

## ACT

### ON THE RIGHT OF ACCESS TO INFORMATION

Official Gazette [25/13](#) and [85/15](#)

*(unofficial consolidated text)*

#### I. GENERAL PROVISIONS

##### *Content*

##### Article 1

**(1) This Act lays down the right of access to information and re-use of information held by public authority bodies, the principles, restrictions, procedures and manner of achieving and facilitating access to and the re-use of information, the scope, the manner of operation and requirements for appointment and dismissal of the Information Commissioner, and the inspectional supervision of the implementation of this Act.**

(2) This Act also regulates other obligations of public authority bodies and the misdemeanour provisions pertaining to the exercise of the right of access to information.

(3) The provisions of this Act shall not apply to parties in court, administrative and other legally based proceedings, who are granted access to information by the force of legal regulations.

(4) The provisions of this Act shall not apply to information subject to confidentiality obligations, pursuant to the act governing the security and intelligence system of the Republic of Croatia.

(5) The provisions of this Act shall not apply to classified information held by international organisations or other countries, and classified information of public authority bodies, originating or exchanged within the framework of cooperation with international organisations or other countries.

*Alignment with European Union legislation*

Article 2

**This Law contains provisions complying with the following acts of the European Union:**

- **Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (SL L 345, 17.11.2003),**
- **Regulation 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (SL L 145, 31.5.2001).**
- **Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (SL L 175, 27.6.2013).**

*Objective*

Article 3

The objective of this Act is to enable and ensure the exercise of the right of access to information, and the re-use of information, as granted by the Constitution of the Republic of Croatia, to natural persons and legal entities, through openness and the publicity of the activity of public authority bodies.

*Gender neutrality of expressions*

Article 4

Expressions used in this Act and in regulations enacted pursuant thereto, which are gender-specific, refer equally to the male and female genders, regardless of whether they are used in male or female form.

*Definitions*

Article 5

In the sense of this Act, certain expressions shall have the following meaning:

- 1) “Beneficiary of the right of access to information and the re-use of information” (hereinafter: beneficiary) is any local or foreign natural person or legal entity;
- 2) **“Public authority bodies”, for the purpose of this Act, are the public authorities, other state authorities, bodies of the local and regional self-government units, legal entities and other persons vested with public authority, legal entities established by the Republic of Croatia or the local and regional self-government units, legal entities engaged in public service, legal entities entirely funded by the state budget or the budget of the local and regional self-government units or from public resources (taxes, contributions, etc.), and**

**companies in which the Republic of Croatia or the local and regional self-government units hold individual or joint majority ownership;**

**3) “Information” is any information held by the public authority in the form of a document, record, dossier, register or in any other form, regardless of the manner of representation (written, drawn, printed, recorded, magnetic, optical, electronic or any other record), created by the body independently or in cooperation with other bodies, or received from another person, and arose within the scope or in connection with the organisation and work of public authorities;**

4) “International information” is any information provided to the Republic of Croatia by a foreign country or international organisation that the Republic of Croatia cooperates with or holds membership in;

5) “The right of access to information” encompasses the right of the beneficiaries to seek and acquire information, and the obligation of the public authority bodies to ensure access to requested information, i.e. to disclose information regardless of the request, when so required by the law or other regulations;

**6) “Re-use” is the use of the public authority information by natural persons or legal entities, for commercial or non-commercial purposes different from the original purpose within the public purpose for which this information was created, and which is realised within the frame of the law or other scope prescribed by the regulations, or business that is generally considered a public affair. The exchange of information among public authorities in order to perform tasks within their scope is not considered re-use;**

7) “Proportionality Test and Public Interest Test” refer to the assessment of proportionality between the reasons for granting access to information and reasons for imposing restrictions and granting access to information only if the public interest prevails;

**8) “Information holder”, is the competent public authority body within whose scope of operation the classified information was generated, or other state or international organisation within whose scope the international information was generated;**

9) “Central Catalogue of Official Documents of the Republic of Croatia” is an on-line tool available to the public, ensuring permanent user access to full text and/or organised metadata of documents archived in electronic databases and/or hard copy collections;

**10) “Machine readable form” is a file format structure that allows program to easily identify and recognise it, and to isolate certain data from it, including individual data and their internal structure;**

**11) “Open form” is a file format that is openly available to the public, regardless of the platform used, without any restrictions that would hinder its re-use;**

**12) “Open standard” is the standard set in written form with detailed specifications of the preconditions for ensuring software interoperability;**

**13) “Open data portal” is a data hub for the collection, categorisation and distribution of open public sector data. The portal represents a type of metadata catalogue that enables easier searching of open data;**

**14) “Metadata” are data on data, i.e. data that describe the characteristics of a source of data. These can describe a single datum, an entire collection of data, or a part of a whole;**

15) “Information Commissioner” (hereinafter: Commissioner) is an independent government body for protection of the right of access to information **and re-use of information.**

**16) “Responsible person” in the sense of this Act is the person in the public authority body whose action or lack of action has lead to a violation of the Act.**

## II. PRINCIPLES

### *Principle of publicity and free access*

#### Article 6

Information are available to any local or foreign natural person or legal entity under the terms and restrictions of this Act.

### *The principle of timeliness, entirety and accuracy of information*

#### Article 7

Information provided by the public authorities must be timely provided, complete and accurate.

### *The principle of equality*

#### Article 8

(1) The right of access to information and the re-use of information is granted to every beneficiary in an equal manner and under the same terms. Beneficiaries are equals in exercising the right thereof.

(2) Public authority bodies may not place beneficiaries in an unequal position, especially in a manner that would enable certain beneficiaries to obtain information before others or in a manner that provides them with special benefits.

### *The principle of disposal of information*

#### Article 9

Beneficiaries having the information at their disposal in accordance with this Act, have the right to publicly disclose this information.

*Principle of mutual respect and cooperation*

Article 9a

**The relationship between the public authority bodies and beneficiaries is based on cooperation and the provision of support, and mutual respect for human dignity.**

III. OBLIGATIONS OF PUBLIC AUTHORITY BODIES

*Publishing information*

Article 10

**(1) Public authority bodies are obliged to publish the following information in an easily searchable and machine readable format on their websites:**

- 1) laws and other regulations relevant to their scope of activity;**
- 2) general acts and decisions they enact, which influence the interests of beneficiaries, together with the reasons for their enactment;**
- 3) draft proposals of laws and other regulations and general acts subject to the public consultation procedures, in accordance with Article 11 of this Act;**
- 4) annual plans, programmes, strategies, instructions, work reports, financial reports and other relevant documents referring to activities of the public authority bodies;**
- 5) registers and databases or information on registers and databases within their jurisdiction and the manner of access thereto;**
- 6) information on public services provided by the public authority, in a visible place, with links to those provided electronically;**
- 7) information on financing sources, budget, financial plan or other appropriate document that determine the revenues and expenditures of public authority bodies, and data and reports on budget execution, financial plans and other appropriate documents;**
- 8) information on allocated grants, sponsorships, donations or other aid, including a list of beneficiaries and amounts;**
- 9) information on public procurement procedures, tender documents, information on fulfilling the contract obligations, and other information required pursuant to the law governing public procurement;**
- 10) information on announced tenders, documents necessary for participation in the tender procedure, and information on the outcome of tender procedures;**

