

LAW
OF THE REPUBLIC OF LITHUANIA
ON THE RIGHT TO OBTAIN INFORMATION
FROM STATE AND MUNICIPAL INSTITUTIONS AND AGENCIES

11 January 2000 No VIII-1524
(As last amended on 19 April 2012 – No XI-1980)
Vilnius

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Aim and Scope of the Law

1. This Law shall ensure the right of persons to obtain information from state and municipal institutions and agencies, define the procedure for the implementation of the right and regulate actions of state and municipal institutions and agencies in relation to the provision of information to persons.

2. This Law shall create favourable conditions for persons to obtain information used by state and municipal institutions and agencies and use it for commercial or non-commercial purposes.

3. This Law, except for the provision of private information according to Article 7 hereof and carrying out of public administration functions, shall not apply to the following:

1) information handling of which is not related to the fulfilment of functions delegated by legal acts to state and municipal institutions or agencies, except for information about salary of employees of state and municipal institutions and agencies;

2) information which is the object of industrial property rights of state and municipal institutions and agencies or of copyright or related rights of third parties or *sui generis* rights of database authors;

3) information used by the Lithuanian Radio and Television and other broadcasters financed from the state budget;

4) information used by schools, libraries and research institutions;

5) information used by museums, theatres or concert institutions, as well as institutions established by the Office of the Chief Archivist of Lithuania under the Government of the Republic of Lithuania;

6) information which according to laws is recognised as confidential for the reasons of national or public security, national defence interests or restricted use of statistical data or which includes state, official, commercial, professional or bank secrets, as well as in other cases provided by laws;

7) information the provision of which is governed by other laws;

8) where according to the procedure established by legal acts a person is required to justify the aim of the use of the requested information;

9) where information is exchanged between public administration institutions in cases of official assistance.

4. This Law shall implement the legal act of the European Union referred to in the Annex to the Law.

Article 2. Definitions

1. **Document** shall mean any non-confidential written, including electronic, graphic, audio and/or video, information or part thereof produced or received by a state or municipal institution or agency.

2. **Information** shall mean knowledge used by state and municipal institutions or agencies, including information about the salary of their employees.

3. **Information file** shall mean any structured set of documents arranged in accordance with specific criteria facilitating access to documents.

4. **Provision of information** shall mean disclosure of information by way of transfer or making it otherwise available to applicants, ensuring their right of free access to and/or use of documents for commercial and non-commercial purposes.

5. **Reuse** shall mean the use of information by persons for commercial or non-commercial purposes.

6. **Applicant** shall mean a citizen of the Republic of Lithuania, a citizen of the state which is a party to the Agreement on the European Economic Area, an alien holding a permit for residence in the Republic of Lithuania or a group of such aliens, a legal person of the Republic of Lithuania, legal persons or other organisations registered in a state which is a party to the Agreement on the European Economic Area or their representative offices and branches established in the Republic of Lithuania.

7. **Representative of an applicant** shall mean a person entitled to act for an applicant according to the procedure established by laws.

8. **Request** shall mean referral by the applicant, whether oral or written, including electronic, to a state or municipal institution or agency according to this Law.

9. **Private information** shall mean special categories of personal data, as defined by the Law on Legal Protection of Personal Data, information about a person and his family life, as well as information related to the honour and dignity of a natural person.

10. **State and municipal institutions and agencies (hereinafter ‘institutions’)** shall mean representative, executive and judiciary authorities as well as the institution of the Head of the State, law enforcement institutions and agencies, institutions and agencies exercising audit and control (supervision), and other state and municipal institutions and agencies financed from the state or municipal budgets and state monetary funds, upon which public administrative powers are conferred in accordance with the procedure laid down by the Law on Public Administration, enterprises and agencies providing public services to persons; as well as state and municipal undertakings, public institutions the owner or at least one of the stakeholders of which is the state or municipality, public limited liability companies and private limited liability companies in which the state or municipality has more than 50 per cent of votes at a general meeting of shareholders, where information about salaries of their employees is provided according to the procedure established by this Law.

