiative. This aspect is only briefly touched upon in the Recommendation principle XI. It is positive that the legislation does give rules on active publication. As this is not part of the Recommendation, I will not however comment any further on these articles.

2. The Council of Europe Recommendation (2002) 2

Already in 1981 the Council of Europe adopted a Recommendation on access to information held by public authorities, Recommendation R (81) 19. In the mid-nineties the Council of Europe started discussions with a view to further elaborate basic principles on the right of access to official information held by public authorities. These discussions resulted in a new Recommendation on access to official documents being adopted by the Committee of Ministers 21 February 2002. The Recommendation is addressed to the Council's member states.

According to the Recommendation, member states should guarantee a right of access on request to official documents, without discrimination on any ground. Limitations to this right should be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting the listed interests. Access may only be refused if disclosure of the information would be likely to harm such an interest, and there is no overriding public interest in disclosure. If only part of the information in the document is covered by a restriction clause, the rest of the document should be released.

The Recommendation also contains principles on procedure. The authority receiving a request for information should deal with the request promptly. Applicants should not be obliged to specify reasons for his or her request, and all requests should be dealt with on an equal basis.

When access is granted the public authority should allow inspection of the original or provide a copy of the document. Access to the original document should in principle be free of charge. If access is given by providing a copy of the document, a fee may be charged, but this fee should be reasonable and not exceed the actual costs incurred. When access is refused, the authority should give reasons for the refusal, and the applicant should have access to a review procedure.

In order for an access to documents/information system to work properly, it is necessary to that there is an effective management of official documents, and that both applicants and civil servants know about their rights and duties. The Recommendation therefore has a principle on supplementary measures, which recommends that the public is informed about their rights and that public officials are properly trained. Public authorities should also manage their documents efficiently, and make available information on the matters or activities for which they are responsible.

The Recommendation basically concerns the access to information on request, but member states are also recommended to make information public at its own initiative, when this is in the interest of promoting transparency of public administration and efficiency within administrations or will encourage informed participation by the public in matters of public interest.

3. The Croatian law on access to information (CAI)

3.1 Scope and definitions

“Public authorities”

The Recommendation applies to “public authorities” defined as government and administration at national, regional or local level, and natural or legal persons insofar as they perform public functions or exercise administrative authority and as provided for by national law (principle II, cf. principle I).

The definition of “public authority bodies” in CAI article 3 para 1 no. 2, is in accordance with the scope of the Recommendation.

In some member states the legislation does, however, have a wider scope, and also covers natural or legal persons that perform services of general public interest. This is especially relevant in states where important services of general interest, e.g. health-services or electricity supply are privatised, while still being financed out of public funds. There is, for instance, currently a public debate in Norway whether such bodies should be covered by the legislation. I am not aware of the situation in Croatia, but widening the scope could be envisaged at a later stage. It should also be considered to cover legislative and judicial bodies, cf. the Recommendation principle II para 1 i.f.

“Information” and “Documents”

It differs between the member states whether their freedom of information legislation is based on the concept of “documents” or “information”. The Recommendation uses “documents” as a basis, but both systems are equally compatible with the Recommendation as long as it covers all information recorded in any form that is held by the public authority. Both information originating from the public authority, and information received by a public authority should be covered.

CAI article 3 para 1 no 3) and 4) has a broad definition of the concepts of “information” and “document”, and it is also clear that both information that originates the public authorities and information that is received by a public authority from other sources is covered. The scope is therefore in compliance with the Recommendation.

3.2 Main principles

According to the Recommendation principle III cf. Principle IV, the general starting point in national legislation should be that all information held by public authorities should be accessible to the public. CAI article 4 para 1 complies with this general principle.

It is also recommended that the right of access should be guaranteed everyone without discrimination, cf. principle III and VI para 2 of the Recommendation. The principle of non-discrimination is clearly stated in CAI article 6, and is thereby implemented in a transparent and clear manner.

