

**ACT**  
**of the Czech Republic**  
**No. 106/1999 Sb.**  
**on a free access to information**  
as amended by the Acts No. 101/2000 Sb., No. 159/2000 Sb. and No. 39/2001 Sb.

The Parliament has passed the Act of the Czech Republic as follows:

PART ONE

§ 1  
**Purpose of the Act**

The Act regulates conditions of the right to a free access to information and stipulates fundamental conditions under that the information is provided.

§ 2  
**Duty to provide information**

(1) The duty to provide information related to their competence according to this Act shall apply to state authorities and territorial self-governance authorities and public institutions managing on public means.

(2) Furthermore, the duty to provide information shall apply to those who were encharged by law with decision making on rights, legally protected interests and duties of individuals or legal entities in the realm of public administration; however, the duty shall be limited to the extent their decision making.

(3) The Act shall not apply to provision of information according to a special regulation.<sup>1)</sup>

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<sup>1)</sup> Such as Act No. 101/2000 Sb. on protection of personal data and on amendment to several acts; Act No. 123/1998 Sb. on right to information about environment.

§ 3  
**Fundamental concepts**

(1) For the purpose of this Act, the applicant may be any individual or legal entity that applies for information.

(2) For the purpose of this Act, the distant access possibility is defined as an access granted to an unlimited number of applicants by means of telecommunication devices<sup>2)</sup> (such as by means of Internet).

(3) For the purpose of this Act, the published information shall be defined as information that can always be found out and gained again, in particular information published by press or in other porter making record and preservation of the information possible, information displayed on a public board, information that can be gained through the distant access or placed in a public library.<sup>3)</sup>

(4) For the purpose of this Act, the accompanying information shall be defined as information that is closely related to the requested information (such as data about its existence, origin, number, reason for denial, time of existence of the reason for denial and when such reason shall be re-examined and

about further important characteristics).

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2) § 1 para. 4 letter a) of the Act No. 110/1964 Sb. on telecommunications, as amended by the Act No. 150/1992 Sb.

3) Act No. 53/1959 Sb. on unified system of libraries (Libraries Act), as amended by the Act No. 425/1990 Sb.

#### § 4

##### **Provision of information**

Those who have the duty to provide information shall do so on the basis of the applicant's request or by way of publication.

#### § 5

##### **Publication of information**

(1) For the purpose of informing the public, the following information must be publicized and a copy of such information must be made possible to make by every liable subject in its seat and offices on a publicly accessible place:

a) reason and way of foundation of the liable subject including conditions and principles under that it operates its activities;

b) description of its organizational structure, place and way the information can be gained, a request or complaint can be filed, a proposal, motion or other application can be submitted and a decision can be obtained;

c) place, time-limit and way a remedial measure against the liable subject's decision including an explicit specification of requirements imposed upon the applicant related thereto as well as a description of procedures and rules that must be observed in the course of these activities and name of the relevant form and way and place where such form can be obtained;

d) procedure that must be observed by the liable subject in dealing of all requests, petitions and other applications of citizens including the relevant time-limits that must be observed;

e) an overview of the most important regulations according to that the liable subject proceeds and decides, that regulate the right to require information and the duty to provide it and that regulate further rights of citizens vis-à-vis the liable subject including the information where and when the these regulations can be inspected;

f) tariff of payments for provision of information;

g) annual report for the previous calendar year about the liable subject's activities in the realm of provision of information (§ 18).

(2) The liable subjects must publicize the data mentioned in paragraph 1 also in the manner that makes the long distant access possible. This duty shall not apply to liable subjects who are individuals.

(3) Liable subjects that keep and manage registrations containing data that are accessible to anyone according to a special act must publicize these data in a well-arranged way that also makes the distant access possible. For this purpose, the duty to prevent association of data according to a special regulation<sup>3a)</sup> shall not apply to these subjects.

(4) The liable subject may publicize the information according to paragraph 1 also in other ways and, except for cases stipulated in this Act, may publicize also other information.

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<sup>3a)</sup> § 5 para. 1 letter h) of the Act No. 101/2000 Sb. on protection of personal data and on amendment to several acts.

## § 6

### **Duty to refer to publicized information**

(1) If the application is directed to provision of a publicized information, the liable subject can as soon as possible but no later than within seven days inform the applicant about data that enable him to find out and gain the publicized information instead of providing him with such information.

(2) If the applicant insists that the publicized information be provided directly, the liable subject shall provide the information.

