



**Freedom of Access to Information Act of
Bosnia and Herzegovina**

GUIDELINES

for exercise of the right to access to information

by

**The Institution of Human Rights Ombudsman/Ombudsmen
of
Bosnia and Herzegovina**

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1. INTRODUCTION

According to provisions of Freedom of Access to Information Act in Bosnia and Herzegovina¹ (Hereinafter: ZOSPI), present Guidelines are prepared to assist all submitters of the request for free access to information

The Guidelines provide you with information on competencies of Human Rights Ombudsmen of Bosnia and Herzegovina (BiH Ombudsmen) related to exercise of the right to free access to information springing from ZOSPI, as well as the rights a claimant is entitled to, procedures based upon which this right is exercised, including the deadlines.

The Guidelines particularly euphemize the fact that BiH Ombudsmen act in accordance with the Law on Human Rights Ombudsman of BiH² (the Law on BiH Ombudsman) and the Rules on Functioning of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina³ (the Rules).

The Guidelines are free of charge and are available in the premises of the Institution of BiH Ombudsmen in Banja Luka – Akademika Jovana Surutke 13, Sarajevo – Grbavička Str. 4 and BiH District Brčko – Trg mladih 4. (Upon their request the Guidelines are available to the claimants) and, at the same time, the Guidelines are available on BiH Ombudsmen website: www.ombudsmen.gov.ba.

The readers of the Guidelines are encouraged to propose useful advises and suggestions that could contribute to improvement of the next edition of the Guidelines.

2. WHAT MAKES BIH OMBUDSMEN DIFFERENT IN RELATION TO OTHER GOVERNMENTAL INSTITUTIONS?

We stress that BiH Ombudsmen Institution, as an independent institution established with purpose to promote good governance and the rule of law enabling the highest degree of transparency and availability of information.

Based on Article 24 of the Rules:

“Ombudsmen decisions are available to the public except in cases where such information are related to confidential or secret issues, or in the cases where complaint filed with the Institution explicitly request non-revealing of the name of a complainant and circumstances accompanied with such complaint.

During the procedure, complainants with registered complaint by BiH Ombudsmen Institution are entitled to achieve any information related to progression of the procedure before BiH Ombudsmen Institution, and the information is issued by the person responsible for processing of the complaint.

Where third party requests information on relevant complaint, it is to submit a written request to the information officer of the BiH Ombudsmen Institution, who, following completion of the procedure, decides on the request submitted.

¹ Official Gazette of BiH, no: 28/2000

² Official Gazette of BiH, no: 32/00, 19/02 and 35/04

³ Official Gazette of BiH, no: 25/04

3. PROCEDURE FOR ACCESS TO INFORMATION

Potential submitters for access to information on actions and work of BiH Ombudsmen are suggested, before of submission of written request, to establish informal contacts with the officer for information with a view to get information faster and more effective.

If the information needed is not acquired in more simple and informal manner, the requestors shall submit formal – written request to BiH Ombudsmen Institution.

Request for access to information must be in a written form (containing minimum of data as envisaged by the request form , which is attached to present Guidelines) (personal data, address, contact), and with precise indicating the information requested.

Where dilemmas appear on whether BiH Ombudsmen hold requested information, which is related to the competencies of BiH Ombudsmen, information officer could be contacted who shall provide necessary clarifications.

3.1. FILING OF REQUEST FOR ACCESS TO INFORMATION

Any natural or legal entity is entitled to the right to submit request for access to information within competences of BiH Ombudsmen (those that are contained in Index register, as Cc., and in accordance with ZOSPI).

Requests to BiH Ombudsmen shall be submitted in writings (in accordance with the form attached to the Guidelines) through mail, tealeaf, e-mail or shall be handed in person in the BiH Ombudsmen office for reception of the mail addressed to BiH Ombudsmen.

The request should be clear and should contain enough information related to the nature and content of requested information. The Request is submitted in one of official languages in use in BiH.

Where Request is submitted by natural person, it shall prove its identity through its personal ID. Where Request is submitted by a legal representative, he/she shall prove its identity and provide evidence that he/she is legal representative authorized by the requestor.

Submission of request should be done in such manner which in adequate way to ensures proof of submission – confirmation with indicated date of submission.

Where request is not submitted through prescribed form and does not contain data based on which requested information can be identified, BiH Ombudsmen shall advise a requestor to correct or modify the request in certain period of time.

3.2. ADDRESS AND CONTACT INFORMATION

Contact address for submission of formal request for access to information is:

Institucija ombudsmena/ombudsmana Bosne i Hercegovine
Akademika Jovana Surutke 13
78000 Banja Luka
Tel/Fax: 051/ 303 – 992
E-mail: blombudsmen@ombudsmen.gov.ba

Or:

Institucija ombudsmena/ombudsmana Bosne i Hercegovine
Dubrovačka 6
71000 Sarajevo
Tel: 033/ 666 - 006
Fax: 033/ 666 - 007
E-mail: sa.ombudsmen@ombudsmen.gov.ba

Information officers:

Ivona Ražnatović, Public Relations Assitent

Violeta Romić, Public Relations Assistent

3.3. THE DEADLINES FOR OBTAINING REQUESTED INFORMATION

BiH Ombudsmen Institution shall decide on request for access to information within 15 days upon reception of request.

Where BiH Ombudsmen do not hold requested information, within 8 days upon reception of request BiH Ombudsmen shall forward the request to competent organ and shall inform a requestor on this.

4. PROCESSING OF REQUEST FOR ACCESS TO INFORMATION

Upon filing of request, through authorized person, BiH Ombudsmen shall review facts and circumstances essential for processing of submitted request.

Where, following submission of request, BiH Ombudsmen approve access to requested information, entirely or partly, they shall inform requestor on:

- Possibility of personal access to information in premises of BiH Ombudsmen,
- Or, providing that information is less than 10 pages, shall forward the information to the requestor in writings,
- Regarding possibility of multiplication of the information, where the information is more than 10 pages, previous payment of costs of multiplication is necessary.

Requestor's access to information shall be ensured in one of official languages in use in BiH, as well as in original language different than official languages in use in BiH, if it is possible.

4.1. COSTS OF MULTIPLICATION

Multiplication of information of standard form is free of charge.

5. REDUCTION OF THE RIGHT TO ACCESS TO INFORMATION

BiH Ombudsmen may entirely or partly reject request for access to information in accordance with Article 9 of Freedom of Access to Information Act, which covers the following categories of information:

- Information important for legitimate aims of Bosnia and Herzegovina
 - a) foreign policy, interests of the defense and security and protection of public security;
 - b) interests of the monetary policy;
 - c) prevention crime and detection of crime;

d) protection of decision-making process performed by public organ for provision of its opinion, advise or recommendation by public body, person employed by public body, or any person performing actions for or on behalf of public body not comprising factual, statistical, scientific or technical information;

- Confidential commercial information
- Information related to privacy of third person

Complaint on decisions taken by the Ombudsmen can be filed within legal deadline.

6. FINAL PROVISIONS

Index register and request form are integral part of present Guidelines.