I would, however, like to comment briefly on article 5 of the CAI, which states that information published by public authorities shall be *complete and accurate*. It goes without saying that public authorities should not give out false information when giving access to public information. It is not, however, always possible for the public authority to give complete and accurate information, either because they do not hold all information about an administrative matter, or because they are not able to verify that the information they hold is complete and accurate. This is specially true if the information is received from sources outside the administration, or if an administrative case or matter has just started. It might also be that the person seeking information is not interested in complete information about a case, but only in a small piece of information that the public authorities hold. In my view it should therefore be considered to repeal article 5.

The fact that the public authority does not hold complete and accurate information should not be used as a ground for restricting access to official information under the Recommendation. It should therefore be made clear that the Croatian public authorities may not refuse to give access to information solely on the ground that the information they hold is not accurate or complete.

3.3 Restrictions and limitations

It follows from principle IV in the Recommendation that the right to access to information may be restricted. Such limitations should, however, be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting national security, defence and international relations, public safety, prevention, investigation and prosecution of criminal activities, privacy and other legitimate private interests, commercial and other economic interests, be they private or public, equality of parties concerning court

proceedings, nature, inspection, control and supervision by public authorities, economic, monetary and exchange rate policies of the state, confidentiality of deliberations within or between public authorities for an authority's internal preparation of a matter. The list in principle IV para 1 is exhaustive, and there should be no other grounds for refusal in the national legislation. Access to information should only be restricted if access to the information would be likely to harm one of the protected interests, and there is no overriding public interest in its disclosure.

The CAI article 8 is broadly drafted which seems to give public authorities a much wider possibility, or even an obligation, to restrict access to information than what is recommended by the Council of Europe. This is particularly true for article 8 para 1, which uses very broad concepts like "military, official, professional or business secret". Furthermore the public authorities are obliged to exempt such information without any assessment of whether or not the release of such information would harm any of the protected interests, or whether there is an overriding public interest in disclosure.

To comply with the Recommendation it is not necessary that all restrictions to the public's right to information be contained in the same act, as long as the legislation as a whole does not give the possibility to exempt more information than what is recommended in principle IV. CAI article 8 para 1 refers to "criteria stipulated by the law", and I assume that there is adopted legislation which governs precisely in which cases information may be proclaimed "a state, military, official, professional or business secret". I have not had access to this legislation, and can therefore not give an opinion on whether or not the Croatian legislation is in compliance with the Recommendation on this point. For the Croatian legislation as a whole to be in compliance with the Recommendation, the legislation referred to in CAI article 8 para 1 must fulfil the Recommendations in principle IV, including the principle of proportionality, the "harm test" and the principle of balancing of interests.

Even though the restrictions may not be incompatible with the Recommendation, it is not advisable to have such a broadly drafted restriction article in an act on access to official information. It is easier for both the public and the public officials to understand and apply the legislation correctly if most exceptions are contained in the same act as the main principles. This would also ensure that the Parliament would be able to take into account the necessary balances when adopting the act. There should at least be given a precise reference to the relevant legislation in the CAI.

I would also like to comment briefly on the question on access to personal data, cf. CAI article 8 para 1. The Recommendation also covers documents containing personal data, and documents containing personal data should therefore be treated according to the principles in the Recommendation. Principle IV para 1 no. iv of the Recommendation allows for exemption of personal data if access would harm the privacy of a person or other legitimate private interests. It would, however, not be in compliance with the Recommendation to exempt all documents or information that contains personal data. Only such data that is sensitive in some way should be exempted according to the Recommendation. Personal data should of course not be released in a manner contrary to the Council of Europe Convention on the protection of individuals with regard to automatic processing of personal data, or any other international legally binding instrument, but it must be recalled that these instruments do not preclude giving the public access to personal data in general.

