



## LAW OF THE REPUBLIC OF AZERBAIJAN ON RIGHT TO OBTAIN INFORMATION

### Chapter I GENERAL REGULATIONS

#### Article 1. Subject of the Law

The purpose of the present Law is to establish the legal framework for ensuring free, unrestricted and equal information access as prescribed by Article 50 of the Constitution of the Azerbaijan Republic based on open society and democratic law-governed state principles, as well as to create conditions for control by citizens on the exercising of public duties.

#### Article 2. Freedom of Access to Information

2.1. Access to information in the Azerbaijan Republic is free.

2.2. Any person is entitled to apply directly or via his (her) representative to the information owner and to choose the type and form for obtaining the information.

2.3. Any person applying for the information to its owner is entitled to the following:

2.3.1. to inquire on availability of the required information from the information owner, to get supporting details for obtaining the missing information;

2.3.2. to obtain the requested information freely, on an unrestricted and equal basis, in case the information owner possesses it.

2.4. Individuals are entitled to get easily familiarized with the documented information on themselves, obtain and require adjustments to it as well as to inquire on by which persons and for which purposes such information is being utilized.

2.5. The documented information obtained from the information owners in accordance with the requirements of the present Law may be used to produce the derived information for other purposes, including the commercial purposes, providing that the source of the information is referred to when producing such derived information.

#### Article 3. Definitions

3.0. The following definitions are used in this Law with the meanings specified:

3.0.1. information – any facts, opinions, knowledge, news or other sort of information produced or acquired as a result of any activities, irrespective of the date of producing, presentation form and classification;

3.0.2. private information or information on family life (hereinafter ‘the private life’) – any facts, opinions, knowledge on events, activities and circumstances directly or indirectly facilitating the identification of the person;

3.0.3. public information - any facts, opinions, knowledge produced or acquired during performance of duties provided by legislation or other legal acts;

3.0.4. information services – activities aimed at provision of any person filing request with the requested information;

- 3.0.5. information owner – state authorities, municipalities, legal entities irrespective of the ownership type, and individuals as determined by Article 9 hereof to guarantee the right of information access;
- 3.0.6. request for information – written or oral application to acquire the information;
- 3.0.7. information requester (hereinafter referred to as ‘the requester’) – legal entity or individual applying in writing or verbally to acquire the information;
- 3.0.8. information disclosure - distribution of information via mass media, official publications, questionnaires and reference books; placement with Internet Information Resources; declaration at briefings, press-releases or conferences; disclosure during official or public events without any request for information;

#### Article 4. Scope of the Law

##### 4.1. This Law determines the following:

- 4.1.1. terms, procedures and forms of information access, as well as grounds for denial by the information owner from furnishing such information;
- 4.1.2. limitations on public information access and procedures for disclosing and presenting those portion of such information that is not regulated by other laws;
- 4.1.3. procedures to effect a control over the organization of the process of acquiring the information;

##### 4.2. The present Law does not apply to:

- 4.2.1. the information constituting the state secret as set in the legislation;
- 4.2.2. the provision of the working access to archived documents in accordance with the Law of the Azerbaijan Republic ‘On National Archive Fund’;
- 4.2.3. the proposals, claims and complaints regulated by the Law of the Azerbaijan Republic ‘On Examining the Citizen’s Appeals’;
- 4.2.4. the limitations determined by the international agreements.

#### Article 5. Legislation of the Azerbaijan Republic on Information Access

5.1. Legislation of the Azerbaijan Republic on information access consists of the Constitution of the Azerbaijan Republic, the present Law and the other legal acts elaborated on the basis of the present Law’s requirements.

5.2. Other legal acts of the Azerbaijan Republic cannot provide for any regulations contradicting the requirements of the present Law.

#### Article 6. Principles of Information Access

##### 6.0. Basic principles of information access are as follows:

- 6.0.1. free, unrestricted and equal settlement of any information request;
- 6.0.2. eligibility of the information access;
- 6.0.3. obligation of state authorities and municipalities to disclose the information;
- 6.0.4. maximal transparency of information;
- 6.0.5. execution of any information request as soon as practicable and under the most appropriate method;

- 6.0.6. personal, public and state security during provision with information;
- 6.0.7. state protection of the right of information access, including judicially;
- 6.0.8. free-of-charge information access, except as otherwise provided by the present Law;
- 6.0.9. responsibility of the information owners for violating the right of information access;
- 6.0.10. not exceeding any limitation on information access over the grounds causing such limitations;
- 6.0.11. non-forcing officials to disclose the information on offences that generate the public interest.

## Article 7. Documented Information (Document)

7.1. Any identifiable information with any attributes recorded on tangible data medium in the form of text, voice or picture; irrespective of its source, place of storage, official status, type of ownership and whether or not it has been produced by the entity which it belongs to, is considered a documented information (hereinafter 'the document').

7.2. Information owner owns the document if:

- 7.2.1. the document available at the information owner does not belong to another information owner;
- 7.2.2. the document available at another information owner belongs to the information owner;

## Article 8. Storage, Filing and Protection of Information

8.1. Regulations on storage, filing and protection of information are established by the respective executive authority;

8.2. Information owner is responsible for storage, filing and protection of the pertinent information in accordance with the policies as set in Article 8.1 hereof;

8.3. Information owner establishes and ensures the implementation of procedures for access by individuals to the private information on themselves and making adjustments, as necessary, in accordance with the requirements of the present Law.

## Article 9. Information Owners

9.1. The below listed are considered the information owners:

- 9.1.1. state authorities and municipalities;
- 9.1.2. legal entities implementing the public functions, as well as private legal entities and individuals engaged in the spheres of education, healthcare, cultural and social sphere based on legal acts or contracts.

9.2. Information owner's obligations, established by the present Law, pertain to legal entities and individuals defined in Article 9.1.2. hereof only in relation to the information produced or acquired as a result of public duties carried out, or services provided in the spheres of education, healthcare, cultural and social sphere based on the legal acts or contracts.