**11) information on the internal organisation of public authorities, with the names of persons heading the authority and heads of organisational units with their contact information;**

**12) conclusions from official sessions of public authority bodies and the official documents enacted at these sessions, including information on the work of the formal work bodies within their jurisdiction where decisions are made on the rights and interests of beneficiaries;**

**13) information on the manner and conditions of exercising rights of access to and re-use of information in a visible place, including contact details of the information officer, the necessary forms or links to forms, and the level of fees for access to information and re-use of information, pursuant to the criteria from Article 19, paragraph 3 of this Act;**

**14) responses to frequently asked questions, on the manner of submitting requests by citizens and the media, and other information (news, press releases, data on activities), for the purpose of informing the public about their work and exercising their rights and executing obligations.**

**(2) The provisions of this Article shall not apply to information subject to restrictions of access under the provisions of this Act.**

*Submission of documents to the Central Catalogue of Official Documents of the Republic of Croatia*

#### **Article 10a**

**(1) State administration bodies and other state bodies, legal persons established by the Republic of Croatia by law or subordinate legislation, or whose establishment is explicitly provided for by law, and local and regional self-government units, are obliged to submit the documents from Article 10, paragraph 1, items 2 and 4 of this Act in electronic form to the Central Catalogue of Official Documents of the Republic of Croatia for their permanent accessibility.**

**(2) The tasks of running and keeping the Central Catalogue of Official Documents of the Republic of Croatia are performed by the Digital Information and Documentation Office of the Government of the Republic of Croatia.**

**(3) The manner of organisation and keeping of the Central Catalogue of Official Documents of the Republic of Croatia will be prescribed in an ordinance by the minister responsible for administration affairs.**

*Disclosure of documents for the purpose of public consultation*

#### **Article 11**

**(1) State administration bodies, other state bodies, local and regional self-government units and legal persons with public authority are required to conduct public consultations prior to the adoption of acts and subordinate legislation, and in the**

**adoption of general acts or other strategic or planning documents where these affect the interests of citizens and legal persons.**

**(2) The state administration bodies, via the central state website for public consultations, and other state authorities, local and regional self-government units and legal persons with public authority, via their websites or via the central state website for public consultation, release the draft of the regulation, general act or other document, with a substantiation of the reasons and objectives to be achieved through adoption of the regulation, act or other document, and inviting the public to submit their proposals and opinions.**

**(3) The public authority bodies from paragraph 1 of this Article are obliged to conduct public consultations as a rule, for a duration of 30 days, except in cases when such consultations are conducted pursuant to regulations governing the procedure of assessment of the effect of regulations.**

**(4) Upon the expiry of the deadline for the submission of opinions and proposals, the public authority body is obliged to draft and publish on the central state website for public consultations or its website, a report on the public consultation, which contains the received proposals and comments, and responses thereto, with the reasons for rejection of individual proposals and comments. The report on the public consultation must be submitted by the body responsible for its drafting to the body that adopts or issues the regulation, general act or document.**

**(5) The public authority body is obliged to publish its annual plan for public consultations on its website no later than by the end of the current calendar year. The public authority body is also obliged to inform the public in the same manner of any amendments to the public consultation plan.**

**(6) The public consultation plan contains the name of the regulation, general act or document for which public consultation is conducted, the expected time of its adoption or issuance, approximate time of conducting the on-line consultation process, and other envisaged ways in which consultation is planned to be conducted, such as public debates, distribution of the draft regulation to the interested public via electronic mail, participation in working groups, etc.**

**(7) Upon completion of the consultation process, the documentation created in the public consultation process, either in electronic or hardcopy form, shall be kept by the public authority body in accordance with the regulations on archive materials.**

### *Publicity of work*

#### Article 12

**(1) Public authority bodies shall be obliged to inform the public of:**

**1) agendas of meetings and sessions of official bodies and their scheduled times, manner of work and possibilities of direct insight into their work,**

**2) the number of persons who may simultaneously receive direct insight into the work of the public authority bodies, taking account of the sequence of registration.**

(2) Public authority bodies are not obliged to provide direct insight into their activities in matters from which the public should be excluded, i.e., if such information are subject to access restrictions pursuant to the provisions of this Act.

### *Information Officer*

#### Article 13

(1) For the purpose of ensuring the right of access to information, the public authority body is obliged to issue a decision on the appointment of a special official responsible for resolving matters of exercising the right of access to information (hereinafter: Information Officer).

(2) The public authority body shall be obliged to inform the public of the official data of the Information Officer.

(3) The Information Officer:

1) conducts tasks of the regular disclosure of information, in accordance with the internal organisation of the public authority body, as well as the tasks of resolving individual requests for access to and re-use of information,

2) improves the manner of processing, classification, safe-keeping and disclosing of information contained in official documents regarding the work of public authorities,

3) provides the necessary assistance to applicants in regard to the exercise of the rights specified under this Act.

(4) The public authority body is bound to inform the Commissioner on the decision on appointment of the Information Officer within one month of the issuance of the decision.

(5) The Commissioner keeps the Register of Information Officers.

### *Official Register*

#### Article 14

(1) The public authority body shall be obliged to keep a special Official Register of requests, procedures and decisions referring to exercising of the right of access to and re-use of information, in accordance with the provisions of this Act.

(2) The structure, content and the manner of maintaining the Official Register shall be prescribed by the Minister authorised for general administrative tasks.



## IV. RESTRICTIONS TO THE RIGHT OF ACCESS TO INFORMATION

### *Restrictions and their duration*

#### Article 15

**(1) Public authority bodies shall restrict access to information relating to any procedures held by the competent authorities in preliminary and criminal procedures for the duration of such procedures.**

**(2) Public authority bodies may restrict access to information:**

**1) if the information has been classified by a degree of secrecy, pursuant to the act governing classified information;**

**2) if the information represents a trade or professional secret, pursuant to law;**

**3) if the information represents a tax secret, pursuant to law;**

**4) if the information is protected by the law governing the area of protection of personal information;**

**5) if the information is protected by regulations governing intellectual property rights, except in the case of explicit written consent of the rights holder;**

**6) if access to information has been restricted pursuant to international treaties, or pertains to information arising in procedures of concluding or acceding to international agreements or negotiations with other countries or international organisations, until the completion of such proceeding, or pertains to information arising in the area of diplomatic relations;**

**7) in other cases specified by law.**

**(3) Public authority bodies may restrict access to information in the case of a reasonable doubt that its disclosure might:**

**1) prevent the efficient, independent and unbiased unfolding of court, administrative or other legally regulated proceedings, the execution of court orders or sentences,**

**2) prevent the work of the bodies conducting administrative supervision, inspectional supervision, i.e. legal supervision,**

