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Draft Law: “On Amending the Law
‘On the Right to Information’”

Newsletter



Draft Law: “On Amending the Law No. 119/2014 ‘On the Right to Information’”

On 21.07.2023, the Council of Ministers submitted to the Parliament the Draft Law “On Amending the Law No. 119/2014 ‘On the Right to Information’” (the Draft Law).

The Draft Law aims to enhance and modernize legislation related to the right to information, with a dual focus on empowering citizens to access government-held information and promoting transparency and accountability within public authorities.

The amendments proposed in the Draft Law offer clarification regarding accountability in instances where the right to information is violated. Under these provisions, both the coordinator for the right to information and the public authority holder will be held accountable not only for the violations explicitly falling within their administrative responsibility but also for other infractions stemming from their actions or inactions.

In cases of a disciplinary proceeding against the coordinator for the right to information, the Draft Law provides the obligation of the public authority to seek the Commissioner's opinion on the issue. The inclusion of this provision serves the purpose of ensuring a fair decision-making process, obtaining a specialized opinion from the institution overseeing the implementation of the law on the right to information, and protecting the coordinator from disciplinary proceedings in violation of the law. The disciplinary body will be obligated to incorporate this opinion into the final

decision of the disciplinary procedure, providing explanations for its acceptance or rejection.

In the framework of strengthening measures to boost the transparency of public bodies, the draft law includes the requirement to update information whenever it undergoes changes specifying the date of the last update. This provision is designed to guarantee that the public can access the latest and most current information, in line with the core objective of promoting the right to information.

Furthermore, there is a clear and explicit requirement for public authorities to publish their transparency program on their official website, aiming to facilitate access to information.

Another new provision introduced by the Draft Law is the monthly publication of the Register of Requests and Responses, replacing the current three-month interval. This change represents a significant step toward enhancing transparency within public authorities and protecting the public's right to information.

Moreover, in the Draft Law, several amendments have been made aimed at resolving concerns related to accessing archival documents and ensuring the right to information, especially in relation to the current legislation on archives.

In this context, the Draft Law recognizes the right of interested subjects to access archival files by conducting research in the physical space of Archives Reading Room, in line with the provisions stipulated in the Law no. 9154 dated 06.11.2003 “On Archives”.

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Boga & Associates

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