## § 7

### **Protection of secret facts**

If the requested information is identified as a secret fact according to legal regulations<sup>4)</sup> and the applicant has no legal access to it, the liable subject shall not provide the information.

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<sup>4)</sup> Act No. 148/1998 Sb. on protection of secret facts and on amendment to several acts.

## § 8

repealed

## § 9

### **Protection of commercial secrets**

(1) If the requested information is identified as commercial secret,<sup>6)</sup> the liable subject shall not provide it.

(2) In case of provision of information concerning use of financial means from the state budget, from budgets of a territorial unit or from a fund established by law<sup>7)</sup> or concerning disposal of assets of these subjects, provision of information about extent and recipients of these means shall not be considered violation of commercial secret.

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<sup>6)</sup> § 17 of the Act No. 513/1991 Sb., Commercial Code.

<sup>7)</sup> Such as the Act No. 388/1991 Sb. on the State Environmental Fund of the Czech Republic, as amended by the Act No. 334/1992 Sb.; Act No. 171/1991 Sb. on competence of the authorities of the Czech Republic in cases of transfer of the state property to other persons and on the National Property Fund of the Czech Republic, as subsequently amended; Act No. 472/1992 Sb. on the State Agricultural Regulation Fund, as subsequently amended.

## § 10

### **Protection of confidentiality of property relations**

Information about property relations of a person that are not the liable subject gained on the basis of law regulating taxes, charges, pension and health insurance and social security<sup>8)</sup> shall not be provided by the liable subject.

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<sup>8)</sup> Such as § 24 of the Act No. 337/1992 Sb. on administration of taxes and charges, as subsequently amended; § 23 of the Act No. 592/1992 Sb. on general health insurance charges, as subsequently amended; § 14 of the Act No. 582/1991 Sb. on organization and realization of social security, as subsequently amended; § 24a of the Act No. 551/1991 Sb. on the General Health Insurance Company of the Czech Republic; Act No. 117/1995 Sb. on state social assistance, as subsequently amended.

**Further restriction of the right to information**

(1) The liable subject may restrict provision of the information if

- a) the information relates exclusively to internal directions and personal regulations of the liable subject;
- b) the matter is a new information that arose in the course of preparation of a decision of the liable subject unless law stipulates otherwise; however, this rule shall not apply after the preparation was finished by issuing the decision.

(2) The liable subject shall not provide the information if

- a) it was granted by a person upon whom law imposes no obligation to provide such information unless that granting person agreed to provision of that information;
- b) it publicizes the information according to a special Act<sup>9)</sup> in pre-stipulated regular periods; this rule shall apply until the nearest following period;
- c) protection of intellectual property according to a special regulation<sup>10)</sup> is thus violated.

(3) In the course of provision of information that was gained by the liable subject from a third person for the purpose of fulfilling tasks according to a special Act<sup>11)</sup> according to that obligation to maintain the secrecy or other procedure protecting it against publication or misuse would apply to such information but that may be provided according to this Act, the liable subject shall provide only the information directly related to fulfillment of its tasks.

(4) Furthermore, the liable persons shall not provide information about

- a) a conducted criminal prosecution;
- b) courts' decision making;
- c) fulfillment of tasks of intelligence service;<sup>12)</sup>
- d) preparation, course and discussion of results of controls in the bodies of the Supreme Controlling Authority;
- e) activities of the competent organizational component of the Ministry of Finance according to a special legal regulation.<sup>12a)</sup>

Provisions of special acts<sup>13)</sup> about provision of information in the respective realms shall hereby not be affected.

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<sup>9)</sup> Such as the Act No. 89/1995 Sb. on state statistic service; the Act No. 6/1993 Sb. on the Czech National Bank, as subsequently amended.

<sup>10)</sup> Such as the Act No. 35/1965 Sb. on works of literature, science and art (Copyright Act), as subsequently amended.

<sup>11)</sup> Such as the Act No. 592/1992 Sb., as subsequently amended; Act No. 222/1994 Sb. on conditions of entrepreneurial activities and exercise of state administration in energetic sectors and on the State Energetic Inspection, as amended by the Act No. 83/1998 Sb.; Act No. 283/1993 Sb. on state representation, as subsequently amended; Act No. 166/1993 Sb. on the Supreme Controlling Authority, as subsequently amended; Act No. 15/1998 Sb. on the Securities Commission, as subsequently amended; Act No. 77/1997 Sb. on state enterprise; Act No. 273/1993 Sb. on several conditions of production, spread and archivation of audiovisual works, on amendment to several acts and several other regulations, as amended by the Act No. 40/1995 Sb.; Act No. 13/1993 Sn., the Customs Duty Act, as subsequently amended; Act No. 570/1991 Sb. on trades licensing authorities, as amended by the Act No. 286/1995 Sb.; Act No. 389/1991 Sb. on state administration of air protection and on charges for air pollution, as subsequently amended; Act No. 64/1986 Sb. on the Czech Trade Inspection, as subsequently amended; Act No. 133/1985 Sb. on fire protection, as subsequently amended.