**(4) Public authorities may also restrict access to information when:**

**1) information on the procedure is developed within one or more high public authority bodies, and its disclosure prior to the completion of development of integral and final information could seriously threaten its development;**

**2) information arising in the procedures of alignment in the adoption of regulations and other acts, and in the exchange of positions and opinions within one or more public authority bodies, and its disclosure could lead to an incorrect interpretation of the**

**content of the information, threaten the process of adoption of the regulation or act, or freedom to give an opinion and express a position.**

**(5) If the requested information contains data subject to the restrictions from paragraphs 2 and 3 of this Article, the remaining parts of information shall be made available.**

**(6) Information restricted due to reasons referred to in paragraph 2, item 5 of this Article shall become publically available when so determined by those who might suffer damages due to its disclosure, but no longer than within a period of 20 years from the date of generation of the information, unless a longer period of time is stipulated by law or other regulation.**

**(7) The information from paragraphs 2 and 3 of this Article shall become publicly available once the reasons cease to be valid for which the public authority restricted access to such information.**

**(8) Access to information from paragraph 4, item 1 of this Article may be restricted after the information is completed, particularly if such disclosure would seriously threaten the decision-making process or the expression of opinions, or would lead to an incorrect interpretation of the content of the information, unless there is a prevailing public interest for its disclosure.**

#### *Proportionality Test and Public Interest Test*

#### Article 16

(1) The public authority body responsible for responding to requests for access to information as referred to in Article 15, paragraph 2, items 2, 3, 4, 5, 6 and 7 and **paragraphs 3 and 4** of this Act, is obliged, prior to reaching a decision, to conduct the Proportionality Test and the Public Interest Test. The information holder as referred to in Article 15, paragraph 2, item 1 of this Act, upon the earlier acquired consent of the Office of the National Security Council, is obliged, prior to reaching a decision, to conduct the Proportionality Test and the Public Interest Test.

(2) When conducting the Proportionality Test and the Public Interest Test, the public authority body shall be obliged to determine whether access to information may be restricted in order to protect some of the interests referred to in Article 15, **paragraphs 2, 3 and 4** of this Act, as to whether granting access to requested information in each individual case would seriously damage these interests and whether the need to protect the right to restrictions prevails over the public interest. If the public interest prevails over the damage caused to protected interests, the information shall be made available.

(3) Information on the disposal of public funds shall be available to the public without conducting the procedure referred to in paragraph 1 of this Article, with the exemption of classified information.

#### V. PROCEDURAL PROVISIONS

## *Manners of exercising the right of access to information*

### Article 17

(1) Public authority bodies shall be obliged to grant access to information by:

1) timely release of the information regarding their work in an adequate and accessible manner, i.e. on the public authority website, or in the Official Gazette, and the Central Catalogue of Official Documents of the Republic of Croatia, for the purpose of informing the public;

2) providing information to the beneficiary who has submitted a request in one of the following ways:

– by providing information directly,

– by providing information in writing,

– by providing insight into documents and making copies of documents containing the requested information,

– by delivering copies of the documents containing the requested information,

– in other ways adequate for exercising the right of access to information.

**(2) In the request for information, the beneficiary may indicate an adequate way of obtaining the information, and if there is no such indication, the information shall be delivered in the manner of submitting the request, i.e. in the most economic manner.**

### *Request*

### Article 18

(1) The beneficiary exercises the right of access to information by submitting a verbal or written request to the competent authority.

(2) If the request has been submitted verbally or by telephone, an official note shall be drafted, and if the request has been made through electronic communication, it shall be considered a written request.

(3) A written request contains: the name and address of the public authority body to which the request is submitted, data relevant for recognising the requested information, name, surname and address of the natural person submitting the request, company name, i.e. name of the legal entity and its address.

(4) The submitter of the request shall not be obliged to mention the reasons for requesting access to information, nor is required to refer to this Act.

**(5) A request for insight into the entire case file, explanation or instructions concerning the exercise of a right or execution of an obligation, conducting an analysis or**

**interpretation of a regulation, or the creation of new information, shall not be considered a request for access to information.**

### *Fees for accessing information*

#### Article 19

- (1) Access to information in procedures before the public authority bodies does not require the payment of administrative and court fees.
- (2) The public authority body is entitled to request the beneficiaries to cover the actual material expenses incurred by providing information, under Article 17 of this Act, and to cover the expenses of delivery of the requested information. Upon the request submitted by the beneficiary, the public authority body is obliged to provide the calculation of expenses.
- (3) The criteria for setting the amount of fees and the manner of covering the expenses as referred to in paragraph 2 of this Article, shall be prescribed by the Commissioner.
- (4) Revenue from fees collected pursuant to paragraph 2 of this Article shall be considered the revenue of the public authority body.

### *Deadlines*

#### Article 20

- (1) Pursuant to request for access to information, the public authority body shall issue its decision within 15 days from the date of submission of an orderly request.
- (2) In the case of an incomplete or incomprehensible request, the public authority body shall without delay request the submitter to make corrections within 5 days from the date of receipt of the request for corrections. If the submitter fails to correct the request in the appropriate manner, and it can not be clearly ascertained which information are requested from the original request, the public authority body shall reject the request by issuing a decision.

### *Transfer of request*

#### Article 21

- (1) If the public authority body does not possess the information, but is aware of the public authority body that does possess the respective information, it is obliged, without delay, but no later than eight days from the date of receipt of the request, to transfer the request to the respective body and notify the submitter thereof. The deadlines for exercising the right of access to information shall begin from the date the public authority body received the transferred request.
- (2) If the public authority body receives a request for access to information from Article 15 paragraph 2, item 1 of this Act, and does not possess the information in question, it shall be obliged, without delay, but no later than eight days from the date of receipt of the request, to transfer the request to the information holder, and notify the submitter thereof.

(3) If the public authority body receives a request for access to international information, it is obliged, without delay, but no later than eight days from the date of receipt of the request, to transfer the request to the information holder, and notify the submitter thereof. Exceptionally, the public authority body shall act upon the request for access to international information, if it is evident that information was intended for direct publication.

### *Extension of deadlines*

#### Article 22

(1) The deadlines for exercising the right of access to information may be extended by 15 days from the date the public authority body was expected to decide on the request for access to information:

- 1) if the information must be sought outside the seat of the public authority body,
- 2) if the request pertains to numerous different information,
- 3) if this is necessary to ensure the accuracy and integrity of the requested information,
- 4) if the situation requires conducting the Proportionality Test and the Public Interest Test, in accordance with the provisions of this Act.

(2) The public authority body shall, without delay but no later than eight days from the date of receipt of the orderly request, notify the Submitter of any extension of deadlines and the reasons thereof.