CAI does not give any exemption for documents under preparation. In most states there are restrictions on access to internal preparatory documents, i.e. documents elaborated for the internal preparation of a matter, for instance opinions, memoranda etc. Such a restriction is also permitted under the Recommendation, cf. the definition of “official document” in principle I, and principle IV para 1 x.

The underlying principle is that a request for information must be considered at the time when the request is received. When receiving a request, the public authority must make sure that the requirements for a refusal are fulfilled at that moment of time. Member states should also consider setting maximum time limits, cf. principle IV para 3 of the Recommendation. These principles are implemented in CAI article 8 para 3 and 5.

When a restriction only covers part of a document, the remainder of the document should be released, cf. principle VII para 2 of the Recommendation. This principle is implemented in CAI article 8 para 4.

3.4 Treatment of requests to official documents

The rules on treatment of requests in CAI are mainly compatible with the legislation. I cannot see, however, that principle VI para 5 of the Recommendation is implemented in CAI. According to this principle, the public authority should be obliged to help the applicant to identify the requested document.

3.5 Forms of access to official documents

According to the Recommendation principle VII, access is to be given to the document, either by inspection of the original, or by giving a copy of the document. Account should be taken of the preference expressed by the applicant. If the information is easily accessible by other means, the public authority may refer the applicant to these sources. These principles are implemented in CAI article 10 and article 15 para 3.

Inspection of the original document should in principle be free of charge, cf. principle VIII of the Recommendation. A fee may be charged for providing a copy of the document, but such a fee must be reasonable and not exceed the actual costs incurred by the public authority. CAI article 19 allows the public authority to charge the applicant the actual expenses incurred. It does not, however, contain the main principle that access to information on the spot should be free of charge. In a possible review of the legislation, this principle should be better reflected.

3.6 Refusal of access and appeal

The Recommendation principle VI para 7 states that a public authority refusing access to an official document wholly or in part should give the reasons for the refusal. This is an important principle, as it gives the applicant the possibility to better understand the refusal, and give him or her a better basis for considering an appeal. Giving reasons for a refusal will also help secure that access is only refused when there is a legal basis for this, as the public official will have to ensure that the refusal is legal and express this in a written form. I cannot see that this principle is implemented in the CAI.

The Recommendation principle IX recommends that applicants whose request has been refused, or if the request has not been dealt with within a specified time limit, should have

access to a review procedure before a court. He or she should also have access to an expeditious and inexpensive review procedure.

CAI article 17 governs the right to appeal. It follows from para 3 that the applicant may appeal to the administrative court when a request for access is refused, but it is not clear whether it is possible to appeal when a request has not been dealt with within the 15 (30) days which are the time limits specified in article 12 and 14. Not being able to have a review when the public authority does not take a decision within a reasonable time, might pose a problem for the applicants whose requests have not been properly dealt with, and give the public authorities the possibility to refuse access by simply not dealing with the requests. In a possible review of the legislation, it should therefore be considered to extend the right to appeal, so that it also covers the situations where the request for information has not been dealt with within the time limits specified in articles 12 and 14.

The CAI article 17 para 1 gives the applicant the right to appeal to the head of the competent body within 8 days from the delivery of the decision. In general an administrative appeal should be to another administrative body than the one that has taken the decision. The head of the body that has taken the first decision, is formally responsible for this decision, and cannot be considered to be an independent appeal instance.

In some countries an ombudsman or a commissioner is given an important role in supervising that the legislation on access to official information is functioning properly. Such supervision may be made either through individual complaints from applicants who have had their requests rejected, or through an independent supervision, for instance based on reports from the public authorities or through an independent investigation. This has proven to be an inexpensive and effective supervision mechanism in many countries, and may be envisaged in Croatia too.

3.7 Complementary measures

The Recommendation principle X gives certain Recommendations on complementary measures. The measures mentioned in para 1, are not necessarily natural to implement in the national legislation. It is, however, important to ensure that the public is properly informed about their rights, and that the public officials are properly trained. This is particularly true when setting in force new legislation.