9.3. The below listed are considered equal to the information owners:

9.3.1. legal entities holding the dominant position, as well as holding a special or exclusive right at the products market, or being a natural monopoly – in relation to the information associated with the terms of offers and prices of goods as well as the services and changes in such terms and prices;

9.3.2. fully or partially state-owned or subordinated non-commercial organizations, off-budget funds, as well as the trade associations where the state is a member or a participant – in relation to the information associated with the use of the State Budget funds or properties contributed to them.

## Chapter II

### Organizing of Information Access

#### Article 10. Information Owner Obligations

10.1. Information owner is obliged to secure everyone's free, unrestricted and equal right of access to pertaining information resources under the procedures established by the present Law.

10.2. For these purposes, the information owner appoints an official or establishes a department on information matters, provides information services.

10.3. Appointment of an official or establishment of a department on information matters cannot serve a ground for denial from the provision of information services.

10.4. Information owner:

10.4.1. answers the request for information as soon as practicable and in the manner most applicable for the requestor;

10.4.2. maintains the register of documents;

10.4.3. provides the public with periodic information on fulfillment of public duties;

10.4.4. discloses the public information that is due to be disclosed under the procedures and terms established by the present Law;

10.4.5. assists a requestor;

10.4.6. informs a requestor on the limitations on information access;

10.4.7. protects information, to which the access is limited by law;

10.4.8. avoids to furnish incorrect, incomplete or inaccurate information, checks accuracy and reliability of information in case of any doubts.

10.5. Official or department on information matters performs the following functions:

10.5.1. examines the requests carefully and makes decisions;

10.5.2. answers the requests in the order established by the present Law;

10.5.3. controls provision of information services;

10.5.4. prepares statements to be presented to the authorized agent on information matters;

10.5.5. examines and settles complaints addressed to information owner in relation to information access;

10.5.6. carries out other obligations as regards to provision of information services.

10.6. Reports are presented to the authorized agent on information matters twice a year – on the first and seventh month of every current year. However, when the authorized agent so requests, the information owner must present additional reports.

#### Article 11. Responsibility for Organizing of Information Access

11.1. Manager of the information owner establishes internal execution procedures for organizing of information services.

11.2. Information owners specified by Article 9 of the present Law are responsible for the organizing of the information access as provided by the legislation.

11.3. If information owner fails to appoint an official or establish a department on information matters, then the person determined by the information owner for implementing of this function shall be responsible for the execution of the request for information.

11.4. The responsibility for information disclosure stipulated by this Law lays on the manager of the information owner, unless the other person is officially in charge for implementing this function.

#### Article 12. Register of Documents

12.1. Register of Documents (hereinafter ‘the Register’) is a publicly-accessible electronic database where all information received by the information owner, produced or acquired as a result of fulfillment of public duties is registered.

12.2. The respective executive authority establishes policies for creating, maintenance and periodic update of the Register.

12.3. The information owner is obliged to register the below documents in the Register within the period, stipulated by the present Article:

12.3.1. incoming, outgoing or internally produced documents – on the date of entry, dispatch or internal production;

12.3.2. legal acts – date of signing;

12.3.3. contracts – effective dates.

12.4. Accounting records, greeting correspondences, notifications, memos, guarantees, as well as programs of meetings, forums, conferences and other public events or the information on such events, various statistic statements are not recorded in the Register.

12.5. In addition to information listed in Article 15.1, the following details must be recorded in the Register:

12.5.1. mode of receipt and dispatch of the document (by e-mail, mail, fax, courier);

12.5.2. type of the document (request for information, offer, claim, complaint, report, normative act, etc.);

12.5.3. if applicable, the limitations for access to document, etc.

12.6. The Register is to reflect also the term stipulated by the law for implementing of the document requiring examination or reply, name of department, as well as name and surname of official preparing a reply.

12.7. In order to simplify the utilization of the Register and the search of documents, the information owner prepares a Register Utilization Manual.

### Chapter III

#### Ensuring the Access to Information under Request

##### Article 13. Methods of Submission of Information Request

13.1. A requestor submits a request for information by the following ways:

- 13.1.1. verbally by applying to the information owner's official directly or by phone;
- 13.1.2. to deliver the information to the information requester personally or in a written form by sending it by post, fax, or e-mail.

##### Article 14. Forms of the Information Access

14.1. A requestor may require the implementing of the request in one of below manners or other available manner:

- 14.1.1. access to the place designated for familiarization with a document;
- 14.1.2. rewriting of the document;
- 14.1.3. copying of a document using information owner's technical means or getting a certified copy of the document;
- 14.1.4. copying a document using a requestor's technical means;
- 14.1.5. presentation of shorthand records or otherwise coded documents after transforming them to the readable condition;
- 14.1.6. translation of the document;
- 14.1.7. conversion of the document to electronic careers, etc.

14.2. Legal forms of the information access:

- 14.2.1. information that is furnished obligingly in accordance with the requirements of the present Law;
- 14.2.2. information that is furnished on contract basis.

14.3. In cases provided by Article 14.2.1. hereof, the information is presented free of charge, on the chargeable basis or with discounts.

14.4. In cases provided by Article 14.2.2. hereof, the time for presentation of the information is defined based on mutual agreement of information owner and requestor.

14.5. Information owner may refuse to implement the request for information in the form indicated in this request when:

- 14.5.1. there is a lack of technical means;
- 14.5.2. the request is not executable due to the type of the information career;
- 14.5.3. information to be furnished under the verbal request is highly time consuming and so impedes the fulfillment of the information owner's principal obligations.

14.6. In cases delineated by Articles 14.5.1. and 14.5.2. hereof, the information owner at its own discretion chooses the form of implementing of the request and, when contact details contained in the request allow this, discuss the matter with the requestor.

14.7. When verbal reply of the official does not satisfy a requestor and in cases delineated by Article 14.5.3. hereof, the requestor shall be offered to apply in writing.

