

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

- 15 May 2003 [shall come into force from 17 June 2003];
- 26 November 2003 [shall come into force from 25 December 2003];
- 19 February 2004 [shall come into force from 17 March 2004];
- 22 December 2005 [shall come into force from 1 February 2006];
- 5 October 2006 [shall come into force from 14 October 2006];
- 12 March 2009 [shall come into force from 1 April 2009];
- 12 June 2009 [shall come into force from 1 July 2009];
- 3 September 2015 [shall come into force from 6 October 2015].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following law:

Freedom of Information Law

Chapter I General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **information** - data or compilations of data, in any technically possible form of fixation, storage or transfer;
- 2) **circulation of information** - the initiation, creation, compilation, collection, processing, use and destruction of information;
- 3) **documented information** - information the entry of which into the circulation of information can be identified;
- 4) **institution** - every institution, and also persons who implement administration functions and tasks if such person in the circulation of information is associated with the implementation of the relevant functions and tasks;
- 5) **re-use** - the use of generally accessible information at the disposal of an institution and created by an institution for commercial or non-commercial purpose, which is not the initial purpose for the creation of such information, if it is performed by a private individual who uses information at the disposal of an institution for purposes other than performing State administration tasks;
- 6) **open data** - freely available and free-of-charge information without any restrictions for re-use that allows editing and automated processing with freely available software;
- 7) **metadata** - structured information that describes a specific set of information.

[22 December 2005; 5 October 2006; 3 September 2015]

Section 2. Purpose and Scope of Application of This Law

(1) The purpose of this Law is to ensure that the public has access to information, which is at the disposal of institutions or which an institution in conformity with its competence has a duty to create. This Law determines uniform procedures by which private persons are entitled to obtain information from an institution and to utilise it.

(2) This Law applies to documented information, which is within the circulation of information of institutions.

(3) Information shall be accessible to the public in all cases, when this Law does not specify otherwise.

(4) This Law does not apply to the exchange of information between institutions.

[22 December 2005]

Chapter II

Classification of Information

Section 3. Classes of Information

Information to which this Law applies shall be classified as follows:

- 1) generally accessible information;
- 2) restricted access information.

Section 4. Generally Accessible Information

Generally accessible information is information other than classified as restricted access information.

Section 5. Restricted Access Information

(1) Restricted access information is such information as intended for a restricted group of persons in relation to the performance of their work or official duties and the disclosure or loss of which, due to the nature and contents of such information, hinders or may hinder the activities of the institution, or causes or may cause harm to the legal interests of persons.

(2) As restricted access information shall be regarded information:

- 1) which has been granted such status by law;
- 2) which is intended and specified for internal use by an institution;
- 3) which is a commercial secret, except in the case where a purchase contract has been entered into in accordance with the Public Procurement Law or other type of contract regarding actions with State or local government financial resources and property;
- 4) which concerns the private life of natural persons;
- 5) which is related to certifications, examinations, submitted projects (except projects the financing of which is expected to be a guarantee provided by the State), invitations to tender (except invitations to tender, which are associated with procurement for State or local government needs or other type of contract regarding actions with State or local government funds and property) and other assessment processes of a similar nature;
- 6) which is for official use only;
- 7) which is the information of the North Atlantic Treaty Organisation or of the European Union, that is designated as "NATO UNCLASSIFIED" or "LIMITE" respectively.

(3) The author of the information or the head of an institution shall determine restricted access status for information by indicating the grounds laid down in this Law or other laws.

(4) The author of information or the head of an institution shall determine restricted access status for information for a time period, which is not longer than one year, with the exception of the case referred to in Section 7 of this Law. The author of information or the head of an institution may decide on setting a new time period, also on cancelling the status prior to the termination of the laid down time period. If the time period for which restricted access status has been determined to information has expired, or if the restricted access status has been cancelled prior to the time period laid down in law, such information shall become generally accessible information.

(5) Paragraphs three and four of this Section shall not apply to cases where the restricted access status has been determined to information by law.

(6) Information, which is accessible to the public without restrictions provided for in law or has already been published, shall not be regarded to be restricted access information.

[15 May 2003; 26 November 2003; 22 December 2005; 5 October 2006; 3 September 2015]

Section 6. Information for the Internal Use of an Institution

(1) Information, which is necessary to an institution for the preparation for resolution of matters, shall be regarded to be information for the internal use of an institution.

(2) Restricted access shall also apply to documents which are drawn up in connection with the preparation for resolution of matters by an institution and which have been drawn up by:

1) advisors or experts specially invited for the particular matter;

2) one institution for the use by another institution.

(3) The restricted access status may be applied to information for the internal use of an institution during the process of preparation of matters only up to the time when the institution takes a decision regarding the particular matter, or when a document which has not been classified as a restricted access document is sent to an addressee.

