

Viewing of public documents at the facility of the public institution is free of charge, however a fee may be charged on the applicant for copies of such documents. Such a fee shall be determined by secondary legislation and it cannot exceed the real costs of reproduction.

The request may contain the preferred form of the applicant to access public documents:

- *the exact copy in print or other form of the requested public documents;*
- *the opportunity to view public documents, whenever possible, by using the institution's own equipment;*
- *the possibility of copying public documents using the applicant's own equipment;*
- *a written transcript of words contained in audio or visual form if it exists or is derived from an open meeting;*
- *a transcript of the content of a printed, audio or visual recording, in the case where such a transcript exists, using equipment that is generally accessible to the public institution.*

A public institution which, disallows, hinders or restricts the realization of the right of access to public documents, shall be fined from three thousand (3,000) to ten thousand (10,000) Euros.

The public institution that fails to respond to the request for access to public documents shall be fined from one thousand (1,000) to three thousand (3,000) Euros.

The institution or the responsible official of the competent public institution that allows the damaging, destruction, concealing, or in any way or form makes the public document unclear, with the purpose of disallowing the realization of the right of access to the public documents shall be penalized according to the Criminal Code of the Republic of Kosovo.



AGJENCIA PËR INFORMIM DHE PRIVATËSI
AGENCIJA ZA INFORMACIJE I PRIVATNOST
INFORMATION AND PRIVACY AGENCY



Republika e Kosovës
Republika Kosova-Republic of Kosovo
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INFORMATION AND PRIVACY AGENCY



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INFORMATION BROCHURE FOR OFFICIALS RESPONSIBLE FOR ACCESS TO PUBLIC DOCUMENTS

The right of every person to access public documents, as well as the guarantee and fulfillment of this right by public institutions, is one of the foundations of democratic and transparent institutions



Damage and Public Interest Test - *the legal test weighing the damage it would cause to a protected interest against the public interest for publication. Such a test is carried out by public institutions before making a decision for rejecting to publish public documents on their own initiative and before making a decision to reject the requests for access to public documents, which shall be included in the justification of the decision on rejection.*

Responsible Officer - *means the highest administrative official of the public institution, as defined by the Law, who is responsible for decision-making within a public institution.*

Official Responsible for Access to Public Documents - *administrative official within the public institution, assigned to receive, register the requests received to access public documents, to perform the initial review of such requests, to store and keep records of such requests and report on such requests.*

A request for access to public documents can be made in writing, electronically or orally.

If a request is made orally, the official responsible for access to public documents shall compile the written request for further proceeding.

If a request is made electronically, it shall be considered as a written request.

The applicant requesting a public document is not obliged to provide reasons for the use of public documents in order to access public documents.

If the request is not sufficiently accurate and does not enable the identification of the public document requested, the public institution shall ask the applicant to clarify the request and may assist the applicant to do so.

The applicant requesting a public document shall have the right to remain anonymous in relation to third parties.

The responsible officer¹ within the public institution shall allow or deny access to public documents through a decision.

1. Chief Administrative Officer: in the ministry is the Secretary General; in the municipality is the mayor; depending on the status of the public institution, it can also be, the chief executive officer or the general director.

If the public institution did not produce or receive, or does not maintain or control the requested public document and has knowledge of another public institution that produced, received, maintains or controls the concerned public document, it shall immediately, but not later than five (5) business days from the day of receipt of the request by the applicant, inform and direct the applicant to the respective public institution.

The public institution is obliged, to issue a decision granting access to the requested document or issue a reasoned decision for total or partial refusal within seven (7) days from the date of registration of the request, informing the applicant about the right to have his/her request reviewed and the time and place where such a request should be filed.

In an event of request for a public document, which on the basis of a reasonable assessment is considered necessary to protect the life or liberty of a person, the public institution shall

be obliged to provide a reply within forty-eight (48) hours.

The public institution may extend the 7 day deadline for decision-making on access to public documents to a maximum of fifteen (15) additional days if:

- the document has to be searched within a large number of documents or outside the public institution; or*
- the same applicant requests, with a single request, a large number of public documents.*

All public institutions² are required to designate the responsible unit or official for access to public documents.

2. Government, lawmaking institutions, prosecution institutions, judicial institutions, independent institutions, political entities represented in the Assembly of Kosovo, public companies in which the state holds a majority shares.

All requests for access to public documents addressed to the public institution shall be sent to the unit or officer responsible for access to public documents.

The official responsible for access to public documents shall keep accurate records of the number of requests for access to documents as well as any other relevant data regarding the number of applications approved, partially approved and refused, as well as the reasoning provided and other relevant information that allows the identification of the respective request.

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