Having a proper archive system, and a system for giving the public information about which documents a public authority holds, is something that could, and probably should, be governed by law, or at least by a regulation or written rules. CAI article 20 does oblige the public authorities to give information about their activities as recommended in principle X para 2 c of the Recommendation, but there are no further rules on preservation and destruction of documents. Many states do have separate legislation regarding archives, but I am not aware if this is the case in Croatia.

In some member states the public authorities are obliged to have a register on all documents they send and receive. This register is accessible to the public, and in some cases also published electronically. This gives the public a good possibility to see which documents a public authority holds, and also makes it easier to make a request for the relevant information. Having such a register is also an advantage for the public authority, firstly because it makes it

easier to manage the documents properly, and to retrieve them for their own use, but also because requests for access to information will be more precise and easier to handle.

APPENDIX

THE LAW ON THE RIGHT TO ACCESS TO INFORMATION

I. GENERAL PROVISIONS

Article 1 Contents

This Law shall regulate the right of access to information in the possession of, at the disposal of or supervised by public authority bodies, stipulate the principles of the right of access to information, the exceptions to the right of access to information and the procedure of exercise and protection of the right of access to information.

Article 2 Aim

The aim of this Law shall be to enable and ensure the exercise of the right of access to information to natural and legal persons by means of the transparency and the publicity of activities of public authority bodies, in accordance with this and other laws.

Article 3 Terminology

(1) Particular terms contained in this Law shall have the following meanings:

- "A person authorized to the right to information" (hereinafter: an authorized person) shall refer to every domestic or foreign natural or legal person who requires access to information,
- "Public authority bodies" shall refer to state bodies, bodies of local and regional self-government unit, legal persons with public powers and other persons to whom public powers have been transferred,
- "Information" shall refer to data, photographs, drawings, films, reports, acts, tables, graphs, blueprints or other contributions in the possession of, at the disposal of or supervised by public authority bodies, regardless of whether it is kept in some document or not, and regardless of the source, time of creation, place of keeping, manner of gaining knowledge about it or of the fact upon whose order, in whose name and on whose account information was stored or of another characteristic of information,
- "A document" shall refer to any material means containing written or entered information in the possession of, at the disposal of or supervised by public authority bodies,
- "The right of access to information" shall comprise the right of an authorized person to request and receive information, as well as the obligation on the part of public authority bodies to provide for access to requested information, that is, to publish information even when there is no particular request for doing so, but such publication represents their obligation stipulated by the law or another general regulation (hereinafter: regular publication of information).

(2) By 31 January each year, the Government of the Republic of Croatia shall publish the list of public authority bodies in the "Official Gazette".

II. PRINCIPLES OF THE RIGHT OF ACCESS TO INFORMATION

Article 4 The preconditions of publicity, free access and limitations

- (1) All information in the possession of, at the disposal of or supervised by public authority bodies shall be available to the interested persons authorized to the right to information.
- (2) An authorized person shall have the right to learn from public authority bodies whether they are in the possession of, having at their disposal or supervising requested information.
- (3) In case of limitation of the right of access to information, the public authority body shall be obliged to state, in a special decision, the category of exception concerned, that is, the reasons due to which it decided to withhold the information.
- (4) Exceptionally, the right of access to information may be limited in the cases and manner stipulated by the law.

Article 5 Completeness and accuracy of information

Information provided, that is, published by public authority bodies shall be complete and accurate.

Article 6 Equality

- (1) The right of access to information shall belong to all authorized persons in an equal manner and under equal conditions and they shall be equal in its exercise.
- (2) Public authority bodies may not place any authorized person into a more favourable position in the manner that a certain beneficiary is provided with information earlier.
- (3) The right of access to information containing personal data shall be exercised in a way stipulated by another law.