As of 1 July 2012, the Article shall be supplemented with paragraph 11:

11. **Published information** shall mean information published in mass media and on websites of state and municipal institutions and agencies. Such information also includes information published by means of electronic communications on the initiative of a state and municipal institution or agency.

Article 3. Duty of Institutions to Provide Information

1. Institutions shall provide applicants with information. Provision of information may be refused according to the procedure established by this Law.

2. Institutions shall provide applicants with information in the form of documents, information files processed by the relevant institution or part thereof, giving priority to the provision of information on the Internet or by other electronic means.

Article 4. Methods of the Provision of Information

Institutions shall provide information on the basis of the following principles:

1) completeness of information, which means that an applicant shall be fully provided with information of the requested content to the extent allowed by legal acts;

2) accuracy of information, which means that information provided to an applicant shall correspond to information which is available to the institution;

3) legitimacy, which means that actions taken by an institution in relation to the provision of information are based on this Law and other laws or legal acts;

4) objectivity, which means that the civil servants of an institution shall be impartial and objective when providing information;

As of 1 July 2012, the Article shall be supplemented with paragraph 5:

5) assistance, which means that assistance shall be provided to the public to ensure its access to information.

Article 5. Non-discrimination

1. Laws and/or other legal acts may define distinct conditions of the provision and use of information for commercial or non-commercial purposes, however they shall not be discriminatory in respect of applicants using information for the same purpose.

2. Where information processed by an institution is used in its activities other than those related to the performance of its functions delegated by legal acts, such information shall be provided by the institution under the same conditions as to any other applicant.

CHAPTER TWO

DUTY OF INSTITUTIONS TO INFORM OF THEIR ACTIVITIES AND PROVIDE PRIVATE INFORMATION

Article 6. Provision of Information about the Activities of an Institution

1. An institution shall have a website conforming to the requirements approved by the Government to provide information about its functions and structure, information index designed for the provision of information, and other information specified by legal acts.

2. According to the procedure established by the Government and in compliance with the requirements of laws on the protection of personal data, state, official, commercial, professional and other secrets protected by laws, as well as other requirements of laws, the website referred to in paragraph 1 of this Article shall be used to publish:

1) certificates of Seimas ombudsmen concerning the investigation of a complaint carried out by the institution and information about the results of a review of Seimas ombudsmen proposals (recommendations) by the institution;

2) information about decisions of the Auditor General and his deputies in respect of the institution based on public audit reports, as well as the elimination of infringements of legal acts pointed out in the decisions and the implementation of indications, proposals and recommendations;

3) effective court decisions stating infringements of legal acts made by the institution, and information about measures taken in connection with such infringements;

4) information about gross misconduct established at the institution and a valid disciplinary penalty imposed for such misconduct. If the decision to impose a disciplinary penalty is appealed against according to the procedure established by laws, information shall be published only after taking effect of the decision of the court or other institution that has settled the service dispute.

3. All information about the activities of an institution related to the performance of its functions delegated by legal acts shall be made publicly available and provided free of charge.

Version of paragraph 3 after 1 July 2012:

3. All information about the activities of an institution related to the performance of its functions delegated by legal acts shall be published, publicly available and provided free of charge, giving the priority to the dissemination of information on the Internet and by other electronic means.

Article 7. Procedure for Obtaining Private Information

1. An applicant shall be entitled to obtain private information about himself, except for the cases defined by the laws of the Republic of Lithuania, where such information shall not be provided.

2. Private information about the applicant shall be provided to the relevant applicant according to the procedure established by this Law upon the submission of a request and subject to the identification of a person according to laws.

CHAPTER THREE

CONDITIONS OF THE PROVISION OF INFORMATION FOR REUSE

Article 8. Fees for the Provision of Information

1. Institutions shall provide information free of charge, except for the cases where either a state levy or fee defined by laws is charged for the provision of information.

2. A fee for the provision of information shall not exceed the costs of preparation and provision of information, including reasonable return on investment.