(4) Information for the internal use, which has been classified as restricted access information, shall be registered by the institution concerned in accordance with the procedures laid down in laws and regulations.

Section 7. Information Regarding a Commercial Secret

(1) Information, which is created by a merchant or belongs to a merchant and the disclosing of which may have a significant adverse impact on the competitiveness of the merchant, shall be regarded to be a commercial secret.

(2) Information, which is associated with the implementation of State administration functions or tasks, may not be regarded to be a commercial secret.

(3) A merchant, when providing information to an institution, shall indicate whether the information is a commercial secret and what is the legal basis for such a status.

(4) If an institution has received a request for the provision of such information which is a commercial secret, it shall prior to providing such information or refusing to provide it, ascertain the viewpoint of the merchant regarding the compliance with the provisions of Paragraph one of this Section.

(5) Information regarding commercial secret shall be restricted access information until the merchant has notified an institution regarding termination of commercial secret status or when the information concerned has become generally accessible to third parties.

[22 December 2005; 5 October 2006; 3 September 2015]

Section 8. Information Regarding the Private Life of a Natural Person

Information regarding the private life of a natural person is protected shall be by law.

Section 8.¹ Information for Official Use Only

(1) As information for official use only shall be regarded to be:

1) information created in Latvia subject to protection, which is related to State security and does not contain an official secret;

2) information that has been handed over to Latvia by a foreign state, international organisation or the institution thereof, and which is classified as "RESTRICTED", also information created in Latvia associated with such information.

(2) No-one has the right to make public information created by a foreign state, international organisation or the institution thereof for official use only without the consent of the relevant foreign state, international organisation or the institutions thereof.

(3) The status "information for official use only" for information created in Latvia shall be laid down for one year. The institution, which has laid down such a status for the information, may decide regarding the laying down a new time period, also regarding the cancelling such status prior to the termination of the laid down time period. If in relation to information for which the status of "information for official use only" has been laid down the time period of such status laid provided for in law has terminated or the status has been cancelled prior to the time period provided for in law, such information created in Latvia shall become generally accessible information.

(4) The Cabinet shall determine the procedures for protecting the information for official use only.

[26 November 2003]

Section 9. Recording of Information

(1) Each institution shall keep records on information.

(2) The person requesting information has the right to become acquainted with the records on generally accessible information.

(3) A person has the right to become acquainted with the list of restricted access information of the institution in which the types of information, themes, separate documents and the types thereof are included.

(4) [5 October 2006]

[22 December 2005; 5 October 2006/ Paragraph three shall come into force on 1 January 2007. See Transitional Provisions]

Chapter III

Provision of Information, Re-use and Protection of the Rights of Applicant for Information

[22 December 2005]

Section 10. Duty to Provide Information

(1) An institution shall provide information on its own initiative or upon request of a private person.

(2) Taking into account good administration principle, an institution on its own initiative shall ensure accessibility of certain type of generally accessible information.

(2¹) An institution on its own initiative shall provide accessibility to generally accessible information posted on the Internet in the form of open data together with information metadata, provided that this is useful.

(3) Generally accessible information shall be provided also upon request by a private person. Such information shall be provided to anyone who wishes to receive it, subject to the equal rights of persons to obtain information. The applicant shall not be required to specially justify his or her interest in generally accessible information, and he or she may not be denied it because such information does not apply to the applicant.

(4) If the entirety of the requested information also includes restricted access information, an institution shall provide only that part of information, which is generally accessible. That part of the information, which includes restricted access information shall be provided following the special procedures laid down in this Law.

(5) An institution may agree with an applicant for information regarding permanent co-operation in transfer for re-use of the information which is at the disposal thereof.

(6) The Cabinet shall determine the procedures for posting information on the Internet by institutions.

[22 December 2005; 5 October 2006; 3 September 2015]

Section 11. Form for Requesting Information and Registration Procedures

(1) Information may be requested in writing, orally or electronically.

(2) All written requests for information shall be registered. An institution may lay down procedures for registering requests for information expressed orally and for such requests which are submitted in electronic form and are not signed with an electronic signature in accordance with the procedures laid down in the laws and regulations.

(3) A request for information expressed in writing or in electronic form shall indicate the applicant's given name, surname or designation (firm) name, address where the information is to be sent, and the applicant for information shall sign it. The requests for information shall be formulated as precisely as possible.

(4) Restricted access information shall be requested in writing. When requesting restricted access information, a person shall provide grounds for his or her request and indicate the purpose for which the information will be used. If restricted access information is provided, the recipient shall undertake the obligations to use this information exclusively for the purposes it was requested for.