Article 7 Principle of having information at disposal

An authorized person with information at his disposal shall have the right to expose this information publicly.

III. EXCEPTIONS TO THE RIGHT OF ACCESS TO INFORMATION

Article 8 Exceptions and their duration

- (1) Public authority bodies shall deny the right of access to information if the information has been legally, or based on the criteria stipulated by the law, proclaimed a state, military, official, professional or business secret or if it is protected by the law regulating the field of protection of personal data.
- (2) Public authority bodies may deny the right of access to information if there is basis for suspicion that its publication would:
 - prevent the undertaking of measures and activities for the purpose of prevention and detection of criminal acts or for the purpose of prosecution of perpetrators of criminal acts,

- prevent the efficient, independent and unbiased conduct of court, administrative or other legally stipulated proceedings, the execution of a court decision or sentence,
- prevent the work of bodies conducting administrative supervision, that is, the supervision over legality,
- cause serious damage to the life, health, security of people or environment,
- prevent the conduct of an economic or monetary policy,
- endanger the right to intellectual ownership, except in case of explicit written consent by the author or owner.

(3) Information denied the right of access for reasons stated in Paragraph 2, Item 6 of this Article shall become accessible to public when so determined by one who might be wronged by the publication of the information, but within a maximum of 20 years from the day of creation of the information, unless a longer deadline has been stipulated by a law or another regulation.

(4) Public authority bodies shall approve access to those parts of information which may be published with regard to the nature of their contents.

(5) Information shall be accessible to the public after the reasons stated in this Article, according to which a public authority body denies the right of access to information, have ceased to exist.

IV. PROCEDURAL PROVISIONS

Article 9 Application of the Regulations on General Administrative Procedure

Unless otherwise stipulated by this Law, the provisions of the Law on General Administrative Procedure shall be appropriately applied in the procedure of exercising the right of access to information.

Article 10 Methods of exercise of the right of access to information

Public authority bodies shall be obliged to provide access to information:

- 1) through regular publishing of certain information, as stipulated by a special law or another general act, under the condition of monthly publication, in an appropriate and accessible manner for the purpose of informing the public,
- 2) through direct provision of information to the authorized person who submitted a request,
- 3) through the insight into documents and by making copies of documents which contain the requested information,
- 4) by forwarding copies of the document containing the requested information to the authorized person who submitted the request,
- 5) in another manner in which the right of free access to information is exercised.

Article 11 The request

(1) An authorized person shall exercise the right of access to information by submitting a verbal or written request to the competent public authority body.

(2) If a request has been submitted verbally, minutes shall be made thereof, and if it was submitted by telephone or by means of another telecommunications device, an official note shall be made.

(3) A written request shall contain the name and seat of the public authority body to which the request is being submitted, the data essential for identification of the requested information, the name, last name and address of the natural person who is the submitter of the request, the firm, that is, the name of the legal person and its seat.

(4) The submitter of the request shall not be obliged to state the reasons for which he requests access to information.

(5) The submitter of the request may propose in the request the manner in which the public authority body will make the information accessible.

Article 12 Deadlines

(1) On the basis of a verbal or written request, a public authority body shall be obliged to provide the submitter of the request with access to information within fifteen days from the day of filing the request at the latest.

(2) In case a request is incomplete or incomprehensible, the public authority body shall instruct the submitter of the request to correct it within three days. Should the submitter of the request fail to correct the request in an adequate manner, the public authority body shall reject the request by a decision as being incomprehensible or incomplete.

Article 13 Cession of requests

(1) If a public authority body does not have in its possession, at its disposal or does not supervise information, and it possesses knowledge about the competent body, it shall be obliged to cede the request to the public authority body which has in its possession, at its disposal or supervises the information without delay, within a maximum of eight days from the receipt of the request, about which it shall inform the submitter.

(2) In a case referred to in Paragraph 1 of this Article, the deadlines for exercising the right of access to information shall be applied from the day when the public authority body received the ceded request.

