

**LAW NO. 06/L –081****ON ACCESS TO PUBLIC DOCUMENTS****Assembly of the Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON ACCESS TO PUBLIC DOCUMENTS****CHAPTER I  
GENERAL PROVISIONS****Article 1  
Purpose**

This Law shall guarantee the right of every person, without discrimination on any grounds, to access public documents produced, received, maintained or controlled by public institutions, as well as the right to re-use the public sector documents.

**Article 2  
Scope**

1. This Law shall apply to all public documents produced, received, maintained, or controlled by public institutions, except in cases when it is limited otherwise by the legislation into force.
2. Paragraph 1 does not constitute an obligation for the public institution to create or adapt public documents or provide summaries of information where this would involve disproportionate effort, going beyond a simple operation. On the same basis, public institutions cannot be required to continue the production and storage of a certain type of public document with a view to the re-use of the same by a person or public institution.
3. This Law shall be without prejudice to the right to access public documents maintained by public institutions, which can derive from the international legal instruments or from the acts of institutions enforcing them.
4. The application and access to classified documents shall be made in accordance with the relevant law on classification of information.
5. The provisions of this Law shall not apply:
  - 5.1. to information classified, produced and maintained by international organizations or missions of other states; and
  - 5.2. to the information classified by public institutions, originating or exchanged on the basis of a framework of cooperation with international organizations or other states.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meaning:

- 1.1. **Public Institutions** – shall mean the following state institutions and bodies:

1.1.1. Government and administration at central and local level;

1.1.2. Natural or legal persons, if and only in relation to the extent they exercise administrative authority or powers, exercise public functions or operate by public funds in accordance with laws of the Republic of Kosovo;

1.1.3. Law-making institutions in relation to their other activities;

1.1.4. Prosecution institutions in relation to their activities;

1.1.5. Judicial institutions in relation to their activities;

1.1.6. Independent institutions listed in, or established under Chapter XII of Constitution of the Republic of Kosovo;

1.1.7. Political entities represented in the Assembly of Kosovo, which are funded by public funds; and

1.1.8. Public companies in which the state owns a majority of shares or which exercise a public function under sub-paragraph 1.1.3 of this Article;

1.2. **Public Document** – shall mean any act, fact or information, stored in electronic form or on sound, in print, in visual or audiovisual recordings produced or maintained by a public institution;

1.3. **Information** – shall mean, but is not limited to, data, pictures, drawings, videos, films, reports, acts, tables, projects, drafts or other annexes produced, received, maintained or controlled by public institutions, whether or not included in any public document, and regardless of the source, the time of creation, the place of deposit or storage, the media or the form in which it is stored, the name or public institution on behalf of which it is created or any other characteristics;

1.4. **Open Data** - shall mean the data produced, received, maintained or controlled by public institutions, which can be freely used, modified and distributed by any person, provided that they remain open and attributable to the source;

1.5. **Publication** – shall mean making available in a form accessible to the public and which includes print, broadcast and electronic forms;

1.6. **Hosting** - shall mean the provision of the space in server and publication of webpages in internet;

1.7. **Person** – shall mean any natural or legal person, without discrimination on any grounds, asking for access to public documents under this Law;

1.8. **Re-use of Public Documents** – shall mean the re-use by any person of the public documents for commercial and non-commercial purposes, other than the original purpose for which the public documents were produced;

1.9. **Damage and Public Interest Test** – shall mean the legal test weighing the damage it would cause to a protected interest against the public interest for publication, to be 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;

1.10. **Agency** – shall mean the Information and Privacy Agency, established under a special law on personal data protection;

1.11. **Commissioner** – an independent body within the Agency, appointed by the Assembly of Kosovo, who is responsible for ensuring the implementation of this Law and the Law on Protection of Personal Data;

1.12. **Responsible Official** – shall mean the highest administrative official of the public institution, as defined by the Law, who is responsible for decision-making within a public institution;

1.13. **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;

1.14. **Court** – the competent court determined by the law on courts competent to adjudicate on administrative matters.

#### **Article 4**

##### **Basic Principles on the Right to Access Public Documents**

1. Every person's right to access public documents, and the guarantee and fulfilment of this right by public institutions, constitutes one of the foundations of democratic and transparent institutions.
2. Access to public documents shall be done through proactive publication of public documents by public institutions and upon a person's request for access of public documents.
3. Each person shall have the right to re-use public documents under the conditions and restrictions set forth in this Law.
4. The disclosure of data and transparency in the public sector serve to the public accountability in terms of social, economic and democratic development and advancement.
5. The right to access public documents belongs to all persons in the same way and equally. Public institutions shall not favour one person in exercising the right to access public documents while disfavouring the others.
6. Restrictions on the right to access public documents shall be made only in limited and specific cases determined by the legislation into force.