14.8. When the request is not explicit in what concerns the presentation form of the information and it is impracticable to define this during the period of implementing of this request, then the request shall be executed in the form chosen by the information owner.

## Article 15. Request for Information

15.1. A written request for information should contain:

- 15.1.1. name and family name of the requestor;
- 15.1.2. when the request is submitted by a legal entity – the name of the legal entity as well;
- 15.1.3. contact details on the requestor to enable the information owner to execute the request (mail or e-mail address, telephone or fax numbers);
- 15.1.4. content of the requested information, or type or name of the document, document details known to the requestor;
- 15.1.5. presentation form of the information.

15.2. If the requestor wishes to acquire private information, the request shall be furnished directly to the information owner's official together with the requestor's identification document.

15.3. When the private information is needed or state or municipal servant makes a request for fulfillment of the official duties, the need to obtain the information should be grounded.

15.4. A servant may not acquire any information for his private purposes on the pretext of the official duties or making use of his official position, nor use the information acquired during fulfillment of the official duties for other purposes.

15.5. Except for cases delineated in Articles 15.3, 21.2.1, 22.4 and 24.3 hereof, a requestor is not required to ground the need to obtain the information.

15.6. A written request is signed by individual or legal entity's manager or their authorized representative.

15.7. A written request may not be declined.

## Article 16. Methods of Implementing of the Request for Information

16.1. Information owner executes a request under the following methods:

- 16.1.1. recording on electronic information carriers or sending to the e-mail address shown in the request;
- 16.1.2. presenting a copy of the document or extract from the document directly to the requestor or sending to his mail address;
- 16.1.3. by fax;
- 16.1.4. verbally;
- 16.1.5. permitting the access to places designated for familiarization with the information;
- 16.1.6. other methods taking into account the type of the information carrier.

16.2. Requests for information shall be implemented verbally only in below cases:

- 16.2.1. in case of direct appeal to officials;
- 16.2.2. when the details of the request for information are questioned;
- 16.2.3. when learning if the information owner possesses the information required to the requestor.

16.3. When the copying of the document may cause a damage to the original, the information owner should provide a requestor with conditions for:

- 16.3.1. familiarization by himself with the manuscripts or printed materials;
- 16.3.2. listening audio materials, reviewing audiovisual materials and making records.

16.4. The official, replying to a request in a verbal form, is not required to read a document.

16.5. When the requested information is available in several languages, the document shall be presented in the language mentioned in the request as preferable.



## Article 17. Information Owner's Obligation to Assist a Requestor

17.1. Information Owner should communicate to a requestor the terms, policies and methods of the information access in understandable form.

17.2. When the information owner does not possess the requested information, he should assist a requestor to find a probable location of such information.

17.3. When the request does not specify explicitly the required information or the presentation form of this information, the official should communicate with the requestor to define the matter.

17.4. Verbal requests of persons who are not able to apply with written requests due to illiteracy or physical disability shall be prepared by the information owner's officials in written form with indication of their names, family names, positions and then registered with indication of the date.

## Article 18. Registration of the Request for Information

18.1. Information owner registers the request for information on the date of entry and include the information enlisted in Article 15.1 hereof to the Register provided by Article 12 hereof.

18.2. Request for information is not registered and executed in written form in below cases:

18.2.1 the request is anonymous;

18.2.2 the request is verbal.

18.3. The request is not considered anonymous when it has been presented on the legal entity's letterhead or with indication of individual's at least one contact detail.

## Article 19. Examination of the Request for Information

19.1. The request is carefully examined by the information owner's official. With this purpose:

19.1.1. the compliance of the request to the present Law's requirements;

19.1.2. availability of the required information with the information resources;

19.1.3. where to direct the information when the required information is not available with the information resources;

19.1.4. applicable limitations, if any, when the required information is available with the information resources;

19.1.5. options for the extraction of the information when the required information is open, but subject to limitations under law;

19.1.6. whether or not it is possible to present the required information in the form indicated in the request;

19.1.7. presentation of the information free of charge, on the chargeable basis or with discounts

are specified and the decision upon the examination results is taken.

## Article 20. Decision upon the Examination Results

20.1. Information owner's official takes one of the below decisions, depending on the examination results:

- 20.1.1. refuses the execution of the request;
- 20.1.2. provides the execution of the request;
- 20.1.3. directs the request to the respective information owner.

## Article 21. Refuse to Execute the Request

### 21.1. Information owner refuses the execution of the request in the following cases:

- 21.1.1. when the request relates to the information access to which is limited by law, or the requestor is not duly authorized to acquire such information or when the requestor fails to present identification document as required by the present Law;
- 21.1.2. when information owner lacks the required information or finds difficulty in determination of this information's owner;
- 21.1.3. it is not practicable to determine which information is requested by the requestor.

### 21.2. Information owner may refuse the execution of the request in the following cases:

- 21.2.1. the requestor has already been provided with such information and the reason for the repeated access to the information is not grounded in the request;
- 21.2.2. the information requested by legal entities and individuals provided by Articles 9.1.2 and 9.3 hereof has no relation to fulfillment of obligations envisaged by Articles 9.1.2 and 9.3 hereof;
- 21.2.3. due to the large volume of the requested information, the execution of the request impedes the fulfillment by the information owner of his public duties or causes unreasonably heavy expenses;
- 21.2.4. impracticability to provide the execution of the request at a time;
- 21.2.5. execution of the request requires systematization, review and documentation of the information.

21.3. The response on the refusal to execute the request for information should be explicit and grounded with indication of applicable articles of the legislation of the Azerbaijan Republic and the right of the requestor to appeal to a court.

## Article 22. Settlement of the Request for Information

22.1. In accordance with the requirements of Article 14.1 hereof, the information owner makes available conditions to acquire the information or provides the requestor with the information.

22.2. When the required information is incorporated in the document with limited access, only the accessible part of the information may be presented.

22.3. Information owner presenting incomplete or inaccurate information should present to the requestor the supplemented information free of charge under the grounded requirement of the requestor.

