

ALBANIA

L A W

No. 8503, date 30.6.1999

On the right to information over the official documents

In virtue of articles 23 and 17 of the Constitution, on the proposal of the Council of Ministers, the Assembly of the Republic of Albania,

REPUBLIC OF ALBANIA ASSEMBLY DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope of the law

The present law guarantees the enjoyment of the right to information on official documents.

Article 2

Definitions

For the purposes of this law:

- a. "Public authority" - shall mean any organ of the public administration, public institution, organizational unit, person as well as any other subject which based on the law exercises public functions and/or services within the territory of the Republic of Albania;
- b. "Official document" shall mean any document, in any form and format, kept by the public authority according to the existing rules and is related to the exercise of a public function;
- c. "Person" shall mean any individual, natural or legal person, Albanian or foreigner;
- d. "Public" shall mean any person.

CHAPTER II

RIGHT TO INFORMATION AND DUTIES OF PUBLIC AUTHORITY

Article 3

Right to information

Everyone is entitled, upon his request, to get information on an official document without being obliged to explain the motives of such request.

Public authorities shall grant any information in relation to an official document, save when the law provides differently.

Information on an official document, granted to a person, shall not be refused to any other person, excluding the case when this information consists personal data about the person himself, to whom the information was granted before.

Article 4

Limitations

If the requested information on a official document is restricted by another law, the public authority shall provide the requested with a written declaration expressing the reasons of such refusal and/or basic rules on which the requested can get such information.

If the limitation of the information is related to only one part of the official document, the remaining part shall not be refused to the requester.

Article 5

Right to information on subject exercising state functions

Each person enjoy the right to information on the personal data of persons exercising state functions or public services, preserved in a official document, as far these data are related with the qualities requested by law or associated legal acts for the performing of their duties.

Article 6

Quality of information

Public authority shall issue rules and set up structural and practical facilities in order to provide the public with exact, full, speedy and adequate information on official documents.

Article 7

Forms of information granting

The requester shall have in his/her disposal a complete copy of the official document.

Public authority, upon request of the interested party or with his/her initiative, offers the requester other forms of submittal including the oral form. The requester shall express his/her consent in a written form.

Article 8

Official documents available without a public request

Public authorities shall make available to the public in sufficient quantity and appropriate formats, official documents which facilitate the information of public on their activity, such as:

information as where its central and local organs are situated, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

rules and methods on how different forms can be obtained, and instructions as to the scope and contents of all papers and documents as well as instructions how this forms are filled;

general legal rules based on which the subject operates as well as the adopted policies and the

changes thereon;

statements on methods and procedures by which its functions are channeled and determined.

Article 9

Documents prepared in advance

In compliance with the existing legislation, regulations and other publicly known rules, public authority shall make available for review and duplication, in anticipation of any request from the public, the following official documents:

final decisions on a given case, including concurring and dissenting opinions as well as orders implementing them;

administrative staff manuals and instructions to staff that affect a member of the public;

copies of data that have been given priority to at least one member of the public, regardless of their format and which the public authority estimates that it will be important for other persons;

indexes or registers of official documents.

Article 10

Time limits for the acceptance of the request

The public authority decides whether to accept the request within 15 days from its submission. The decision thereon shall be given in written form. In case of full or partial rejection of the request, the public authority shall provide the reasons for such rejection.

Article 11

Time limits for satisfying the request

The public authority shall satisfy the request within 30 (40) days from its acceptance, save when law provides otherwise.

Article 12

Reinstatements of time limits

When the satisfaction of the request by the public authority, for reasons of:

the particularity of the request;

the need to consult with a third party;

needs more time than the time limit envisaged in article 11, the public authority within one week of before the termination of the prior time limit, notifies in written the interested party explaining the reasons for such delay and offers him:

the reinstatement of a new time limit which starts at the end of the prior time limit and is no longer than 10 days with no right for another reinstatement;

the modification of the person's request in a way that this makes possible the respect for the time limit.

In both cases the interested party shall express in written his/her consent on the reinstatement of

the time limit. If the person, before the first time limit is completed do not confirm his consent, the public authority decide to postpone the time limit.

Article 13

Fees for the supply of information

The supply for information on official documents may be subjected to fees, if such supply causes expenses, public authority may set tariffs which shall be settled before hand.

Fees for ordinary and standardized services are made available to the public. Fees for other services are decided on a case by case basis and are communicated to the interested parties at the moment of acceptance of the request.

The fees shall not exceed the direct costs incurred for the supply of the data. The direct cost shall consist of o the direct material cost incurred for the processing of the requested data.

The data envisaged in article 8, paragraph 1 shall be forwarded free of charge.

Procedures and decisions for the levying of the fees are themselves considered official documents on the meaning of this law.

CHAPTER III

APPEAL

Article 14

General Rule

The violation of the provisions of this law, insofar as it does not qualify as a criminal offence, shall constitute administrative offence and shall be regulated by the provisions of the law "On Administrative Offences".

Article 15

Administrative Appeal

Everybody who believes that his/her rights, as recognized by this law, are infringed, is entitled to lode an administrative appeal.

The procedure for the administrative appeal is provided for by law.

Article 16

Judicial Appeal

Everybody who believes that his/her rights, as recognized by this law, are infringed, is entitled to lodge a judicial appeal.

The procedure for the judicial appeal is provided for by the provisions of the Code of Civil Procedure on judicial review of administrative action.

Article 17

Reparation (indemnification)

Everybody is entitled to seek reparation for the infringement of his/her rights , as recognized by this law, if such infringement causes damage.

The procedure on the appeal for reparation is provided for by law.

CHAPTER IV

FINAL PROVISIONS

Article 18

The competencies of the People's Advocate

The People's Advocate is charged on the implementation of this law.

The competencies of the People's Advocate, regarding to the right of information over official documents, are provided by the law No.8454, dated February 4, 1999 "On the People's Advocate"

Article 19

Enterance into force

The present law shall come into effect 6 months its publication in the official gazette.

Promulgated by decree No.2409, date 14.7.1999 of the President of the Republic of Albania Rexhep Meidani