<sup>12)</sup> § 5 and 8 of the Act No. 153/1994 Sb. on intelligence services, as amended by the Act No. 118/1995 Sb.

<sup>12a)</sup> Act No. 61/1996 Sb. on several measures against legalization of proceeds from criminal activity and on amendment to several related acts, as subsequently amended.

<sup>13)</sup> Such as § 8a of the Act No. 141/1961 Sb., Criminal Procedure Code, as amended by the Act No. 292/1993 Sb.; § 45 of the Act No. 166/1993 Sb.

## § 12

### **Conditions of restriction**

All restrictions of the right to information shall be done by the liable subject in the manner that it provides the requested information including accompanying information after exclusion of information stipulated by law. The right to deny the provision shall disappear as soon as the reason for the denial disappears. In grounded cases, the liable subject shall make sure whether the reason for denial still exists.

## § 13

### **Application for provision of information**

(1) Application for provision of information shall be submitted orally or in written even by means of a telecommunication device.

(2) Unless the liable subject provides the applicant with information upon an oral application or unless the applicant regards the information given upon the oral request as being sufficient, the application must be submitted in written.

(3) The provisions of § 14 to 16 and § 18 shall apply only to requests submitted in written.

## § 14

### **Submitting and processing of written applications for provision of information**

(1) The application shall be considered submitted on the day when it was received by the liable subject. Notification done by the applicant that it insists on provision of information according to § 6 para. 2 shall be considered a new submission of the application.

(2) The application must contain data on to which liable subject it is addressed and who is the applicant. Applications done by means of telecommunication devices<sup>2)</sup> shall also contain the relevant identification of the applicant (such as e-address). Unless the application contains these data, it shall not be considered application in the sense of this Act and shall be filed away.

(3) The liable subject shall consider the content of the application and

- a) in case of unintelligible, too general or unclear applications, the applicant must be invited within seven days from submission of the application to make to application more accurate; unless the applicant makes the application more accurate within 30 days, the liable subject shall decide on rejection of the applicant;
- b) if the requested information does not relate to the liable subject's competence, it shall file the application away and notifies the application about it within 3 days;
- c) shall provide the requested information within 15 days from the receipt of the application or from the day when the application was made more accurate according to letter a); the information shall be provided in written, by allowing the applicant to inspect files including the possibility to make a copy or on memory media.

(4) The procedure for provision of the information shall be recorded.

(5) The time-limit for provision of information may be prolonged only for important reasons; the

prolongation must not be longer than ten days. The following reasons shall be considered important:

- a) seeking for and collection of requested information in other offices that are separated from the offices proceeding the application;
- b) seeking for and collection of a large amount of separated and different information applied for in one application;
- c) consulting another liable subject that has a relevant interest in deciding on the application; or consultations between two or more components of the liable subject that have a relevant interest in the subject of the application.

The applicant must always be provably notified about the prolongation and its reasons before the lapse of the time-limit for provision of the information.

## § 15

### **Decision**

(1) If the liable subject rejects the application even partially, it shall issue a decision on such rejection within the time-limit for proceeding the application except for cases when the application is filed away according to § 14 para. 2 or according to § 14 para. 3 letter b). If a municipality is the liable subject, the decision shall be issued by the municipal office.

(2) The decision must contain identification of the liable subject, reference number and date when the decision was issued, verdict and specification of legal regulations according to that the decision was issued, reasons for every restriction of the right to information, instruction about place, time and form of remedial measure, signature done in the encharged official' own hands and identification of the encharged official's name, surname and post.

(3) The decision shall be delivered to the applicant personally.

(4) Unless the authority provided the information or issued the decision according to § 15 para. 1 within the time-limit for processing of the application, it shall be considered to have issued a decision rejecting the application. This decision may be appealed within 15 days from the day when the time-limit for processing of the application elapsed.