### *Decision regarding the request*

#### Article 23

(1) The public authority body shall not issue a Decision on the request:

- 1) when providing the beneficiary with access to the requested information,
- 2) when notifying the beneficiary that has already received the same information, and less than 90 days has passed since submission of the prior request,
- 3) when explaining to the beneficiary that the information has been publicly disclosed,
- 4) when notifying the beneficiary that they have been granted access to information from court, administrative and other procedures by law,
- 5) when notifying the beneficiary that the information has been restricted or classified, pursuant to Article 1 paragraphs 4 and 5 of this Act.
- 6) when informing the beneficiary that the submission is not deemed a request in the sense of Article 18, paragraph 5 of this Act, in which it is obliged to inform the beneficiary on how to proceed with the request.**

(2) The public authority body is obliged, without delay, to notify the Submitter in writing of any reasons as specified in paragraph 1, items 2, 3, 4 and 5 of this Article.

(3) The public authority body shall issue a Decision when providing the beneficiary with access to the requested information, by implementing the provisions of Article 16, paragraph 1 of this Act.

(4) The public authority body shall issue a Decision on rejecting the request if it is not in possession of the information or has knowledge of its whereabouts.

(5) The public authority body shall issue a Decision rejecting the request:

1) if the conditions prescribed in Article 15, paragraph 1 of this Act have been met,

2) if the conditions prescribed in Article 15, paragraphs 2, 3 **and 4**, and pertaining to Article 16, paragraph 1 of this Act have been met,

3) if it has deemed that there is no basis for amending or correcting the given information referred to in Article 24 of this Act,

4) if the requested information is not considered information in terms of Article 5, paragraph 1, item 3 of this Act.

**5) if one or more mutually linked submitters, via one or more functionally linked requests, are obviously abusing the right to access information, and particularly due to the frequency of requests for the same or similar information, or requests demanding a large amount of information which would lead to a burdening of the work and regular functioning of the public authority body.**

#### *Amendment and correction of information*

##### Article 24

(1) If the beneficiary considers the information provided on the basis of request to be inaccurate or incomplete, they may request its correction, i.e. amendment of the respective information, within 15 days of the date of receipt of the information.

(2) The public authority body shall be obliged to decide on the request for amendment or correction of the information, within 15 days of the date of receipt of the request, pursuant to Article 23 of this Act.

#### *Complaints*

##### Article 25

(1) The submitter may file a Complaint to the Commissioner against the Decision issued by the public authority body within 15 days of the date of delivery of the Decision.

(2) A Complaint may also be filed if the public authority body fails to issue a Decision on the Submitter's request within the legal deadline.

(3) The Commissioner is obliged to issue a decision on the Complaint and deliver it to the requesting party, through the first instance body, no later than 30 days from the date of filing of the orderly Complaint.

(4) In the procedure of reviewing the Complaint against the Decision on restricted information from Article 15, paragraphs 2 and 3 of this Act, public authority bodies shall allow the Commissioner to review the information subject to the procedure. For information referred to in Article 15, paragraph 2, item 1 of this Act, the Commissioner shall request the opinion of the Office of the National Security Council, in accordance with the law governing classified information.

(5) When the Commissioner is required to examine the regularity of or to conduct the Proportionality Test and the Public Interest Test in the procedure of reviewing the Complaint, he is obliged to issue a decision on the Complaint through the first instance body, no later than 60 days from the date of filing of the orderly complaint.

(6) When the Commissioner requests the opinion of the Office of the National Security Council for information from Article 15 paragraph 2, item 1 of this Act, he is obliged to issue a Decision and deliver it to the Submitter, through the first instance body, no later than 90 days from the date of filing of the orderly complaint.

**(7) When the Commissioner has determined that the Complaint is valid, he shall issue a Decision ordering the public authority body to provide the beneficiary with access to the requested information, i.e. to decide on the beneficiary's request and to set an adequate deadline in which it is obliged to act accordingly.**

**(8) It shall be deemed that the public authority body has disabled or restricted access of a beneficiary to information if it does not act in accordance with the Decision of the Commissioner from paragraph 7 of this Article, or does not do so within the deadline set by the Commissioner.**

#### *Administrative dispute*

#### Article 26

(1) No complaint may be filed against the Decision issued by the Commissioner, though an administrative dispute may be initiated before the High Administrative Court of the Republic of Croatia. The High Administrative Court of the Republic of Croatia must issue a decision on Complaint within 90 days. The Complaint shall delay the execution of the Decision granting access to information.

(2) The administrative dispute against the Decision from paragraph 1 of this Article may be initiated by the public authority body that has issued the first instance Decision.

(3) In the procedure of the dispute, public authority bodies shall be obliged to enable the High Administrative Court of the Republic of Croatia to review the information from Article 15, paragraphs 2, 3 **and 4** of this Act, which are the subject of the procedure.

## *The right to re-use information*

### Article 27

- (1) Every beneficiary has the right to re-use information for commercial or non-commercial purposes, in accordance with the provisions of this Act.**
- (2) For the purpose of re-using the information, the public authority body is not obliged to develop information or adapt or separate parts of information if this represents a disproportionate cost of time or funds, nor can the public authority body be requested to continue to update, upgrade and archive information for the purpose of re-use.**
- (3) For all matters not specifically regulated by this chapter, the remaining provisions of this Act shall apply appropriately.**

## *Practical solutions for the re-use of information*

### Article 28

- (1) For the purpose of stimulating and facilitating the re-use of information, the public authority body is obliged to disclose the information available for re-use in an easily searchable manner, together with metadata, in machine readable and open form, in accordance with the open standards.**
- (2) Lists of information available for re-use together with metadata, that are disclosed in accordance with paragraph 1 of this Article, are provided via the open data portal that is kept and maintained by the Digital Information and Documents Office of the Government of the Republic of Croatia.**
- (3) The provisions of paragraph 2 of this Article do not exclude the establishment and maintenance of special portals that enable the re-use of special types of information, particularly with regard to libraries, museums and archives.**
- (4) For the purpose of stimulating and facilitating the re-use of information, libraries, including the libraries of higher education institutions, museums and archives are obliged to disclose information to which they hold intellectual property rights in the manner prescribed in paragraph 1 of this Article.**
- (5) When possible and practical, multi-language searches of documents will be enabled.**

## *Request for re-use of information*

### Article 29

- (1) In the request for re-use of information the Submitter must list, in addition to data from Article 18, paragraph 3 of this Act, the information they wish to re-use, the form and manner in which they wish to receive the content of the requested information, and the purpose for which they wish to re-use the information (commercial or non-commercial purpose).**



**(2) The public authority body will decide on the request for the re-use of information by issuing a Decision within 15 days of the date of submission of the orderly request. The Decision must contain the type of permission which stipulates the conditions of re-use and the amount of costs and manner of their calculation.**

**(3) The public authority body will act upon the Decision for the re-use of information via electronic communication means, wherever possible and appropriate.**

#### Article 30

**(1) The public authority body shall issue a Decision rejecting the request for re-use of information if the request refers to the following:**

- 1) information from Article 15, paragraphs 1, 2, 3 and 4 of this Act,**
- 2) confidential statistical information, pursuant to law,**
- 3) information for which the beneficiary is required to prove the existence of his legal interest therein,**
- 4) parts of information that contain only logotypes, coats of arms, or symbols,**
- 5) information held by the bodies providing public radio and television services and electronic media,**
- 6) information held by education, science and research institutions, including organisations established for the purpose of transferring the results of research, schools and higher education institutions, except libraries of higher education institutions,**
- 7) information held by cultural institutions, with the exception of libraries, museums and archives,**
- 8) information that area not collected within the scope of public activities.**