(5) An institution may refuse to satisfy the request if it has not been prepared in accordance with the provisions of Paragraphs three and four of this Section, or does not provide a description according to which it is possible to identify the information.

(6) Correspondence between an institution and an applicant for information and information regarding this person shall be regarded as restricted access information.

[22 December 2005; 5 October 2006; 12 March 2009]

Section 11.¹ Request for Re-use of Information

(1) A request for the re-use of the information at the disposal of an institution shall be drawn up in writing in accordance with the request documentation requirements determined for the relevant information group.

(2) In addition, the request shall indicate that the information is requested for the purpose of re-use, and the goods or services for the formation of which the requested information is necessary.

[5 October 2006]

Section 11.² Manner of Issuing Requested Information

(1) Requested information shall be issued orally, in writing, or, if it possible, by using electronic means of communication. Restricted access information shall be issued in writing.

(2) When issuing requested information, an institution shall as far as possible take into account the manner of receiving the information indicated by the applicant, especially taking care of persons with sight or hearing disturbances.

(3) An institution may refuse to fulfil a request for information or the fulfilment conditions thereof if the request for information or the fulfilment conditions thereof are not commensurate with the resources at the disposal of the institution, to wit, as a result of the fulfilment of the request for information or the fulfilment conditions thereof the work of the institution or the rights of another person are threatened.

(4) An institution may invite a private person at a time acceptable to the institution and the private person in order to acquaint the private person with the requested information at the institution if the request for information is incommensurably large or the provision of the information outside the institution is not possible due to the conditions of storage of the information.

(5) An institution has no obligation to collect, produce, store or modify information exclusively for the purpose of satisfying a request for re-use of information.

[22 December 2005; 5 October 2006; 3 September 2015]

Section 12. Refusing Requested Information and Procedures for Providing a Statement on the Requested Information

(1) If an institution refuses to provide information which has been requested in writing, it shall specify in its written refusal on what grounds the request has been, wholly or in part, refused, and where and within what time period this refusal may be contested or appealed.

(2) If the requested information is not at the disposal of the institution, the institution shall provide a statement regarding the location of the information and the procedures for accessing the information, if the latter is known to the institution.

(3) If the information, which is requested from the institution, is available free of charge on the Internet, the institution may refuse to issue the requested information by indicating the address of the website where the relevant information is available, except the case when the applicant has indicated that due to his or her legal status, health condition or other justified circumstances it is not possible to acquire the information on the Internet. If the text of a law or Cabinet regulation is requested from the institution, the institution may refuse to provide it indicating when and in which number of the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia] the information was published, also a website on the Internet where the relevant law or regulation is available.

(4) In the case referred to in Section 11.², Paragraph four of this Law, the institution shall draw up a refusal to exercise a request for information or certain condition thereof if after the receipt of a notification regarding the possible manner of issuing the information, the applicant for the information informs the institution in writing that he or she does not agree with offered manner of issuing the information.

(5) If an institution refuses to provide the requested information for re-use on the grounds of protection of intellectual property rights of a third party, or if the institution has no right to issue the requested information due to the conditions laid down by a third party (licensor), it shall point out the third party in its written refusal whose intellectual property rights are protected, if known to the institution, or the licensor who has granted the institution the right to use the object of intellectual property rights. Libraries, museums and archives do not need to provide such indication in their refusal.

[22 December 2005; 5 October 2006; 12 March 2009; 3 September 2015]

Section 13. Fee for the Provision of Information

(1) Generally accessible information which does not require any additional processing shall be provided free of

charge.

(2) The fee charged for the provision of information may not exceed its production and processing (e.g. collection, production, reproduction, dissemination) costs. When issuing laws and regulations regarding paid services relating to issue of the information, it shall be taken into account that the fee may not include any other expenses, which have been incurred in respect of resolving legal or political issues, which are associated with the provision of answer to the request for information, and also the expenses of searching for the information. If the information for re-use is issued from a library, the National Archives of Latvia or a museum deposit, the fee for the provision of information may also include the costs for preservation and acquisition of rights.

(3) Every applicant for information may request exemption from being charged a fee for the service. The Cabinet shall determine the cases when a private person shall be charged a reduced fee for the provision of information or shall be released from such fee.

(4) The Cabinet shall determine the procedures for performance of payment for the provision of information, and also determine the paid services and the amounts thereof.

(5) A commercial company founded by a public person for the re-use of information in its commercial activities shall have applied the same fee and provision procedures as for other applicants for information.

[22 December 2005; 12 March 2009; 3 September 2015]

Section 14. Time Periods for the Provision of Information

(1) An institution, which has received a request for information, shall perform one of the following activity:

1) provide the answer referred to in Section 11², Paragraph four, Section 12, Paragraph two, three or four of this Law within seven days;

1¹) answer to the applicant within 10 days if it is requested to provide the information only in electronic form and it requires no additional processing;

2) answer to the applicant within 15 days, provided the information requires no additional processing;

3) answer to the applicant within 30 days if information requires additional processing, and notify the applicant thereof not later than within 15 days.