22.4. When the official confirmation of the presented information is required to exercise the requestor's rights and freedoms or fulfill his duties, the information owner should present this information, including the disclosed information, together with the official confirmation.

## Article 23. Forward of the Request for Information as Appropriate

23.1. When the information owner lacks the required information, he should determine the respective information owner and forward the request to him without delay, i.e. within 5 working days with notifying the requestor accordingly.

23.2. Information owners envisaged by Articles 9.1.2. and 9.3 hereof, may not to forward the request as appropriate, providing that they notify the requestor on the lack of this information without delay, i.e. within 5 working days.

#### Article 24. Term of Execution of the Request for Information

24.1. Request for information is executed as soon as practicable, but not later than in 7 working days.

24.2. If this information loses its efficiency in this period, the request should be processed immediately or, if impractical, not later than in 24 hours.

24.3. In cases of convincing threat to life, health or freedom of a person, the information requiring certain time for search and prepare should be presented within 48 hours (except for holydays and week-ends).

24.4. If the request is incomplete or inaccurate, the official should inform the requestor on identified deficiencies within 5 working days.

24.5. The term of execution of the request for information as provided by the present Law starts on the working day following the date of registration of the request.

24.6. In cases provided by Article 24.4 hereof the period of execution of the request starts on the working day following the date of resubmission of the adjusted request, and in cases provided by Article 23.1 hereof the time for consideration of the request starts on the working day following the date of receipt of the request by the respective information owner, rather than the date of the first entry.

#### Article 25. Extension of the Term of Execution of the Request for Information

25.1. If the information owner receives overmuch requests and therefore needs the additional time for preparation of the information, or if there is a need to define the essence of the request or to investigate a lot of documents to clear up the information, the information owner may extend the execution term provided by the present Law for additional 7 working days.

25.2. Information owner informs the requestor on the extension of the execution period with specification of the respective grounds within 5 working days.

#### Article 26. Charge for the Information Access

26.1. The information access is free of charge if the requestor has been familiarized with the information, rewrote it by hand or copied it by using own technical means, or in other cases without providing him with a technical support.

26.2. Access to public information is not chargeable.

26.3. Information service may be chargeable, providing that the amount of charge does not exceed expenses incurred for preparation and presentation of the information.

26.4. The respective executive authority under agreement with the authorized agent on information matters establishes:

- 26.4.1. the list of chargeable information services;
- 26.4.2. the payment procedures for preparation and presentation of the information;
- 26.4.3. the cases requiring prepayment for presentation of the information;
- 26.4.4. the conditions for applicable payment discounts;
- 26.4.5. the terms and procedures for execution of the request for information on contractual basis except for cases as provided for by Article 14.4 hereof.

Article 27. When the Request for Information is Considered Executed

27.1. The request for information is considered executed when:

- 27.1.1. the information has been furnished to the requestor in the form and manner envisaged by the present Law;
- 27.1.2. the information request has been forwarded as appropriate and the requestor is notified accordingly;
- 27.1.3. the requestor has been counseled on the options to familiarize himself with the disclosed information;
- 27.1.4. the requestor receives grounded notification on the refusal to execute the request for information.

Article 28. Registration of the Execution and the Refuse to Execute the Request for Information

28.1. Execution and refuse to execute the request for information are reflected in the Register.

28.2. The following entries are made in the Register upon execution and refuse to execute the request for information:

- 28.2.1. name and family name of the official responsible for the execution of the request;
- 28.2.2. details of copied, translated or extracted document;
- 28.2.3. date of execution or refuse to execute the request;
- 28.2.4. grounds for refuse to execute the request as set in the present Law.

## Chapter IV

### Information Disclosure

Article 29. Information Owner's Obligation to Disclose the Information

29.1. In order to meet the public interests more easily and efficiently and lessen the number of multitudinous requests for information, the information owner should disclose the following information available, or produced or acquired as a result of fulfillment of public duties:

- 29.1.1. consolidated statistical data, including consolidated statistics on crimes and administrative delinquencies;

- 29.1.2. budget forecasts;
- 29.1.3. statutes on departments of state authorities;
- 29.1.4. guidance prepared in connection with activities of state authorities and municipalities;
- 29.1.5. staffing table of state authorities and municipalities, names, family names, telephone numbers, e-mail addresses, education and specialization details of officials employed by these authorities;
- 29.1.6. reports on activities of state authorities and municipalities;
- 29.1.7. names, family names, e-mail addresses of persons, who are the members of administration of legal entities engaged in exercising public functions;
- 29.1.8. information on conditions and results of state and municipal purchases, as well as sales of and changes in ownership rights in state and municipal properties;
- 29.1.9. information on loans, grants to information owners provided by Article 9.1 hereof, their terms and utilization;
- 29.1.10. draft legal acts – from the date of submission for agreement and approval;
- 29.1.11. legal acts – from the date of effectiveness;
- 29.1.12. reports on activities of legal entities engaged in exercising public functions;
- 29.1.13. statements on performance of the State Budget and rolling budget;
- 29.1.14. information on environment condition, damage to environment and dangerous impact on environment;
- 29.1.15. decrees, resolutions and orders of the state authorities and municipalities – from the date of effectiveness of decrees, resolutions and orders;
- 29.1.16. drafts of concepts, development plans and programs of public importance – till the submission for approval;
- 29.1.17. information on vacancies at state authorities and municipalities;
- 29.1.18. information on products and services of the state authorities and municipalities;
- 29.1.19. information on the use of the State Budget funds or property contributed to private legal entities established by, or operating with participation of the state authorities and municipalities;
- 29.1.20. public events programs;
- 29.1.21. information on changes in services provided by the state authorities and municipalities – at least ten days before making the changes;
- 29.1.22. information on hours of service of managers of the state authorities and municipalities;
- 29.1.23. information on salary rates, salary payment guidance, bonus payment policies and special benefits effective at the state authorities and municipalities;
- 29.1.24. information available to legal entities engaged in exercising public functions, as well as private legal entities and individuals serving in the spheres of education, healthcare, cultural and social sphere on the basis of legal acts and contracts, concerning the exercising of these functions;
- 29.1.25. legal entities holding dominant position, or special or exclusive right at the product market, or being a natural monopoly – the information relating to terms of offer and prices of goods and services as well as changes in such terms and prices – at least 30 days before offering the terms or making the changes in these terms and prices;
- 29.1.26. information on the use of the State Budget funds or property contributed to fully or partially publicly owned or controlled non-commercial organizations, off-budget funds, as well as the trade associations where the state is a member or a participant;
- 29.1.27. information on public services to population, as well as changes in service charges made during provision of these services – prior to making these changes;
- 29.1.28. judicial acts;