Article 14 Extension of deadlines

(1) The deadlines for exercising the right of access to information stipulated by this Law may be extended up to 30 days if:

- the information must be sought outside the seat of the public authority body,
- one request refers to a number of different pieces of information.

(2) A public authority body shall inform the submitter of the request without delay about any extension of the deadlines and state the reasons for the extension of that deadline.

Article 15 Decision on a request

(1) A public authority body shall not pass a special decision on the acceptance of a request for access to information, but it shall make an official note about that case.

(2) A public authority body shall be obliged to pass a decision on the rejection of a request if:

- it involves cases as per Article 8, Paragraphs 1 and 2 of this Law,
- a public authority body does not have at its disposal, does not supervise nor does it have knowledge about the location of the information,
- the same authorized person has been provided access to the same information within a deadline of sixty days following the submission of the request.

(3) In the case when information has already been published, a public authority body shall be obliged to inform the submitter of the request without delay where, when and how the requested information was published.

Article 16 Supplementation and correction of information

(1) If an authorized person, on the basis of evidence at his disposal, considers that information provided on the basis of the request is not correct or complete, he may request its correction, that is, supplementation.

(2) A public authority body shall be obliged to pass a special decision on the denial of a request if it deems that there is no basis for supplementation or correction of the given information.

Article 17 Appeal and administrative dispute

(1) The submitter of a request may lodge an appeal against a decision of a public authority body with the head of the competent public authority body within 8 days from the day of delivery of the decision.

(2) A decision of second instance on an appeal shall be passed and delivered without delay within 15 days from the day of lodging the appeal at the latest.

(3) The submitter of a request may initiate an administrative dispute against a decision of second instance, that is, the final decision of first instance of a public authority body whereby the request is denied, by a claim before the Administrative Court, in compliance with the provisions of the Law on Administrative Disputes. The proceedings based on the claim shall be urgent.

Article 18 The Official Register

A public authority body shall be obliged to keep a special official register on requests, procedures and decisions on the exercise of the right of access to information in compliance with the provisions of this Law. The system, contents and manner of keeping an official register shall be stipulated in a sub-legal regulation by the minister competent for general administration affairs.

Article 19 Compensation

A public authority body shall have the right to the compensation of real material expenses on the part of the authorized person with regard to the provision and delivery of requested information.

V. SPECIAL PROVISIONS ON THE PUBLIC AUTHORITY BODIES

Article 20 Publication of information

(1) Independently of individual requests seeking exercise of the right of access to information, public authority bodies shall be obliged to appropriately publish in official gazettes or through the information media, in particular:

- their decisions and measures affecting the beneficiaries' interests, along with the reasons for their adoption,
- information about their work, including data on the activities, organisation, operational expenses and financial sources,
- information on the submitted requests, petitions, proposals, as well as other activities undertaken by beneficiaries in relation to a public authority body,
- information on tender and tender documentation for public purchases, in accordance with the Law on Public Purchase.

(2) Public authority bodies competent for drafting laws and sub-legal acts shall be obliged to publish drafts of those acts and provide a possibility for authorized persons to give a statement thereof within an appropriate period of time. The drafts of laws and sub-legal acts, written statements of beneficiaries and final proposals of the above-mentioned acts shall be published in the manner stipulated in Paragraph 1 of this Article.

Article 21 Publicity of work

(1) For the purpose of ensuring the publicity of work, public authority bodies shall be obliged to determine by their general acts the conditions providing for direct public insight into their operation.

(2) Public authority bodies shall be obliged to inform the public about:

- the agendas of their sessions or meetings and the time of their holding, the manner of operation of public authority bodies and the possibilities of direct insight into their work,
- the number of persons who may be provided simultaneous direct insight into the work of public authority bodies, whereby the order in which requests were filed shall be taken into account.
- Public authority bodies shall not be obliged to provide direct insight into their work if it involves issues from which the public must be excluded pursuant to the law, that is, if it involves information exempt from the right of access to information pursuant to the provisions of this Law.