## § 16

### **Appeal**

(1) The liable subject's decision about rejection of the application may be appealed within 15 days from the delivery of the decision or from the vain lapse of the time-limit mentioned in § 15 para. 4. The appeal must be filed with the liable subject that issued or was supposed to issue the decision

(2) The appeal against the liable subject's decision shall be decided by the immediate superior to the liable subject that issued or was supposed to issue the decision. As for a decision of municipal office concerning affairs falling within the municipality's independent competence, the appeal shall be decided by the municipal council unless the board of municipal representatives decides that the appeal shall be decided by another municipal authority. In other cases, the appeal shall be decided by the person who stands at the head of the liable subject that issued or was supposed to issue the decision and who is entitled to act on behalf of it.

(3) The authority of appeal shall decide on the appeal within 15 days from submission of the appeal by the liable subject. Unless the authority of appeal decided on the appeal within the aforesaid time-limit, it shall be considered to have issued a decision rejecting the appeal and confirming the contested decision; the day following the lapse of the time-limit for processing the appeal shall be

considered the day of the delivery of this decision.

(4) The decision on the appeal can not be appealed.

(5) A decision of a central authority of state administration rejecting the application may be contested by a remonstrance; the remonstrance shall be decided on by the chief of the central authority of state administration. The provisions of paragraphs 1, 3 and 4 shall apply to the remonstrance analogously.

(6) The decision on rejection of the application can be reviewed by a court according to a special act.<sup>14)</sup>

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<sup>14)</sup> § 247 ff. of the Act No. 99/1963 Sb., Civil Procedure Code, as subsequently amended.

## § 17

### **Compensation of costs**

(1) In connection with provision of information, the liable subjects are entitled to ask for compensation in the sum that must not exceed the amount of costs spent in order to search for the information, to make copies, to obtain data porters and to send the information to the applicant.

(2) Upon the applicant's request, the liable subject shall confirm the anticipated amount of compensation of costs.

(3) The liable subject may ling delivery of the information to a payment of the compensation or to an advance payment.

(4) The compensation is an income of the liable subject.

## § 18

### **Annual report**

(1) Always until March 1 of every calendar year, each liable subject must publicize an annual report for the previous calendar year about its activities in the field of provision of information according to this Act; the report must contain the following data:

- a) number of submitted applications for information; and
- b) number of submitted appeals against decisions; and
- c) copy of essential parts of each decision of a court; and
- d) results of proceedings on sanctions for non-observance of this Act without personal data; and
- e) further information related to invocation of this Act.

(2) If as special law imposes upon the liable subject a duty to submit a public annual report, the data according to paragraph 1 letter a) to e) shall be included into this report as a separated part called "Provision of information according to the Act No. 106/1999 Sb. on free access to information".

## § 19

Making the information accessible or providing the information under conditions and in the way stipulated by this Act shall not be considered violation of the obligation to maintain secrecy imposed by special acts.<sup>15)</sup>

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<sup>15)</sup> Such as the Act No. 15/1998 Sb., Act No. 90/1995 Sb. on rules of procedure of the Assembly of Deputies, Act No. 199/1994 Sb. on public procurements, as subsequently amended, Act No. 283/1993 Sb., as subsequently amended, Act No. 6/1993 Sb., as subsequently amended.

PART TWO  
INTERTEMPORAL AND FINAL PROVISIONS

§ 20

(1) The duty mentioned in § 5 para. 2 shall arise on January 1, 2001. As for municipalities that are not towns,<sup>16)</sup> the duty according to § 5 para. 2 shall arise on January 1, 2002.

(2) The duty mentioned in § 5 para. 3 shall arise on January 1, 2002.

(3) The time-limit for provision of information [§ 14 para. 3 letter c)] and prolongation of this time-limit (§ 14 para. 5) shall be doubled during the first 12 months of the effectivity of this Act; during the further 12 months, the shall be prolonged by a half.

(4) Unless this Act stipulates otherwise, calculation of time-limits and proceedings according to § 15 and 16 shall be regulated by the Administrative Procedure Code<sup>17)</sup> except for provisions on reopening of proceedings and on review of the decisions outside appellate proceedings.

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<sup>16)</sup> Act No. 367/1990 Sb. on municipalities (Municipal Order), as subsequently amended.

<sup>17)</sup> Act No. 71/1967 Sb. on administrative proceedings (Administrative Procedure Code).

§ 21

The government shall issue a decree regulating co-operation of authorities of state administration with municipalities in the course of ensurance of duties of the municipalities according to § 5 of this Act.

§ 22

**Effectivity**

This Act shall become effective on January 1, 2000.