3. An institution shall publish on its website the conditions of the provision and use of information defined according to laws and other legal acts, indicate the rates of state levies or fees for the provision of information, where information is provided for payment.

4. At the applicant's request, institutions shall give justification for calculation of a state levy or fee for the provision of information.

Article 9. Prohibition to Grant Exclusive Rights

1. Institutions shall be prohibited to enter into agreements with third parties on the granting of exclusive rights to provide information.

2. An agreement with an applicant on the provision of information shall not grant exclusive rights to the applicant even if the applicant provides third parties with information using a product developed on the basis of information received.

3. An exclusive right may be granted if it is required for the provision of public services. Granting of an exclusive right shall be subject to a regular review, however not less than every three years. Agreements on the granting of exclusive rights shall be transparent and made public.

Article 10. Conditions of the Provision and Use of Information Files

1. Where the conditions of use of information which is accumulated in information files processed by electronic means are defined by laws or other legal acts, institutions shall prepare and issue permits in respect of the use of such information. Permits shall indicate the conditions of the use of information. According to the conditions of the permit, the use of information may be limited to the maximum extent defined by laws.

2. Institutions are recommended to create sample permit forms. As a rule, permits of a sample form are processed and published by electronic means.

3. Information files the use of which requires a permit shall be provided to an applicant only subject to the applicant's acceptance of the permit conditions. Institutions shall enable applicants to confirm their acceptance of the permit conditions by electronic means.

Article 11. List of Information Files

1. The list of information files shall be maintained by the institution authorised by the Government.

2. Data about the content and form of information files processed by electronic means and the conditions of their provision, use and access shall be transferred by institutions to the institution authorised by the Government. The procedure for the provision of data for the list of

information files shall be established by the Government or institution authorised by the Government.

CHAPTER FOUR

SUBMISSION AND REVIEW OF REQUESTS AND PROVISION OF INFORMATION

Article 12. Submitting a Request

1. In order to obtain information from an institution, an applicant shall submit a request. The request shall indicate the type of information or document requested by the applicant, the applicant's name, surname, place of residence (where the applicant is a natural person) or the name, company number, head office address (where the applicant is a legal person) and contact details. If information is requested by the representative of the applicant, the request shall indicate the name, surname and address of the representative, the document confirming representation and the applicant for whom the request is made. The request form shall be published on the website of the institution.

2. Requests may be immediately submitted by an applicant at the institution or sent by post, courier service or electronic means provided that it is possible to identify the applicant. Requests, except oral, shall be registered, processed and recorded according to the procedure established by laws and other legal acts.

3. Oral requests may be submitted by phone or by appearing before the institution in the cases where the applicant requests information to be communicated orally or access to a document without asking a copy of that document, provided that information may be provided immediately without prejudice to the procedure established by this Law and other legal acts.

4. The request of an applicant for the provision of his private information shall specify the personal number of the applicant. When sent by post or courier service, a request shall be accompanied by a notarised copy of the document identifying the applicant. Where such information is requested by the representative of an applicant, the representative shall submit an identity document and a document confirming representation.

5. An institution, having established that information contained in the request is insufficient or inaccurate, within 5 working days of the receipt of the request, shall ask the applicant to revise his request.

Version of paragraph 5 after 1 July 2012:

5. An institution, having established that information contained in the request is insufficient or inaccurate, within 5 working days of the receipt of the request, shall ask the applicant to revise his request, and assist him by explaining what type of information is missing and where to obtain it or, in the case of inaccuracy of information, by explaining inaccuracies and the way to rectify them.

6. All written requests, including electronic, submitted to an institution shall be signed by the applicant or his representative.

Article 13. Forwarding Requests

1. If information requested is available to another institution, the request shall be forwarded to another competent institution not later than within 5 working days of the receipt of the request, and the applicant shall be informed thereof within 3 working days of the forwarding of the request. The institution that receives the forwarded request shall provide the applicant with information within the period defined in Article 14 of this Law. If the applicant refers to an institution orally, the institution shall immediately notify the applicant and inform the applicant of the institution, including its contact details, which should be addressed in relation to the requested information.