**(2) A complaint against the Decision on re-use of information may be made to the Commissioner within 15 days of the date of delivery of the Decision. No complaint against the Decision of the Commissioner is permitted, though an administrative dispute may be filed before the High Administrative Court of the Republic of Croatia.**

**(3) If the public authority body rejects the request for re-use of information for the purposes of protecting intellectual property rights, it is obliged to inform the Submitter who holds the intellectual property rights, or the holder of the licence from which the public authority received the said information.**

#### *Conditions for the re-use of information*

#### Article 31

**(1) The public authority body shall give the beneficiary the information for re-use without restrictions, for free use, and in open format.**

**(2) In justified cases, the public authority body may lay down the conditions for re-use. In the case of stipulating the conditions for re-use, their content and application may not unjustifiably restrict the possibilities of re-use, nor may they be used so as to restrict market competition.**

**(3) The conditions for the re-use of information may not be discriminatory for the same or similar types of information, or for commercial or non-commercial use.**

**(4) The same conditions apply to the public authority body that re-uses its own information as the basis for commercial activities that do not fall within the scope of its public activities, as for other beneficiaries.**

**(5) The type and content of permits that stipulate the conditions of re-use, in line with standard open permits, shall be regulated in an ordinance enacted by the minister responsible for administrative affairs.**

**(6) The public authority body is obliged to disclose the permits stipulating the conditions of re-use, or links to such permits, on its website, in accordance with the standard open permits.**

#### *Fees for the re-use of information*

#### Article 32

**(1) The public authority body not shall charge a fee for the re-use of information if the same information are published on the official website.**

**(2) The public authority body may charge the beneficiary for the actual material costs of the re-use of information arising from their reproduction, provision and delivery, in accordance with the criteria from Article 19, paragraph 3 of this Act.**

**(3) Exceptionally, the public authority body may charge the beneficiary costs in addition to the costs from paragraph 2 of this Article, if one of the following conditions is met:**

**1) the public authority body is primarily financed from its own revenues, or**

**2) the beneficiary requests information with which the public authority body secures adequate revenues to cover the costs of their collection, development, reproduction and release.**

**(4) In the cases from paragraph 3 of this Article, the public authority body will determine the fee for the re-use of information, in line with objective, clear and verifiable criteria for the calculation of costs of re-use of the information, as laid down by a regulation of the Government of the Republic of Croatia. The costs are calculated in line with accounting rules applied to the said public authority body.**

**(5) The total annual revenue of the public authority body from paragraph 3 of this Article earned on the basis of the calculation of costs pursuant to paragraph 4 of this Article may not exceed the costs of collection, development, reproduction and provision of information, including a reasonable rate of return on investment. The public**

authority body is obliged to revise the manner of calculation of the fees at the annual level.

(6) The public authority body is obliged to inform beneficiaries on its website of the criteria for the charging of costs from Article 19, paragraph 3 of this Act, the criteria and manner of calculation of costs from paragraph 4 of this Article, and on the actual charged amounts of the costs of re-use of information at the annual level.

*Fees for the re-use of information for libraries, museums and archives*

Article 33

(1) Libraries, including libraries of higher education institutions, museums and archives may charge the beneficiary the cost in addition to the cost from Article 32, paragraph 2 of this Act, in line with objectives, clear and verifiable criteria for the calculation of costs of re-use of information. The costs are calculated in line with accounting principles that are applied to the said public authority bodies.

(2) The total annual revenue of libraries, including libraries of higher education institutions, museums and archives, obtained on the basis of the compensation of costs based on paragraph 1 of this Article may not exceed the costs of the collection, development, reproduction, dissemination, keeping and right to write-off, including a reasonable rate of return on investment. The public authority body is obliged to revise the manner of calculation of costs at the annual level.

(3) Libraries, including the libraries of higher education institutions, museums and archives, are obliged to inform beneficiaries on their websites of the criteria for the charging of costs from Article 19, paragraph 3 of this Act, and the criteria for the manner of calculating costs from paragraph 1 of this Article, and on the actual charged amount of costs for the re-use of information at the annual level.

*Prohibition of discrimination and exclusive rights*

Article 34

(1) The re-use of information is permitted and available to all persons submitting requests, for the same fee and under the same conditions. The number of submitter requests that an authority will approve the right of re-use of information is not limited. The authority may not conclude a contract or other agreement or decision to approve a person submitting a request such re-use of information that would prevent the re-use of that information by other beneficiaries.

(2) By way of derogation from paragraph 1 of this Article, the public authority body may approve the exclusive right to the re-use of information if such is deemed necessary for the provision of public services or other services of public interest. The justification of the reason for authorisation of such exclusive right is subject to regular control of the Commissioner and is controlled at least once every three years, unless this pertains to the digitalisation of information in the area of culture.

**(3) The Commissioner keeps publicly available records of all authorised exclusive rights. Decisions or agreements that authorise the exclusive right to the re-use of information are submitted to the Commissioner within 15 days of the date of issuance of the Decision or conclusion of the agreement.**

**(4) When the exclusive right to the re-use of information is verified for the purpose of digitalisation of information in the area of culture, the period for which the agreement is concluded, as a rule, may not exceed ten years. If the agreement is concluded for a period of time longer than ten years, the justification of the reason for awarding the exclusive right and extension of the period of validity of the agreement is considered by the Commissioner in the eleventh year, and every seventh year thereafter.**

**(5) In the case of an exclusive right from paragraph 4 of this Article, the agreement must envisage ensuring a free copy of the digitised information from the area of culture, and which is available for re-use following the expiry of the period for which the exclusive re-use was granted.**

**(6) Valid agreements and decisions on exclusive rights, unless they pertain to digitalisation of information in the area of culture, must be published on the websites of the public authority bodies upon the entry of this Act into force.**

**(7) The content and manner of keeping records on exclusive rights to re-use from paragraph 4 of this Article shall be prescribed in an ordinance by the minister responsible for administrative matters.**

## VII. INFORMATION COMMISSIONER

### *Information Commissioner*

#### Article 35

**(1) The Commissioner shall protect, monitor and promote the right of access to information and the right to the re-use of information.**

**(2) The Commissioner may not be impeached, taken into custody or punished for expressing opinions and taking actions within the scope of their work, unless the Commissioner has violated the law, which represents a criminal offence.**

**(3) The Commissioner:**

**– conducts the tasks of the second instance body in resolving complaints relating to exercising the right of access to information and the right to re-use information;**

**– conducts supervision and performs inspection supervision over the implementation of this Act;**

**– monitors the implementation of this Act and the regulations governing the right of access to information and the re-use of information, and informs the public of the implementation thereof;**

- issues proposals to the public authority bodies with regard to measures to improve the right of access to information and the re-use of information, as governed by this Act;
- informs the public on exercising the beneficiary rights of access to information and re-use of information;
- proposes measures for the professional development of Information Officers within public authority bodies, and familiarization with their duties with regard to the implementation of this Act;
- initiates the issuance or amendment of regulations for the purpose of implementation and improvement of the right of access to information and the re-use of information;
- submits a report to the Croatian Parliament on the implementation of this Act and other reports when considered necessary;
- reports every three years to the European Commission on the availability of information for re-use, and particularly concerning the conditions of use, exclusive rights, charging of fees and actions regarding legal remedies. These reports are published on the Commissioner website;
- partakes in the activities of the work bodies of the Croatian Parliament and attends parliamentary sessions when discussing the matters within the scope of their work;
- files an indictment proposal and issues a misdemeanour order for any identified misdemeanour.

