

1. What is the right of access to information?

The right of access to information is one of the fundamental human rights vested in articles 27 and 27.1 of the RA Constitution. These articles stipulate that “Everyone is entitled to freedom of speech, including the freedom to seek, receive and disseminate information and ideas through any medium of information, regardless of state borders”.

The article 6 of the RA Law on Freedom of Information states: “Each person has the right to address an inquiry to information holder to get acquainted with and/or get the information sought by him as defined by the law”.

In the Republic of Armenia everyone has a right to have access to information.

2. Whom can one apply to receive information?

According to the 3rd article of the law on “Freedom of Information” people can get information from:

Central government bodies,
Self-government bodies,
State institutions,
Organizations financed from central or local government budgets,
Organizations of public significance,
Officials.

In each body the obligation to provide information is laid on the person responsible for freedom of information. The responsible person must deal with information requests in time. Organizations with public functions are those which either have monopoly or have a dominant position in the goods market (for example “Armentel”, “Electricity Networks of Armenia”, “Armenian-Russian Gas Industry”), as well as private organizations providing public services in health, sport, education, culture, social security, transport, communication and municipal spheres (for example private universities, schools, hospitals, etc.)

3. How to apply?

In order to receive information it is necessary apply to the information holder with a witten or oral inquiry. The written or oral inquiry should be submitted to one of the following departments in the appropriate body/organization.

General department,
Press service or public relations department,
Person responsible for freedom of information.

It is desirable to submit a written request (see the suggested sample of information request). In this way it is possible to make a compliant in case the inquiry is rejected or the answer is late. Making a request, you should demand that it is registered and numbered. Later on, by the registration number it will be possible to find out to whom was the inquiry sent and who is responsible for the inquiry.

In case of oral inquiry the applicant has to say his name and surname in advance. Before making an oral inquiry, it is necessary to find out who is the official, responsible for providing the information requested. After finding that out you may apply to that person and inform him or her about the form in which you prefer to receive the information. You may ask to see or read the document or get a copy of the document on paper or a diskette. A written inquiry should meet the requirements stated by the law; otherwise they may not be considered. In a written inquiry the inquirer must indicate:

name, surname

citizenship

place of residence, work or educational establishment (juridical persons should indicate name and address)

a written inquiry should be signed

If the inquiry does not meet the requirements it can be exterminated or left unanswered. Written inquiries without a signature are liable to extermination. The inquirer is not obliged to justify the inquiry, state what is it necessary for or how it is going to be used. The requestor should state the requested information as clear as possible. If you are requesting a concrete document, you should indicate all the information concerning the document. This is necessary for the person/organization to find and provide the requested information more easily.

A written inquiry should be registered and numbered. The registration number of the inquiry should be kept. If you have sent the inquiry by registered post, you should keep the postal receipt. Several days after sending the inquiry it is necessary to call and confirm the receipt of the inquiry and ask the registration number.

So that the information inquiry is not rejected because of non-compliance with requirements you can use the inquiry sample, prepared by the Freedom of Information Center.

4. In what form can we obtain information?

The response to the written inquiry is given on the information carrier (paper, diskette, e-mail, etc.) specified in the inquiry. If the information carrier is not specified, the response to information inquiry is given on the carrier which is more preferable to the information holder. The inquirer can get acquainted with the information on the spot and take back the written inquiry. Response to oral inquiry is made immediately or within shortest possible period after listening to the inquiry. (law on "Freedom of information", article 9). If the body/organization does not possess all the details concerning the information sought, the information holder gives out the available part of details and mentions the location of other possible information holders who might have other details concerning the information sought.

5. Within what time period should the required information be provided?

6. Should we pay for information?

The payment to state bodies, local self-governing bodies and public institutions includes only the technical expenses for providing the requested information (copying, diskette price, etc).

The abovementioned bodies provide information free of charge in the following cases:

responding to oral inquiries,
providing up to 10 printed or copied pages of information,
providing information via e-mail,
responding to written inquiries mentioned in the second part of the 7th article of “Information Freedom” law (information publication of which can prevent danger to state and social security, public order, public health, others’ rights and freedoms, the environment and people’s property)
rejecting information inquiries.

Public organizations decide the amount of payment for information on their own. The payment for information should not exceed the expenses of information provision. The organization which has provided inadequate or incomplete information must provide corrected information free of charge upon written inquiry from the receiver of information.

7. In which cases can information inquiries be rejected?

Information holder may refuse to provide information if:

contains state, official, bank or trade secret;
infringes the privacy of a person and his family, including the privacy of correspondence, telephone conversations, post, telegraph and other transmissions;
contains pre-investigation data not subject to publicity;
discloses data that require accessibility limitation, conditioned by professional activity (medical, notary, attorney secrets).
infringes copy right and associated rights. (see law on “ Freedom of Information ”, article 8)

Written information inquiries are rejected, if:

the information inquiry does not meet the requirements,
it turns out that the inquirer’s personal information is false,
it is the second inquiry from the same person and for the same information during the last 6 months,
the relevant payment is not made.

