

GUIDEBOOK ON 2004 LAW ON FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE ABSTRACT

The Guidebook on 2004 Law on Free Access to Information is supported by the OSCE Mission to Serbia and Montenegro and written by the Coalition for Free Access to Information expert team under the auspices of the Fund for Open Society Serbia. It is aimed at familiarizing the general public with free access to information principles, and is to kick-start the implementation of the Law. By providing the information needed for both fulfilling and protecting the public interest to know, it aspires to facilitate attaining free democratic order and open society.

The foreword addresses the right to free access to information through historical perspective, while underlining the need for both effective and efficacious realization of such right. Also stressed is the significance of free access to information in fighting corruption and securing transparency and accountability of public administration. The attention to the need for adopting accompanying legislation, most notably the Law on Classified Information and the Law on Personal Data is drawn with special care. The Guidebook then entails the Commissioner for Information statement.

The First Chapter of the Guidebook deals with the origins of the Law and singles out the main reasons for its adoption: 1) public right to know; 2) support to the role of journalists and media; 3) need for effective application of FAI standards; 4) aspiration to join the advanced democracies.

The Second Chapter displays the ground principles of the Law and offers practical examples thereupon. Treated are the definitions of public information and public body, as well as the justified interest of the public's right to know, right to access prerequisites, holders of information and the role of Commissioner of Information.

The Third Chapter elaborates on legitimate exceptions to the free access to information right. After so-called tripartite test, listed are all legitimate exceptions one by one and explained crucial legal standards, most notably the serious infringement upon other protected rights.

The Fourth Chapter addresses the procedure for realization of free access to information right, namely the procedure initiators, necessary contents of the request, incomplete requests, relevant deadlines, public bodies' obligations, right to insight, right to a copy, operational costs, right to deny access, complaint to Commissioner for Information, inadmissible complaints, Commissioner for Information decisions, right to launch the lawsuit before administrative courts, etc.

The Guidebook also entails the full text of the 2004 Law on Free Access to Information of Public Importance, samplers of related complaints and appeals and the list of relevant Serbian public bodies' addresses.

The separate flyer constitutes the integral part of the Guidebook. It brings a variety of samplers, i.e. request for access to information, complaint to the Commissioner for Information in the case of denial, appeal to the Commissioner in the case of "silence of administration", together with the sampler of public body's notification to the requestor and the schematic outline of the overall access to information procedure.