(4) In order to access and work with confidential information, the Commissioner and civil servants in the Office must meet the conditions prescribed by a special law, and they shall be bound to keep, in accordance with the law governing confidential information, any personal and other confidential information that they come across in conducting their tasks.

### *Appointment of the Commissioner*

#### Article 36

(1) The Commissioner is appointed by the Croatian Parliament for a five year mandate, including the possibility of re-appointment.

(2) No later than six months prior to the end of the Commissioner's mandate, or no later than 30 days from the end of their duties due to other reasons, the Committee for the Constitution, Rules of Procedure and Political System of the Croatian Parliament shall announce a public invitation for the delivery of candidacies for appointment of the Commissioner.

(3) The Committee for the Constitution, Rules of Procedure and Political System of the Croatian Parliament shall, upon acquiring the prior consent of the Committee on Information, Informatization and Media of the Croatian Parliament, make a proposal of at least two candidates for the Commissioner on the basis of applications collected following the public invitation, and shall submit the proposal to the Croatian Parliament.

(4) The Commissioner shall be independent in their work, and accountable to the Croatian Parliament.

### *Requirements for the appointment of the Commissioner*

#### Article 37

(1) A person may be appointed as Commissioner if they meet the following requirements:

- Croatian citizenship and permanent residency in the Republic of Croatia,
- completed undergraduate and graduate study programme or an integrated undergraduate and graduate university programme in legal or social sciences,
- have a minimum of 10 years of work experience in the profession,
- be a renowned expert of recognised ethical and professional reputation with experience in the area of protection and improvement of human rights, media freedom and democratic development,
- has no prior convictions nor ongoing proceedings for criminal offences for which the procedure is initiated *ex officio*,
- is not a member of any political party.

(2) The provisions of the Civil Servants Act shall apply appropriately to the Commissioner.

(3) The Commissioner is entitled to remuneration in the amount of remuneration received by the vice-presidents of the Parliamentary Committees.

### *Dismissal of the Commissioner*

#### Article 38

(1) The Croatian Parliament shall dismiss the Commissioner prior to the end of the term in the following cases:

- upon the request of the Commissioner,
- in the event of the circumstances due to which the Commissioner no longer meets the requirements for appointment from Article 37 of this Act,
- if the Commissioner is unable to perform his duties for a period longer than six months,
- if the Commissioner fails to perform duties in accordance with this Act.

(2) The procedure of dismissal of the Commissioner shall be initiated by the Committee for the Constitution, Rules of Regulations and Political System of the Croatian Parliament.

(3) The Commissioner is dismissed by the Croatian Parliament, with the prior opinion of the Committee for Information, Informatization and Media of the Croatian Parliament.

### *Organisation of the Office of the Commissioner*

#### Article 39

- (1) The Commissioner shall have an Office of the Commissioner, as an expert service.
- (2) The Office of the Commissioner contains the internal organisational units for specific areas of work, in accordance with the type of work.
- (3) The provisions of the Civil Service Act shall apply to persons employed in the Office of the Commissioner.
- (4) In relation to the persons employed in the Office, the Commissioner shall serve as head of the office.
- (5) The internal organisation of the Office of the Commissioner shall be regulated by the Rules of Procedure.
- (6) The seat of the Office of the Commissioner is in Zagreb.
- (7) The funds required for the operation of the Office of the Commissioner shall be provided from the State Budget of the Republic of Croatia.

### *Rules of Procedure of the Commissioner and the Ordinance on the internal order*

#### Article 40

- (1) The Commissioner shall enact the Rules of Procedure that are confirmed by the Croatian Parliament. The Rules of Procedure shall be published in the *Official Gazette*.
- (2) The Rules of Procedure regulate the internal organisation, the manner of work of the Commissioner, the manner of planning and conducting tasks, and other issues important for conducting the work of the Commissioner.
- (3) The Commissioner shall enact the Ordinance on the internal order regulating the number of civil servants required to perform the tasks, indicating their basic tasks and duties, and professional requirements necessary for conducting these tasks, their authorisations and responsibilities, and other issues important for the work of the Commissioner.

## VIII. SUPERVISION

### *Supervision over implementation of the Act*

#### Article 41

The Commissioner conducts supervision over the implementation of this Act.

### *Inspectional supervision*

#### Article 42

(1) Inspectional supervision over the implementation of this Act shall be conducted by inspectors and other authorised officials of the Office of the Commissioner (hereinafter: Inspectors).

(2) Inspectors must meet the following professional requirements: completed graduate study programme or a specialist graduate professional study in the legal profession or another profession relating to social sciences, three years of work experience on the positions relating to implementation of laws or supervision over the implementation of laws and other regulations, and have passed the state professional exam.

#### Article 43

Inspectional supervision is conducted upon the petitions received from beneficiaries of the right of access to and re-use of information, upon the proposal of the third party or *ex officio*.

#### Article 44

(1) An Inspector shall be independent in his work.

(2) No person may be permitted to use their official position or in other way prevent or obstruct the Inspector in conducting the supervision and taking measures and activities for which they are authorised.

### *Tasks of the Inspector*

#### Article 45

**(1) In conducting inspectional supervision over the implementation of this Act, Inspectors shall especially supervise the following:**

**– whether the public authority is publishing information pursuant to Article 10, paragraph 1 of this Act;**

**- whether the public authority is conducting public consultation procedures pursuant to Article 11 of this Act;**

**- whether the public authority is ensuring the publicity of its work pursuant to Article 12, paragraph 1 of this Act;**

**- whether the public authority has appointed an Information Officer and whether the Information Officer acts in accordance with the authorisations prescribed by this Act;**

**– whether the state authority body keeps a special official record on the requirements, procedures and decisions on the exercise of rights of access to and re-use of information;**



- regularity in implementing the provisions of this Act upon receiving requests for access to information and requests for re-use of information;**
- conducting other activities upon receiving requests for access to information and requests for re-use of information.**
- whether the public authority published information on the charging of costs of the access and re-use of information, and the conditions for the re-use of information;**
- whether the state authority body delivers a report in accordance with Article 60 of this Act.**

(2) In conducting inspectional supervision, Inspectors are entitled to request and acquire from the public authority bodies all the information that are the subject of procedures, in accordance with this Act.