- 29.1.29. information on state registers to the extend provided by law;
- 29.1.30. Information Owners Register;
- 29.1.31. results of public opinion inquiries;
- 29.1.32. information on information owner's ownership of, and owner's obligation of the information owner;
- 29.1.33. list of information constituting the official secret;
- 29.1.34. information that is to be disclosed under special law, international agreements or legal acts issued on their basis, or other information as considered necessary by the information owner;

29.2. Public information shown in Article 29.1. hereof, except for cases provided by Article 22.4. hereof, may not be a subject of a request for information.

#### Article 30. Information Disclosure Methods

30.1. Public information shown in Article 29.1. hereof should be disclosed on Internet Information Resources.

30.2. Public information shown in Article 29.1. hereof may be disclosed also via:

- 30.2.1. mass media;
- 30.2.2. official publications;
- 30.2.3. libraries, public information centers, other publicly accessible places with providing conditions for getting familiarized with the documents;
- 30.2.4. other methods as provided by legislation.

31.1. Information owner should disclose the public information under the method that allows everyone wanting such information to get it as soon as practicable.

31.2. if the method of disclosure of public information is envisaged by special law or international agreements, then the method provided by such law or international agreement shall be applied in disclosure of the public information. If this obligation arises also based on requirements of Article 29.1 hereof, the public information is included in Internet Information Resources.

31.3. Information owner must immediately disclose the information on threat to lives, health or property of people or to environment, other occasions and facts bearing huge significance for public, through mass media, broadcasting and Internet Information Resources in order to prevent this threat or mitigate its probable consequences.

#### Article 32. Obligation of Foundation of Internet Information Resources

32.1. State authorities and municipalities create Internet Information Resources to disclose the public information shown in Article 29.1. hereof.

32.2. Respective executive authorities should provide conditions for creation of Internet Information Resources of subordinate state authorities. Internet Information Resources may be created in field (corporate), regional and other forms.

32.3. Information owners shown in Articles 9.1.2 and 9.3 hereof may create separate or joint Internet Information Resources in order to disclose the public information.

32.4. Forms and procedures for creation of Internet Information Resources of the state authorities and municipalities shall be established by respective executive authority.

### Article 33. Requirements to Internet Information Resources

33.1. Information owners shown in Article 9.1.2 hereof:

33.1.1. communicate to public via disclosure with mass media the respective addresses (and changes therein) reflecting the information on options of access to Internet Information Resources;

33.1.2. place up-to-date and effective information with Internet Information Resources;

33.1.3. refuse to place outdated, incomplete, inaccurate or misleading information with Internet Information Resources;

33.1.4. ensure the effective operation of Internet Information Resources.

33.2. Information owner should indicate the time of placement of the document at the Internet Information Resources and the date of its disclosure under other methods.

33.3. Information owners shown in Article 9 hereof should create conditions for quick and easy access to public information placed at the Internet Information Resources.

## Chapter V

### Assumption of Official Use of the Information

#### Article 34. Classification of Information

34.1. Depending on the form of access, the information is classified as publicly accessible or with limited access.

34.2. Information without any access limitations in accordance with law of the Azerbaijan Republic, are the publicly accessible information.

34.3. Information with limited access in accordance with law is confidential.

34.4. Official secret, professional (doctor, attorney, notary), commercial, investigation or judicial secrets with access limited in order to protect the lawful rights of individuals, entities, agencies, organizations and other legal entities, irrespective of the type of ownership, as well as private information are the confidential information.

#### Article 35. Basis for Considering the Information as Intended for Official Use

35.1. Information owner may consider the information as intended for official use by limiting access to it.

35.2. Information owner should consider the below information as intended for official use within a period provided by this Law:

35.2.1. information collected on criminal or administrative violation cases – until filing the case to a court or passing decision on termination of the case;

35.2.2. information collected during the effecting of state control – until the respective decision is made;

35.2.3. information that will or may impede the formation, improvement and successful completion of the state policy in case of premature disclosure – until the agreement on completion of the process is reached;

35.2.4. information that will or may endanger the effectiveness of testing or financial audit by the state authority in case of premature disclosure – until the completion of testing or financial audit;

35.2.5. information that will or may violate the exchange of views and process of consultations at the state authorities in case of premature disclosure – until the decision is taken;

35.2.6. information that may affect adversely the conduction of economic, monetary and credit or financial policy of the state authorities in case of premature disclosure – until completion of certain actions related to economic, monetary and credit or financial activities;

35.2.7. information that will or may prevent the administration of justice – until making a court judgment;

35.2.8. documents received from foreign states and international agencies – until reaching mutual agreement on document disclosure;

35.2.9. information that will or may endanger the environment or damage the environment components – until elimination of the reasons causing the danger;



35.2.10. when the disclosure deteriorate the lawful interests of the information owner, or the utilization of the information for official use is provided by agreement with private legal entities engaged in exercising public functions – information on technology solutions.

35.3. Information owners may consider the following information as intended for official use in the grounded cases:

35.3.1. drafts of decrees, resolutions and orders of information owners provided by Article 9.1 hereof – until submission of decrees, resolutions and orders for approval;

35.3.2. acts and related documents on fulfillment of obligations provided by Articles 9.3.1 and 9.3.2 hereof by legal entities enlisted in Article 9.3. hereof – until approval and signing of these acts.