2. Where part of the requested information is available to the institution to which the applicant submitted his request and it may be provided separately, the institution shall provide such information according to the procedure established by this Law; as regards the remaining part of information, the institution shall forward the request to the institution which has access to the requested information according to the procedure established in paragraph 1 of this Article.

Article 14. Period of the Provision of Information

Information shall be provided to the applicant not later than within 20 working days of the receipt of his request. If the requested information is considerable or complex, the head of the institution shall be entitled to extend this period by maximum 20 working days and give the applicant a written notice thereof not later than on the following working day indicating the reasons for such an extension. If the applicant is requested to revise or complete his request, the period of the provision of information shall commence as soon as the revised or completed request is received.

Article 15. Requirements for the Provision of Information

1. If a certain part of information requested by the applicant forms part of information defined in points 1 to 8 of Article 1(3) of this Law, information shall be provided only to the extent that is not defined in points 1 to 8 of Article 1(3) of this Law.

2. If an institution discontinues the collection and processing of certain information as a result of a change of its functions, it shall not be obliged to continue providing such information to the applicant.

3. During the period of document retention defined by laws and other legal acts, institutions shall provide information which has been available or received before the discontinuance of the collection and processing of particular information, unless it has been transferred to other institutions, and where such information has been transferred to other institutions, the institution shall forward a request according to the procedure established by Article 13 of this Law.

Article 16. Refusal to Provide Information

1. A request submitted in deviation from the requirements of this Law may be subject to refusal by a written order or resolution of the head of the institution or a person authorised by him.

2. The institution may refuse to provide information if:

1) the request of the applicant would necessitate creating documents or information files, which would entail disproportionately large amount of work and time;

2) the content of the request is not specific;

3) the same information is requested by the same applicant for the second time;

4) the requested information has been already published; in this case the institution, within 5 working days of the receipt of the request, shall inform the applicant of the source of publication;

5) the institution discontinues the collection and processing of certain information as a result of a change of its functions.

3. In the event of the refusal of an institution to provide information, the applicant shall be given a notice thereof specifying the reason for the refusal and the procedure for appealing against the decision. If an institution refuses to provide information on the grounds that the requested information is the object of copyright or related rights of third parties or *sui generis* rights of database authors, the notice shall specify the owner of copyright, related rights or *sui generis* rights of a database author, if known.

Article 17. Format and Method of the Provision of Information

1. Depending on the request, information may be provided to the applicant orally, by allowing access to the document, issuing a certificate, an extract from or a hard copy of the document, providing an electronic medium, audio, video or audio and video record and access to an information file. If the format in which information should be provided is not specified in the request, an institution shall provide it in the format in which the request has been received.

2. Documents provided by an institution to the applicant by electronic means shall be equivalent to written documents provided that the text is protected and the signature may be identified.

3. Where private information is sent to the applicant by post, it shall be sent by registered post only.

4. Information shall be provided in the Lithuanian language. Subject to the agreement of the applicant, in exclusive cases information may be provided in a non-official language.

Article 18. Preparation of Information

1. The provision of documents, information files or part thereof on the Internet or by other electronic means shall be user-friendly as regards their receipt and use and shall not require that the applicant obtain special (licensed) software.

2. According to legal acts of the Republic of Lithuania and European Union, institutions shall adjust the information environment in which information is provided to the special needs of the disabled persons.

3. Information shall be provided in the format and manner accordingly used by each relevant institution.

4. Institutions shall have no obligation to create documents or information files on the basis of applicants' requests if this would entail disproportionately large amount of work and time.

CHAPTER FIVE

APPEAL

Article 19. The Right of an Applicant to Appeal against the Actions of an Institution

An applicant shall have the right to appeal against the actions of an institution according to the procedure established by laws.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS

Annex to
the Law of the Republic of Lithuania
on the Right to Obtain Information
from State and Municipal
Institutions and Agencies

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

Directive 2003/98/EC of the European Parliament and of the Council of 17 November
2003 on reuse of public sector information.