(3) The information from the Article 1, paragraphs 4 and 5 of this Act may not be the subject of the inspectional supervision.

#### *Manner of work of the inspector*

##### Article 46

Inspectional supervision is conducted as:

1. direct inspectional supervision, through direct insight into data and documents of the public authority body under supervision, and the conditions and manner of work of the public authority body under supervision;
2. indirect inspectional supervision, through direct insight into the submitted data and documents.

##### Article 47

(1) The Inspector is obliged to inform the head of the public authority body (hereinafter: head of the public authority body) of the inspection, no later than three days prior to the start of the supervision.

(2) By way of derogation from paragraph 1 of this Article, in the case of urgency, an Inspector may conduct inspectional supervision without any prior announcement.

(3) The head of the public authority body under supervision is obliged to allow for undisturbed inspectional supervision, including the provision of work space for conducting the supervision, use of technical equipment, data and documents subject to supervision.

(4) Within conducting the supervision, the Inspector may, as needed, take statements from the head of the public authority body under supervision or other officials.

##### Article 48

(1) While conducting indirect inspectional supervision, the Inspector is authorised to make a written request for the delivery of documents and to set an appropriate deadline for their delivery.

(2) The head of the public authority body under supervision or another authorised person is obliged to act upon the request of the Inspector, and to ensure the delivery of complete and accurate data, and in case of inability to act, they should, without delay, submit a written statement thereon.

#### Article 49

(1) After conducting inspectional supervision, the Inspector shall draft a record of the identified illegal practices, irregularities and deficiencies.

(2) The record of the inspectional supervision from paragraph 1 of this Article (hereinafter: record) must contain the following:

1) factual situation and breaches of laws and other regulations, irregularities and deficiencies in work,

2) evaluation of the situation,

3) measures ordering the removal of any illegal practices identified, and the deadline for the execution of ordered measures,

4) proposals for the removal of identified irregularities and deficiencies in work,

5) obligation of reporting to the Inspector on the measures taken,

6) instructions on the right to file a complaint.

(3) The Inspector is obliged, depending on the nature of the ordered measures, to set an appropriate deadline for their implementation.

(4) If during the inspectional supervision no illegal practices, irregularities or deficiencies in work are determined, the head of the public authority body under supervision shall be informed in writing thereof.

#### *Rights and duties of the Inspector*

#### Article 50

In the record, the Inspector may order the following measures:

1) that appropriate measures be taken to remove the identified violations of this Act and other regulations, irregularities and deficiencies in the work of the public authority body under supervision,

2) prohibit the activities taken in violation of this Act or other regulations,

3) suggest measures be taken with the aim of removing irregularities or deficiencies in work,

4) propose measures be taken with the aim of improving the performance of the public authority body under supervision.

#### Article 51

(1) The record is delivered to the head of the public authority body under supervision.

(2) The record may also be delivered to the body superior to the body under supervision, pursuant to the regulations on the state administration structure, i.e. local and regional self-government units.

#### *Objection to the record*

#### Article 52

(1) The head of the public authority body under supervision may file an objection against the record within eight days from the date of receipt of the record.

(2) The objection may refute the record due to:

1) incomplete or incorrectly determined factual situation, irregular implementation of regulations and measures ordered on the basis thereof,

2) overstepping of authority in the implementation of inspectional supervision by the Inspector.

(3) Following the objection, the Decision on the objection to the records (hereinafter: Decision) is issued.

(4) The Decision from paragraph 3 of this Article is not considered an administrative act.

#### Article 53

(1) The Decision must be issued within 30 days from the date of receipt of the objection.

(2) The objection shall delay the obligation to act upon the ordered measures until the Decision has been received.

#### *Acting upon the objection*

#### Article 54

(1) The objection filed against the record drafted by the Inspector, due to reasons referred to in Article 52, paragraph 2, item 1 of this Act, shall be reviewed by the Inspector who conducted the supervision and drafted the record. In case of a grounded objection, the Inspector shall alter the records in terms of the objection.

(2) If the Inspector finds the objection completely or partially ungrounded, the objection and a statement by the Inspector shall be sent to the Commissioner for a decision.

(3) The Commissioner shall review the objection and the statement, and shall be authorised to:

- 1) cancel or amend the ordered measure, in case of the grounded objection,
- 2) reject the objection.

#### Article 55

(1) The Commissioner shall decide on the objection to the record submitted due to reasons prescribed by Article 52, paragraph 2, item 2 of this Act.

(2) When acting upon the objection, the Commissioner is authorised to:

- 1) cancel the ordered measure, if the Inspector has ordered the respective measure outside of his authority,
- 2) reject the objection.

#### *Control of execution of measures from the record*

#### Article 56

(1) The head of the public authority body is obliged to implement the ordered measure within the deadline set in the record.

(2) The head of the public authority body is obliged, within 15 days of the deadline to implement the measures ordered by the record, to deliver the report and evidence of implementation of the measures to the Inspector.

#### Article 57

(1) Control over the implementation of the ordered measures shall be performed by the Inspector in an indirect manner, by collecting reports and evidence of the implementation of measures.

(2) Control over the implementation of the ordered measures may also be exerted through direct control, as inspectional supervision, if so required by the nature of activities to be conducted in implementing the measures, i.e. when the need for direct control supervision due to deficiencies has been ordered by the Inspector in the report.

#### Article 58

If the public authority body under supervision fails to implement the ordered measure in order to prevent illegal practices, the Commissioner shall inform:

- 1) the Government of the Republic of Croatia, if the measures have not been implemented by central state administration bodies whose heads are directly accountable to the Government of the Republic of Croatia,

- 2) the central state administration body conducting the supervision over the performance of the state administrative organisation, in accordance with the law,
- 3) the central state administration body in charge of the system and organisation of the state administration, local and regional self-government, if the measures have not been implemented by the state administration office at the county level, i.e. the bodies of the local and regional self-government units.
- 4) founder of the public authority body.

### *Acting upon petitions*

#### Article 59

- (1) Inspectors shall act upon petitions regarding the work of the public authority body concerning the implementation of this Act.
- (2) The Inspector is obliged to review the submitted petition.
- (3) If the Inspector, after reviewing the petition, finds the statements made in the petition to be grounded, he shall be authorised to request a report and send a warning requesting the urgent prevention of possible illegal practices.
- (4) If the Inspector, in acting upon the petition, determines the facts set out in the petition to be correct, and if the prevention of illegal practices or irregularities requires the ordering measures, the Inspector shall conduct an *ex officio* inspectional supervision, in the manner and in accordance with the authorisation under this Act.
- (5) The Inspector is obliged to notify the petitioner in writing on the established facts, i.e. on the measures taken upon the petition. This notification is not considered an administrative act.