35.4. Information provided by Article 35.2 hereof may be intended for official use if the harm from disclosure of this information exceeds the public interest to it.

#### Article 36. Policies for Considering the Information as Intended for Official Use

36.1 The documents intended for official use and (or) files where they are kept should be denoted by “For Official Use” words. Documents containing private information and (or) files where they are kept are to be marked as ‘For Official Use. Private Information’.

36.2 In both cases the effective date and expiry date of limitation must be indicated on documents and (or) files where they are kept.

#### Article 37. Limitation on Considering the Information as Intended for Official Use

37.1. Information owners provided by Article 9.1 hereof may not consider the below information as intended for official use:

37.1.1. results of public opinion polls;

37.1.2. consolidated statistics;

37.1.3. economic and social forecasts;

37.1.4. information on force-majeure, natural disasters and accidents endangering lives and health of people;

37.1.5. information on condition of environment, healthcare, demography, education, culture, economy, including transportation and agriculture, as well as the crime;

37.1.6. reports on activities of information owner, including the information on performance and committed shortages;

37.1.7. information on privileges, benefits and compensations provided by state for citizens, officials, legal entities irrespective of the type of ownership;

37.1.8. information on state of health of supreme officials of the Azerbaijan Republic;

37.1.9. facts of law violations by the state authorities and their officials;

37.1.10. information on impairment of business image of state and municipal servants, including legal entities and individuals engaged in exercising public functions, except for the private information;

37.1.11. information on vacancies at state authorities and municipalities;

37.1.12. information on utilization of budget funds and economic condition of the state;

37.1.13. job descriptions of servants of the state authorities and municipalities;

37.1.14. information on precious metal and currency reserves of the state;

- 37.1.15. legal acts;
- 37.1.16. minutes and short-hand records of public sittings of Milli Mejlis;
- 37.1.17. valid arbitration decisions;
- 37.1.18. list of the information constituting the official secret;
- 37.1.19. information on grants;
- 37.1.20. information on ownership and owner's obligation of the information owner;
- 37.1.21. decrees, resolutions and orders on effecting the state control or issued on the disciplinary basis;
- 37.1.22. information on quality of goods and services in connection with protection of lawful interests of consumers;
- 37.1.23. information on results of investigations and reviews conducted or ordered by the state authorities and municipalities, if such disclosure does not deteriorate the protection and security of the state;
- 37.1.24. information on changes in environmental components that took place or may take place as a result of activities that affect or may affect the environment and people's health; and estimation of these changes; actions and expenses aimed at preservation and effective use of the environment;
- 37.1.25. internal documents not registered with the Register – greeting correspondences, guarantees, memos, programs of public events, various statistic statements.

37.2. Legal entities indicated in Article 9.3.1 hereof may not limit to official use the information on terms of offers and prices of goods and services and changes in such terms and prices, whereas the legal entities and individuals indicated in Article 9.3.2 hereof may not limit to official use the information on utilization of state or municipal budget disbursements or properties contributed to them.

#### Article 38. Private Information

38.1. Private information may be considered as intended for official use by limiting the access to it.

38.2. Private information is a collection of the information on private and family life. Information on private life with limited access is as follows:

- 38.2.1. information reflecting the political views (except for information on membership), religion and ideology of private legal entities registered within procedures established by legislation;
- 38.2.2. information on ethnic origin or racial belonging;
- 38.2.3. information collected during litigations on crimes or other offences – until the open court or the rendering a judgment on the offence; or in cases required for protection of people's morality, private or family life, or for the sake of under age persons, victims or witnesses; or for execution of the judgment;
- 38.2.4. information on the state of health;
- 38.2.5. information on the person's individual features, abilities and other strains;
- 38.2.6. information on applications for social protection and social services;
- 38.2.7. information on mental and physical disability;
- 38.2.8. information on taxation, except for outstanding tax debts.

38.3. Information on family life with limited access is as follows:

- 38.3.1. information on sexual life;
- 38.3.2. information on registration of acts of civil status;

- 38.3.3. information on various moments of family life;
- 38.3.4. information on adoption.

38.4. Access to private information is limited from the date of entry or documenting.

38.5. Information owner, except for the below cases, is obliged to familiarize individuals with private information on themselves on the basis of their requests:

- 38.5.1. when the secret on origin of underage person is clued as a result of his access to the information;
- 38.5.2. when the possession of the information hinders the prevention of the crime, detaining an offender or eliciting a truth in a criminal case;
- 38.5.3. rights and freedoms of other persons requires to disclose the information;
- 38.5.4. the information has been collected for state security.

38.6. The following persons are entitled to be familiarized with and have access to the private information provided by this Article:

- 38.6.1. parents and tutors – information on underage persons;
- 38.6.2. tutors – information on persons with physical disabilities;
- 38.6.3. state and municipal servants – information on fulfillment of official duties;
- 38.6.4. those who are permitted to work with private information – only to the information authorized by such permission;
- 38.6.5. employees of private legal entities and entrepreneurs serving in the spheres of education, culture, healthcare and social sphere under legal acts or contracts – only to the extent needed for performance of these services;
- 38.6.6. individuals – information on themselves;

38.7. Information owner is to register the persons acquiring private information, and specify in the Register the purpose, timing and method of the familiarization with, or the access to the information;

#### Article 39. Access to Information Intended for Official Use

39.1. Information owner is to disclose the information on offences or accidents interesting for public before the absolute clarification of the respective result, to such extent as not to preclude from the investigation or clarification of the accident's causes.

39.2. The decision on the extent of such information disclosure shall be taken by the official making the investigation or effecting the control or clarifying the accident's causes.

39.3. If the information shown in Article 37 is a component of the information with limited access, only the portion of the information that is with unlimited access shall be disclosed.