In case of declining a written information request, information holder inform the applicant about it within 5 days in a written form, by mentioning the ground for the refusal (relevant norm of the law), time frame within which the decision of refusal was made, as well as the relevant appealing procedure. A rejection of information inquiry should be well-grounded. It is the responsibility of the information holder.

Rejection of a written information inquiry should be in written form only. Provision of information cannot be denied because of causing inconvenience to the information holder or lack of time. Freedom of Information can be restricted only on grounds defined by the law. If a part of the information required contains data, the disclosure of which is subject to denial, than information is provided concerning the other part. Information request denials can be appealed to the Ombudsman or the court.

8. Cases when an information request cannot be denied.

Information request can not be declined, if:

it concerns urgent cases threatening public security and health, as well as natural disasters (including officially forecasted ones) and their aftermaths;

it presents the overall economic situation of the Republic of Armenia, as well as the real situation in the spheres of nature and environment protection, health, education, agriculture, trade and culture;

if the decline of the information request will have a negative influence on the implementation of state programs of the Republic of Armenia directed to socio-economic, scientific, spiritual and cultural development.

9. How can we appeal a denial of information inquiry?

A denial of information inquiry can be appealed by administrative procedure. If the higher administrative body does not change the decision, the citizen can apply either to the Ombudsman or to the court. Citizens can also apply to those bodies without appealing by an administrative procedure.

It is also possible to apply to non-governmental organizations which provide legal advisory, in particular the legal service of the Freedom of Information Centre.

10. What to do when the information is insufficient?

If the reply to information inquiry is insufficient the inquirer can lodge a complaint in accordance with the procedure described in paragraph 9.

11. Responsibility for violating access to information right.

For illegal refusal to provide information, or for the incomplete information disposal, as well as for other infringements of the information freedom defined by this Law, the official persons responsible for information freedom are held responsible. The RA law on “Amendments to the Code on Administrative Infringements” (December 1, 2003, part 1)

“Illegal refusal to provide information fixed by the law from officials of state and local authorities, state organizations, budget-funded organizations, as well as public organizations results in a penalty of 10 to 50 times minimal salary. The same infringement committed for the second time within a one year period after application of administrative sanctions results in a penalty of 50 to 100 times minimal salary” According to the 148th article of RA Criminal Code “An official’s illegal refusal to provide information or providing insufficient or forged information is punished by a penalty of 200 till 400 times minimal salary if it has caused damage to the persons rights and legal interests”.

RA Criminal Code defines special punishments for violating journalists' information rights. According to the 164th article of RA criminal code "Impeding journalists' professional activities is punished by a penalty of 50 to 100 times minimal salary. If the same deed is committed by an official, it is punished by corrective labor for at least 2 years or imprisonment of up to 3 years with or without deprivation of the right to occupy certain posts or be engaged in certain activities for a period of 3 years».

12. Mandatory publication of information.

Besides responding to information inquiries, every state body should:

Prepare and publish the procedure of providing information as fixed by the legislation and post the procedure in a visible place. Immediately publish or inform public about available information disclosure of which can prevent danger to state and social security, public order, public health, others' rights and freedoms, the environment and people's property.

At least once a year publishes the following information:

- a) services and works carried out for the public
- b) the budget
- c) forms of written inquiries and guidelines for feeling them in
- d) the list of staff members, names, surnames, education, profession, position, phone numbers and e-mail addresses
- e) procedures of employment and vacant positions
- f) impact on the environment
- g) programs of social actions
- h) order, days, hours and places of accepting citizens
- i) price formation and rates of works and services
- j) list of information in possession
- k) general statistic data on inquiries received and grounds for inquiry refusals
- l) sources of information in this part
- m) data about the person authorised to check the abovementioned information

Changes made to the abovementioned information are publicized within 10 days. The abovementioned information is publicized via means accessible for public, and in cases when the information holder has an internet page, also via that page. Organization of public importance can decline to publicize the abovementioned information or changes to that information.

If the reply to information inquiry is insufficient the inquirer can lodge a complaint in accordance with the procedure described in paragraph 9.

Three forms of information right protection are defined by the law:

Reconsideration by administrative procedure
Appeal to the Ombudsman
Appeal to the court

An information request cannot be denied if: Response to a written inquiry is given in the following time frames:

- 1) The information or its copy is given to the inquirer in a 5-day period.
- 2) If provision of information requires additional work, the information is provided in a 30-day period after receiving the inquiry. However, the possessor of information should in a 5-day period give a written explanation of delay causes and the final date of information provision.

The official delay note should specify:

the causes of delay
the deadline of information provision

The inquiry might be sent to an inappropriate body which does not possess the necessary information or is not authorised to provide the information requested. According to the law on "Freedom of Information" in cases like that the receiver of information inquiry should inform about that in written form within a period of 5 days and if possible inform the name and location of the body which possesses the information.

If the information holder has only a part of the necessary information, it should give that part of the information to the inquirer, mentioning if possible the location where the inquirer can find the other part of the information needed. The response to an oral inquiry is made orally immediately or within a short space of time after hearing the inquiry.