



The Implementation of Law on Access to Public Documents

- Six months later since the adoption of this law

Executive Summary

Law on Access to Public Documents advances the legal basis of access to public documents activities. This Law was passed on November 7th 2010, and entered into force 65 days later. This timeframe exceeds the legal basis defined by the law. Although in paper seems like the legal basis for access to public documents has been enhanced, in reality the situation remains the same. Many sub-laws that would complete the legal framework for the full implementation of this law are still missing. The Regulation on Government Public Relations is not being implemented in public institutions. Access to public documents is difficult in all public institutions, especially when dealing with local governments, independent agencies, public enterprises and courts. None of these institutions has published the electronic contact of the person in charge for handling requests for access to public documents. In most of these institutions, the person in charge for handling such requests is not even part of the Public Relations Office, as it is required with the Regulation on Government Public Relation. In some municipalities, the person who authorizes the access to public documents is the director of municipal administration himself. Although the law guarantees an equal treatment of both print and electronic requests, in reality electronic requests are seldom considered as official requests. A very few public institutions publish a very few public documents in their websites, despite having the opportunity to publish more and more documents online. Still there is no Administrative Instruction that categorizes which documents must be published online on websites. Civil Servants have limited knowledge on the content of the Law on Access to Public Documents. As a consequence, a few acts of this law are often misinterpreted. One such misinterpretation of the law is the application of the fee upon filing a request for access to public documents. Ministry of Finance has failed to come up with a Regulation that defines the cost tariffs for printing and mailing copies of public documents. GAP Institute recommends that a) every public institution should appoint its person in charge for handling requests and his/her contact details be available on their websites; b) electronic requests should be treated the same as printed requests; c) the Public Relation Office of the Prime Minister's Office should draft the annual report of all requests on access to public documents and then send it to the Assembly, as stated by law; and d) the particular Assembly Commission should organize a public hearing with the media and the civil society organizations, for discussing the annual report.