39.4. State and municipal servants are entitled to work with documents intended for official use in connection with the fulfillment of their official duties.

39.5. Manager of the information owner may permit to outside parties to work with the information intended for official use, providing that such information does not deteriorate the interests of the state authorities and municipalities.

#### Article 40. Term of Limitation of Information Access

40.1. Limitation of access to information intended for official use shall be removed upon elimination of such limitation's cause, but within a period not exceeding 5 years.

40.2. Limitation of access to private information is effective for the period of up to 75 years from the date of acquiring or documenting of such information or up to 30 years from the death of the person or, when the fact of death is not verified, up to 110 years from the date of birth of this person.

40.3. The invalidity of the limitation of the information access is recoded on the information career and the Register.

#### Article 41. Protection of the Information Intended for Official Use

41.1. Information owner undertakes the administrative and technical actions to protect the information intended for the official use.

41.2. When the information with limited access is placed with Internet Information Resources, the actions for making such information inaccessible shall be taken.

#### Article 42. Control over the Law Compliance

42.1. The control over the observation of the present Law shall be effected:

42.1.1. by manager of the information owner – on the official basis, by superior body – on the basis of subordination;

42.1.2. by authorized agency on information matters – through monitoring.

#### Article 43. Requirements to Authorized Agent on Information Matters

43.1. The authorized agent on information matters (hereinafter 'the authorized agent') shall be elected by Milli Mejlis of the Azerbaijan Republic out of 3 nominees recommended by the respective executive authority.

43.2. Any citizen of the Azerbaijan Republic with higher education, experienced in the field of information and with extreme morality may be elected an authorized agent.

43.3. The following persons may not be elected an authorized agent:

43.3.1. persons holding rewarding occupation, except for scientific, pedagogical and creative activities, as well as persons bearing any obligation to a foreign state;

43.3.2. persons with imprisonment unsettled or non-recalled as provided by legislation;

43.3.3. persons proved by the court as being incapable or partly capable.

43.4. The authorized agent may not be involved in political activities, represent any political party or hold a managing position at any non-government organization.

43.5. Any authorized agent is to leave the position not complying with his status within 7 days after the election.

43.6. Term of office of authorized agent is 5 years.

43.7. Authorized agent may not be elected at this position more than twice.

#### Article 44. Status of Authorized Agent and establishment of Authorized Agency

44.1. The authorized agent establishes its office for the purpose to have control over the performance of this Law;

44.2. Authorized agency institution is a legal person and financed from the State Budget.

44.3. The office, table of staff and payroll of the authorized agency are defined by the Authorized agent;

44.4. The authorized agency owns a seal with the state emblem of the Azerbaijan Republic on it, letterhead and bank account;

44.5. The authorized agency functions in accordance with the Regulations "On the office of the authorized agent on information matters."

#### Article 45. Ending the authorities of the authorized agent before its term

45.1. The authorities of the authorized agent is ended in the following cases according to the initiative of the Milli Majlis of the Azerbaijan Republic and presentation of the appropriate Executive Power body:

45.1.1. When the requirements to the authorized agent \ as shown in this Law are broken;

45.1.2. When the authorized agent loses the capability of fulfilling his/her authorities;

45.2. When the following cases are announced at the meeting of Milli Majlis of the Azerbaijan Republic, the chairman of Milli Majlis of the Azerbaijan Republic puts an end to the authorities of the authorized agent by order:

45.2.1. When the authorized agent passes away;

45.2.2. Where there exists legitimate decision of the court on the authorized agent;

45.2.3. When the authorized agent leaves the job by his/her own wish.

45.6. When the authorities of the authorized agent is stopped before its term, appropriate executive power office presents the candidacy of three people to this position to Milli Majlis of the Azerbaijan Republic. Milli Majlis of the Azerbaijan Republic issues a decision about the election of a new authorized agent within 15 days.

#### Article 46. Authorities of the Authorized Agent

46.1. Authorized agent on information matters effects the control over the fulfillment of obligations of information owners arising from the present Law's requirements.

46.2. Authorized agent on information matters may initiate a control examination on the basis of complaint or personal initiative.

46.3. Official of the authorized agency on information matters clarifies the below listed during effecting the control:

- 46.3.1. whether or not the request for information has been registered in accordance with the present Law;
- 46.3.2. whether or not the request for information has been executed within procedures, terms and by methods provided by the present Law;
- 46.3.3. whether or not the refuse to execute the request for information complies with the requirements of the present Law;
- 46.3.4. whether or not the limitation of the information access has been set in accordance with the requirements of the present Law;
- 46.3.5. whether or not the information owner fulfills the obligation of disclosure of public information;
- 46.3.6. whether or not the Internet Information Resource has been created in accordance with the requirements of the present Law.

#### Article 47. Obligations of the Authorized Agency on Information Matters

47.1. Authorized agent on information matters:

- 47.1.1. communicates to the public the provisions of the present Law, provides legal assistance to people in obtaining the information;
- 47.1.2. makes suggestions to information owners for improvement of the information services;
- 47.1.3. closely cooperates with information owners in order to ensure more effective information access, arranges and holds various informative events to increase the professionalism of human resources involved in this field;
- 47.1.4. examines entered applications, claims and complaints, give respective instructions;
- 47.1.5. prepares sample request for information;
- 47.1.6. performs other obligations arising from the requirements of the present Law.

47.2. Official of the authorized agency on information matters notifies the complainer, information owner or supreme board subordinating the information owner on the results of control;

47.3. The result of control is also disclosed on Internet Information Resource of the authorized agency on information matters.

#### Article 48. Rights of the Authorized Agency on Information Matters

48.1. The authorized agency on information matters enjoys the following rights:

- 48.1.1. to request reports, clarifications and documents from information owner;
- 48.1.2. to get acquainted with documents considered by the information owner as intended for internal use;

48.1.3. to file the materials on administrative and legal delinquencies associated with violation of the present Law's requirements to the supreme body of the information owner or court.