(2) The time periods laid down in this Law and provisions of Section 6 of the Law on Submissions shall be applied to the provision of information.

[22 December 2005; 5 October 2006; 12 March 2009]

Section 15. Control of a Decision and Action of an Institution

(1) An administrative act issued by an institution regarding refusal to provide the information or to exercise request for information, and also the actual action expressed as non-provision or undue provision of the information may be contested or appealed in accordance with the procedures laid down in the Administrative Procedure Law.

(2) A judgment of the Administrative District Court may be appealed in accordance with the cassation procedure in the Department of the Administrative Cases of the Senate of the Supreme Court.

(3) If a request for information is received in electronic form and is not signed with electronic signature in accordance with the procedures laid down in the laws and regulations, the applicant thereof is not entitled to request the provision of the information through a court.

[12 March 2009]

Section 16. Protection of Restricted Access Information

(1) An institution shall ensure that the duty to protect restricted access information is known by all persons to whom this duty applies, if it is not otherwise laid down in law. A written confirmation shall be required from persons who process restricted access information that they know the regulations and undertake to observe them.

(2) If, due to illegal disclosure of restricted access information, harm has been caused to its owner or another person, or his or her legal interests have been significantly infringed, these persons have the right to bring an action for damages for the harm done, or for restoration of the rights infringed.

(3) If a person has unlawfully disclosed information, which has been recognised as restricted access information, he or she shall be disciplinary or criminally liable.

[26 November 2003; 19 February 2004; 22 December 2005; 5 October 2006]

Section 17. Conditions for the Re-use of Information

An institution, without restricting competition, may provide for conditions for re-use.

[3 September 2015]

Section 18. Exclusive Agreement

(1) It is prohibited to grant exclusive rights for re-use of information, with the exception of the case where exclusive rights are necessary for the provision of information society services in the public interest. Such agreements shall be transparent, and they shall be published. The justification for the agreement shall be reviewed at least every three years.

(2) The Cabinet shall determine the procedures for granting exclusive rights and publishing information regarding granting of such rights.

(3) An institution shall be provided, free of charge, with a copy of cultural resources digitised on the basis of an exclusive agreement, which is accessible for re-use after the expiry of the laid down exclusivity period.

(4) If exclusive rights for re-use of information apply to digitising of cultural resources, such exclusivity period shall not exceed 10 years.

[22 December 2005; 3 September 2015]

Section 19. Supervisory Authority

[12 June 2009]

Transitional Provisions

1. *[22 December 2005]*

2. *[22 December 2005]*

3. Section 9, Paragraph three of this Law shall come into force on 1 January 2007.

[22 December 2005]

4. Information for which restricted access status has been determined up to the day of the coming into force of Section 5, Paragraph four of this Law and for which the abovementioned status is not removed according to the procedures laid down in this Law, shall be deemed to be restricted access information until 31 December 2006.

[22 December 2005]

5. Exclusive agreements entered into by 1 February 2006 and which do not comply with the requirements of Section 18, Paragraph one of this Law shall be terminated on expiry of the time period thereof; however not later than by 31 December 2008.

[22 December 2005]

6. The Cabinet shall by 31 December 2016 issue the regulations referred to in Section 10, Paragraph six; Section 13, Paragraphs three and four, and also Section 18, Paragraph two of this Law.

[5 October 2006]

7. *[5 October 2006]*

8. Section 15, Paragraph two of this Law shall not apply to the matters in which the Administrative District Court has taken a judgment until 31 March 2009. A judgement in such matters shall be appealed in accordance with the procedures laid down in the Administrative Procedure Law.

[12 March 2009]

9. If the exclusive agreement laid down in Section 18, Paragraph four of this Law has been entered into until 1 July 2015 and its time period is longer than 10 years, it shall be terminated or extended on the eleventh year after entering into the relevant agreement and subsequently once every seven years, where necessary.

[3 September 2015]

Informative Reference to Directives of the European Union

[22 December 2005; 3 September 2015]

This Law contains legal norms arising from:

- 1) Directive 2003/98/EC of the European parliament and of the Council of 17 November 2003 on the re-use of public sector information;
- 2) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC;
- 3) Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information.

This Law has been adopted by the *Saeima* on 29 October 1998.

President G.Ulmanis

Rīga, 6 November 1998.

¹ The Parliament of the Republic of Latvia

Translation © 2016 Valsts valodas centrs (State Language Centre)

© Oficiālais izdevējs "Latvijas Vēstnesis"