

L A W
No. 8053 dated 30. 06. 1999

**CONCERNING THE RIGHT
TO ACCESS TO OFFICIAL DOCUMENTS**

- Based on article 23, 17, 18 and 83 point 1 of the Constitution, upon proposal from the Council of Ministers,

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- **The Assembly of the Republic of Albania**

HAS DECIDED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Object

The object of this law is to regulate the right to access to official documents.

Article 2

Definitions

For purposes of this law,

a - "public authority" means any body of the state administration and public entities;

b - "official document" means any document kept by the public authority in accordance with effective regulation in its public capacity;

c - "person" means any physical or legal entity, national or foreign;

d - "public" means at least one person.

CHAPTER II

**THE RIGHT TO ACCESS TO INFORMATION AND THE OBLIGATIONS OF
THE PUBLIC AUTHORITY**

Article 3

The right to information

Any person is entitled to the right to request information on official documents relating to the activity of state bodies and persons in state offices without having to explain the motives of the request.

The public authority is obligated to give any information relating to any official document except when otherwise provided by law.

Any information on an official document that has been given to a person, may not be refused to any other person, except when this information constitutes personal information on the very person to who the information has been given in the first place.

Article 4

Restrictions

If information on an official document is restricted by law, the public authority releases to the requesting person a written statement explaining the reasons for withholding the information and the policy for requesting for such material.

- If restriction applies only to part of the information contained in the official document, the remainder may not be refused to the requesting person.

Article 5

The right to information on subjects in state offices

Any person is entitled to the right to personal information about persons in state office or in public service, kept in official documents, for as long as such information relates to qualities required by law or by regulation for persons who fill these posts.

Article 6

The obligation to provide quality information service

- The Public authority issues rules and creates structural and practical facilities to ensure public access to information in an accurate, complete and expedient manner.

Article 7

Manner of accessing information

An integral copy of the requested official document is made available to the requesting person.

The public authority, upon request from the concerned person or upon its own suggestion, may offer to the requesting persons various forms of accessing the information, including verbal. In any such case, the requesting person must give his consent in writing.

Article 8

Official documents made available to the public without a request

The public authority is obligated to make public and multiply on its own, in sufficient quantities and appropriate formats, documents that facilitate the public's information on:

a – location of central and local bodies, venue and names of public employees from which the public may obtain information, submit applications or complaints;

b – rules, procedures and manner of obtaining the various forms, explanations on the purpose and content of such forms and other supporting documents and certification to make the application complete;

c – the overall legal regulation that govern the operations of the public authority; the overall policies it implements and any eventual change to the foregoing.

d– detailed explanation on the work method and practice.

Article 9

Preliminary documentation

In accordance with laws, by-laws and published regulation, the public authority prepares in advance for reviewing or copying, in expectation of requests from the public, such documents as:

- a** – Final decisions on a given issue, including the minority point of view, and ordinances and instructions to ensure implementability of such decisions;
- b** – Internal ordinances and instructions impacting relations of the public authority with the public;
- c** – Copies of any official document, irrespective of format, which has been given before at least to one person and which the public authority believes to be of interest to other persons;
- d** – The index or file numbers of official documents.

Article 10

Deadline for non-acceptance of request

The public authority decides on full or partial non-acceptance of the request within 15 days from its submission date. In cases of non-acceptance, the public authority gives a grounded, full or partial negative, response in writing to the requesting side.

Article 11

Deadline for response

- The public authority fulfills the request within 40 days from its submission date, except in cases provided otherwise by this law.

Article 2

Extension of deadline

- In cases when it is impossible for the public authority to satisfy the request within the time limits stipulated in Article 11 due to specificity of the request or the need to consult a third party, the Public Authority notifies in writing the concerned side not later than 7 days from the expiration of the original deadline on the impossibility of full or partial satisfaction of the request citing the grounds causing the impossibility.

In such circumstances the public authority proposes to the concerned side one of the following solutions:

- a** – a new deadline starting at the end of the original deadline but not longer than 10 days without renewal;
- b** – the modification of the request by the requesting person in a manner that enables the public authority to honor time limits enshrined in this law.

- The concerned side can elect one of the above solutions. In the event the concerned side does not respond before the expiration of the first deadline, the public authority makes a decision to extend the deadline.

Article 13

Fees for information services

In cases when delivery of information services entails costs, the public authority may levy fees which in any case should be set in advance.

Fees for standard services or services having set a certain practice are publicized. The fees for other services are set on a case by case basis and are communicated to the concerned side at the time of acceptance of the request.

The fees may not be higher than the costs for delivery of the service. The costs may include only material expenses for service delivery.

Information described in Article 8 is given free of charge.

For purposes of this law, decisions and documentation relating to fee setting procedures, by their own nature, represent official documents.

CHPATER III

COMPLAINTS

Article 14

General provision

The violation of the provisions of this law, when not a criminal offence, is an administrative breach and is regulated by Law No. 7697, dated 7. 04.1993 "On administrative breaches" with subsequent additions.

Article 15

Administrative complaint

Any person is entitled to the right to administrative complaint when at his/her own discretion concludes that the rights provided by this law have been infringed.

Procedures for administrative complaint are regulated by law No. 8475, dated 12. 05.1999 "Code of Administrative Procedures of the Republic of Albania".

Article 16

Complaint in the courts

Any person is entitled to complain in the courts when at his/her own discretion evaluates that the rights provided by this law have been infringed.

- Procedures for court complaints are regulated by the provisions of the Code of Civil Procedures on apply to administrative conflicts.

Article 17

Indemnification

Any person suffering damage as a result of violation of the provisions of this law is entitled to indemnification by the violator.

Complaint and indemnification procedures are regulated by law.

CHAPTER IV

CLOSING PROVISIONS

Article 18

Ombudsman authority

The implementation of this law is the responsibility of the Ombudsman.
Authority of the Ombudsman in relation to the right to information is regulated by law No. 8454, dated 4. 02.1999 "On the Ombudsman".

Article 19

Entrance into force

- This law enters into force 6 months following publishing in the Official Journal.

**Chair of the Presidium
Skender Gjinushi**