## IX. REPORTING

### *Reports*

#### Article 60

- (1) All public authority bodies are obliged to cooperate with the Commissioner.
- (2) Public authority bodies are obliged to submit a report to the Commissioner on the implementation of this Act for the previous year, no later than 31 January of the current year.
- (3) The Commissioner is required to publish the content of the report from paragraph 2 of this Article and the manner of its delivery on its website by 31 December of the current year.**
- (4) The Commissioner shall submit the report on the implementation of this Act to the Croatian Parliament no later than 31 March of the current year for the previous year.**

**(5) An integral part of the report from paragraph 4 of this Article is an analysis and assessment of the exercise of the right to access information and the re-use of information in public authority bodies, data and analyses on complaints procedures, inspectional supervision and violations of the right to access information and the re-use of information, and proposals for eliminating deficiencies and irregularities.**

## **X. MISDEMEANOUR PROVISIONS**

### **Article 61**

**(1) The responsible person in a public authority body who fails to act in accordance with the decision of the Commissioner from Article 25, paragraph 7 of this Act or who fails to act within the deadline set by the Commissioner shall be required to pay a misdemeanour fine in the amount from 5,000.00 to 20,000.00 HRK.**

**(2) A natural person who damages, destroys, hides or in another way renders unavailable the document containing information, aiming to prevent exercising of the right of access to information, shall be required to pay a misdemeanour fine in the amount from 5,000.00 to 50,000.00 HRK.**

**(3) A natural person shall be punished with a fine in the amount from 1,000.00 to 50,000.00 HRK, while a legal entity shall be punished with a fine in the amount from 2,000.00 to 100,000.00 HRK, for the use of information contrary to the conditions for re-use of information from Article 31 of this Act.**

### **Article 62**

**The responsible person in public authority body shall be punished for a misdemeanour with a fine ranging from 2,000.00 to 10,000.00 HRK for:**

- 1) failing to act upon the order of the Commissioner,**
- 2) failing to provide the Commissioner with insight into information that are the subject of the procedure, does not deliver the requested information, or delivers incomplete or inaccurate data,**
- 3) hinders the Inspector in the performance of supervision,**
- 4) fails to eliminate the illegalities, irregularities and insufficiencies determined in the record within the deadline set by the record.**

### *Fully completed obligation*

### **Article 63**

**The public authority body is obliged to enable the beneficiary to exercise the right of access to information and re-use of information regardless of the ordered sanctions in the case of determined responsibility on the basis of unjustified withholding or imposing restrictions to the right of access to information.**

## XI. TRANSITIONAL AND FINAL PROVISIONS

### Article 64

(1) The Ordinances referred to in Article 10, paragraph 3, Article 14 and Article 34, paragraph 3 of this Act shall be enacted by the Minister responsible for general administrative affairs within 90 days of the entry of this Act into effect.

(2) The Commissioner shall specify the criteria applied to determine the amount of the fees referred to in Article 19, paragraph 3 of this Act within 90 days of the date of appointment of the Commissioner.

### Article 65

Public authority bodies shall ensure the organisational, material, technical and other conditions for implementing the provisions of this Act within 90 days of its entry into force.

### Article 66

(1) The Personal Data Protection Agency shall conduct the tasks of an independent state body for the protection of the rights of access to information until the appointment of the Information Commissioner.

(2) As of the date of the appointment of the Commissioner, the Office of the Commissioner shall assume the tasks and employees of the Department for the right of access to information of the Personal Data Protection Agency, together with the equipment, archives and other documents, funds, rights and duties, in proportion with the tasks assumed.

### *Appointment of the Commissioner*

### Article 67

The Committee for the Constitution, Rules of Procedure and Political System shall initiate the procedure of appointment of the Commissioner within eight days of the entry of this Act into effect.

### Article 68

(1) The Commissioner shall, within 60 days of appointment, submit to the Croatian Parliament for approval the Rules of Procedure created in accordance with the provisions of this Act and a special law governing matters concerning the authority of the Commissioner.

(2) The Commissioner shall enact the Ordinance on the internal order within 30 days of the entry of the Rules of Procedure from paragraph 1 of this Article into effect.

### Article 69

(1) Procedures initiated prior to the entry of this Act into effect shall be continued and completed in accordance with the provisions of the Act of the Right of Access to Information (Official Gazette 172/03, 144/10, 37/11 and 77/11).

(2) The Ordinance on the structure, contents and manner of keeping the official register on exercising the right of access to information (Official Gazette 137/04) shall remain in force until the entry into effect of the Ordinance from Article 14, paragraph 2 of this Act.

(3) The criteria for setting the amount of the fees referred to in Article 19, paragraph 2 of the Act on the Right of Access to Information (Official Gazette 172/03, 144/10, 37/11 and 77/11) shall remain in force until the entry into effect of the criteria for setting the amount of the fees and the manner of payment from Article 19, paragraph 3 of this Act.

#### Article 70

As of the day of appointment of the Commissioner, the employees of the Department for the right of access to information of the Personal Data Protection Agency shall be transferred to the Office of the Commissioner and shall continue performing the tasks they performed on the date of entry of this Act into effect, they shall keep the right to their salary and other rights arising from their employment until the issuance of the Decision on appointment to their work positions in accordance with their level of education, expert knowledge, skills, abilities, previous work experience and results achieved in accordance with the Ordinance on internal order of the Commissioner.

#### Article 71

With the entry of this Act into force, the Act on the Right to Access Information (Official Gazette 172/03, 144/10, 37/11 and 77/11) shall cease to have effect.

#### Article 72

This Act shall come into effect on the eight day from the date of its publication in the *Official Gazette*.



ACT ON AMENDMENTS TO THE  
ACT ON THE RIGHT OF ACCESS TO INFORMATION

(Official Gazette 85/15)

TRANSITIONAL AND FINAL PROVISIONS

Article 30

Agreements and decisions on exclusive rights that were concluded or issued and in effect as of the date of entry of this Act into force, and which do not meet the requirements from Article 22 of this Act which amends Article 34, paragraph 2 of this Act, shall remain in effect until the expiry of the period determined by the agreement or decision, for a maximum period of one year from the date of entry of this Act into force, and may not be extended.

Agreements and decisions on exclusive rights for the purpose of digitalisation of information in the area of culture, which were concluded and are valid as of the date of entry of this Act into force, shall remain in effect until the expiry of the period determined by the agreement or decision, but no longer than 18 July 2030.

Article 31

The Minister responsible for administrative matters shall enact the ordinances from Articles 6, 19 and 22 of this Act within six months from the date of entry of this Act into force.

The Government of the Republic of Croatia will enact the regulation from Article 20 of this Act within six months of the date of entry of this Act into force.

With the entry of the Ordinance from Article 6 of this Act into force, the Ordinance on the Central Catalogue of Official Documents of the Republic of Croatia (Official Gazette 83/14) shall cease to have effect.

The Commissioner will submit the Rules of Procedure aligned with the provisions of this Act for confirmation to the Croatian Parliament within 90 days from the date of entry of this Act into force.

Article 32

Procedures commenced prior to the entry of this Act into force shall be continued and completed in line with the provisions of the Act on the Right of Access to Information (Official Gazette 25/13).

Article 33

This Act shall enter into force on the eighth day from the date of its publication in the Official Gazette.