Article 22 Information officer

(1) For the purpose of ensuring access to information, a public authority body shall be obliged to pass a decision whereby it shall determine a special official person responsible for the resolution and exercise of the right of access to information (hereinafter: the information officer).

(2) A public authority body shall be obliged to inform the public about official data relating to the information officer, as well as about the manner of his work.

(3) The information officer shall:

- perform the tasks of resolution of individual requests and regular publishing of information, in accordance to his internal system,
- improve the method of processing, classifying, keeping and publishing of information contained in official documents pertaining to the work of public authority bodies,
- provide necessary assistance to submitters of requests, with regard to the exercise of rights stipulated by this Law.

(4) A public authority body shall establish, by a special decision, a catalogue of the information in its possession, at its disposal or under its supervision, which shall contain a systematised overview of information with a description of the contents, intention, manner of provision and time of exercise of the right to access.

(5) The information officer shall undertake all activities and measures necessary for an orderly manner of keeping the catalogue, for which he shall be immediately responsible to the head of the public authority body.

Article 23 Exemption of responsibility of the information officer

The information officer who provides access to specific information outside the boundaries of his authorisations in good faith, for the purpose of accurate and complete public information, may not be called to account if the access to such information is not subject to limitations as per Article 8 of this Law.

Article 24 Supervision over the implementation of the Law

The supervision over the implementation of the Law shall be conducted by the ministry competent for general administrative affairs.

Article 25 Reports

(1) All public authority bodies shall be obliged to forward a report on the implementation of this Law for the previous year to the ministry competent for general administrative affairs by 31 January, on the basis of data contained in the catalogue of information as per Article 22, Paragraph 4 of this Law.

(2) By 28 February, the ministry competent for general administrative affairs shall submit an integrated report on the implementation of this Law for the previous year to the Government of the Republic of Croatia.

(3) The Government of the Republic of Croatia shall be obliged to submit to the Croatian Parliament for adoption a report on the implementation of this Law for the previous year by 31 March at the latest, which will be published upon its adoption in the "Official Gazette".

VI. PENAL PROVISIONS

Article 26

(1) The legal person with public powers who, contrary to the provisions of this Law, prevents or limits the exercise of the right of access to information shall be punished for misdemeanour with a fine between 20,000.00 and 10,000.00 HRK.

(2) The responsible person in the public authority bodies shall also be punished for misdemeanours as per Paragraph 1 of this Article with a fine between 5,000.00 and 10,000.00 HRK.

(3) A natural person who damages, destroys, hides or renders inaccessible a document containing information in another manner, with the intention to prevent the exercise of the right of access to information, shall be punished for misdemeanour with a fine between 1,000.00 and 8,000.00 HRK.

(4) An official person in a public authority body shall be punished for misdemeanour as per Paragraph 3 with a fine between 5,000.00 to 10,000.00 HRK. or a prison sentence of up to sixty days.

Article 27 Complete fulfillment of obligation

Apart from penal and disciplinary sanctions, in cases of established responsibility on the basis of unjustified denial or limitation of the exercise of the right to access information, a public authority body shall be obliged to enable the person authorized to the right to information to exercise the right of access to information in accordance with the provisions of this Law.

VII. INTERIM AND FINAL PROVISIONS

Article 28

Public authority bodies shall provide for organisational, material, technical and other conditions for the implementation of the provisions of this Law within 90 days from the day of entry into force of this Law.

Article 29

The competent minister shall pass the sub-legal acts referred to in Article 18 of this Law within six months from the day of entry into force of this Law at the latest.

Article 30

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette".

The Law was adopted by Croatian Parliament on 15 October 2003.

The Law was published in the "Official Gazette" no. 172/2003 on 29 October 2003.