#### Article 49. Complaint on the Refuse to Execute or Inappropriate Execution of the Request for Information

49.1. A requestor is entitled to complain in connection with the refuse to execute or inappropriate execution of the request for information to a court or the authorized agency on information matters.

49.2. The complaints filed to the authorized agency on information matters is to indicate:

49.2.1 name and family name of person filing a complaint;

49.2.2. mailing address or other contact details;

49.2.3. content of the information inquiry presented to the information owner;

49.2.4. detailed information on faults committed by the information owner on the request for information; requestor's evidences on illegal actions of the information owner.

49.3. If on the complaining person's opinion the information owner illegally refused to execute the request, or furnished inaccurate or incomplete information, the complaint is to be supplemented with the copy of the written reply or the document considered being inaccurate or incomplete.

#### Article 50. Consideration of the Complaint

50.1. The authorized agency on information matters is to consider the complaint within 10 working days after the date of filing, examine the eligibility of activities of the information owner in this regard and provides response to the complainer.

50.2. If the complaint required clarification or additional explanations and documents are to be collected to investigate the complaint, the authorized agency on information matters may extend the term of the consideration of the complaint to additional 10 days by giving written notification to the complainer.

#### Article 51. Refuse to Settle the Complaint

51.1. The authorized agency on information matters may refuse to settle the complaint in the below cases:

51.1.1. when the complaint is anonymous;

51.1.2. when the complaint does not relate to the certain information owner's activities;

51.1.3. when the complaint repeated, groundless and biased;

51.1.4. when there is a valid court decision on this case;

51.1.5. when the complainer has not used the conditions created by the information owner to eliminate the complaint with the adequate efficiency.

51.2. Except for the cases provided by Article 50.1.1. hereof, complainer is to be provided with a grounded reply.

#### Article 52. Instructions of the Authorized Agency on Information Matters

52.1. During the investigation on the basis of control, the authorized agency on information matters may accordingly instruct the information owner in the following cases:

52.1.1. illegal refuse to execute the request for information;

52.1.2. failure to execute the request for information within the terms provided by the present Law;

52.1.3. improper execution of the request for information;

52.1.4. non-disclosure or insufficient disclosure of the public information to be disclosed under the present Law;

52.1.5. failure to create or improper creation of the Internet Information Resource;

52.1.6. presentation of inaccurate, untrue and incomplete information and non-settlement of the requestor's repeated appeal on this matter;

52.1.7. setting illegal information access limits;

52.1.8. disclosure of the information, access to which is limited under the present Law.

52.2. Instructions of the authorized agency on information matters should answer the cases provided by the present Law, do not go above the powers of the authorized agency, be grounded in accordance with the legislation of the Azerbaijan Republic.

#### Article 53. Fulfillment of Instructions of the Authorized Agency on Information Matters

53.1. Within 5 days of receipt of the instructions of the authorized agency on information matters the information owner should undertake measures to implement them and accordingly notify in writing the authorized agency on information matters;

53.2. The authorized agency on information matters discloses the information received from the information owner on its Internet Information Resource;

53.3. The information owner is entitled to apply to a court in connection with the instructions of the authorized agency on information matters;

#### Article 54. Petition of the Authorized Agency on Information Matters for the Organization of Control on an Official Basis

54.1. If the information owner fails to perform the instructions of the authorized agency on information matters, the authorized agency on information matters files a petition to the information owner's supreme body on the organization of control, or forwards collected documents to a court.

54.2. Within 15 days from the receipt of the petition, the supreme body effecting the official control is to review it and inform as appropriate the authorized agency on information matters.

#### Article 55. Report of the Authorized Agent on the Implementation of the Law

55.1. Within three months following the end of every year the authorized agent is to present a report to the Milli Mejlis of the Azerbaijan Republic.

55.2. The report of the authorized agent is to reflect the consolidated brief of works performed during a year, including the information on law violations committed by the information owners,



applications, complaints, instructions, works done on the official control basis, actions undertaken as well as other matters related to the application of the Law.

55.3. The report is to be disclosed on the Internet Information Resource of the authorized agency on information matters and the periodical press.

55.4. The report is disclosed to the Internet resources of the authorized agent and published in “Azerbaijan” newspaper.

## Chapter VII

### Transitional provisions

#### Article 56. Period for Creation of Internet Information Resources

56.1. To disclose the public information provided by Article 29.1 of this Law, the state authorities create their own Internet Information Resources as soon as practicable, but not later than in 1 year from the publication of this Law, and the municipalities establish their own Internet Information Resources as soon as practicable, but not later than in 3 years from the publication of this Law.

56.2. The respective executive authorities are to provide the conditions for creation of own Internet Information Resources by subordinated state authorities as soon as practicable, but not later than in 2 years from the publication of this Law.

56.3. Legal entities engaged in fulfillment of public functions, as well as private legal entities and individuals performing services in the spheres of education, healthcare, cultural and social sphere, information owners provided by Article 9.3 hereof shall create their own Internet Information Resources as soon as practicable, but not later than in 2 years from the publication of this Law.

56.4. The information owners disclose the public information available to them, produced or acquired as a result of their activities by other methods provided by legislation or on the basis of information inquiry, until Articles 55.1, 55.2 and 55.3 hereof become effective.

#### Article 57. Term of the office of the authorized agent.

57.1. The authorized agency on information matters shall be formed not later than in 6 months after this Law has become effective.

57.2. The requirements arising from Article 26.4 hereof shall be fulfilled within 3 years from the forming of the authorized agency on information matters. The information owners shall perform information services on the basis of internal execution until Articles 56.2 hereof become effective.

57.3. The force of Article 54 hereof shall be applied within 1 year from the forming of the authorized agency on information matters.

#### Article 58. Effect of the Law

58.1. The requirements arising from Articles 8.1, 8.3, 10.2, 11.1, 12.2, 12.7 and 32.4 here of shall be fulfilled within 3 months after the publishing of the present Law.

58.2. The Law shall become effective from the date of publication.