#### **CHAPTER II**

##### **PUBLICATION OF PUBLIC DOCUMENTS**

#### **Article 5**

##### **Publication upon Public Institutions' Initiative**

1. Public institutions are obliged to proactively publish any public documents produced, received, maintained or controlled in electronic form, through publication on the official website of public institutions, irrespective of a person's request for access.
2. Websites of the public institutions shall contain, including but not limited to:
  - 2.1. the mission and functions of the public institution, including those of the subordinated units thereof;

- 2.2. the organizational chart of the public institution, including that of the subordinated units thereof;
- 2.3. the basic legislation on organization, functioning and functions of the institution concerned;
- 2.4. the daily data on public activity of the respective institution, legal acts and sub-legal acts;
- 2.5. other strategies and documents of approved actions in line with the scope and functions of the public institution;
- 2.6. the detailed list of services provided to the public by the institution such as: licenses, permits, authorizations, certificates, confirmations, other public services, including therein:
  - 2.6.1. the procedures and conditions for being provided with such services;
  - 2.6.2. the necessary documentation and service cost;
  - 2.6.3. the application form for each service and guidelines on how to fill it in;
  - 2.6.4. the mandatory time limit to receive a reply for the requested service;
  - 2.6.5. the time limit and the body where an appeal can be filed in case of refusal to reply or failing to provide a service within the legal mandatory time limit;
- 2.7. each public institution shall have an official email address designated especially for public communication and shall assign a person to check the data received on regular basis. The same person may be responsible for updating, ensuring access and credibility of information posted on the public institutions' websites;
- 2.8. public institutions shall be obliged to host their webpages in the servers of State Data Centre of the Republic of Kosovo;
- 2.9. Information and Privacy Agency shall deal with the content aspects of webpages of the public institution, while the Agency for Information Society for the hosting technical aspects;
- 2.10. Government of Kosovo may determine, by means of a decision, the additional content on the public institutions websites.

## **Article 6**

### **Publication of Public Documents**

1. Public institutions are obliged to proactively publish any public document produced, received, maintained or controlled by the same, as soon as such documents are made available for publication, but not later than fifteen (15) days from the moment they are rendered accessible.
2. Exceptionally from paragraph 1 of this Article, public institutions shall not proactively publish public documents containing data that constitute grounds for refusal of access to public documents pursuant to Article 17 of this Law.
3. Upon deciding whether the public documents contain any of the restrictions provided for in Article 17 of this Law, public institutions shall perform a damage and public interest test prior to deciding not to publish such documents.

## **Article 7 Forms of Publication**

1. Public documents published by public institutions shall be made public in one of the following forms:

- 1.1. electronic;
- 1.2. printed;
- 1.3. through broadcasting; or
- 1.4. in any other form which allows an access of a larger number of public.

2. Public documents published by public institutions themselves shall be made public in the official languages applicable in the Republic of Kosovo in accordance with the relevant law on the use of languages.

## **CHAPTER III PUBLICATION OF OPEN DATA**

### **Article 8 Principles of Open Data**

1. When publishing open data, the public institutions shall be guided by the following principles:

- 1.1. open data shall be published based on the initiative of public institutions themselves, in due time, and in a comprehensive, accurate manner, and with high quality, without a request submitted by the interested parties;
- 1.2. open data shall be published in a way that they are accessible to all interested parties and in a form that enable their free and independent use;
- 1.3. open data shall enable comparison and interaction between them and shall be published in forms that enable people and technological devices to read them;
- 1.4. open data shall be published in order to improve governance and citizen engagement in governance.

2. Public institutions shall develop a line of actions that enable data disclosure by them and encourage citizens, civil society and the private sector to disclose their data.

### **Article 9 Publication of Open Data**

1. Open data shall be published in a central open data portal which shall be developed and managed by the ministry responsible for public administration.

2. Open data shall be published in open format which enables its reading and modification without technological barriers, which can be read by technological devices and people, and which provides access to the entire data collection.

3. Open data shall be published with an open license, which allows free use and redistribution of data, including but not limited to selling, modifying and incorporating them into wider usages.

4. In order to access open data, users shall indicate the source of data as well as recognize intellectual property rights on other person's data and guarantee the integrity of the data.

5. Public institutions shall assign the responsible official, who shall serve, inter alia, as a liaison official for the publication of open data.

6. The relevant ministry of public administration shall assign a responsible official from the Information Society Agency to coordinate the actions for the publication of open data.

#### **CHAPTER IV ACCESS TO PUBLIC DOCUMENTS UPON THE REQUEST**

##### **Article 10 Request for Access to Public Documents**

1. Everyone has the right to access public documents upon request.
2. Requests for access to public documents shall be submitted in any manner which allows the public institution to identify whether it possesses the requested public document.
3. The request may be made in person, in writing, electronically or orally. As far as practicable, the request shall also contain the preferred form of the applicant to access to public documents.
4. If the request is made orally, the official responsible for access to public documents shall compile the written request for further proceeding. If the request is made electronically, it shall be considered as a written request.
5. The applicant requesting a public document is not obliged to provide reasons for the use of public documents in order to access public documents.
6. If the request is not sufficiently accurate and does not enable the identification of the public document required, the public institution shall ask the applicant to clarify the request and may assist the applicant to do so.
7. The applicant requesting a public document shall have the right to remain anonymous in relation to third parties.
8. Public institutions shall provide the persons with assistance on how and where to submit the requests for access to public documents.
9. Formalities for the requests shall not go beyond what is necessary and reasonable in order to process the request.

##### **Article 11 Processing requests for access to public documents**

1. Requests for access to public documents or for reuse of public documents shall be handled by any public institution that possesses the requested document.
2. The responsible officer within the public institution shall, by decision, allow or refuse access to public documents.
3. 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.
4. If the public institution did not produce or receive, nor maintains or controls the requested

public document and has no knowledge of any other public institution that produced, received, maintains or controls the concerned public document, shall immediately, but no later than seven (7) business days from the day of receipt of the request by the applicant, inform and direct the applicant to the Agency, which is obliged to confirm whether and which public institution produced, received, maintains or controls the requested public document and immediately, but not later than seven (7) business days from the date of receipt of the application, notify the applicant thereof.

5. The public institution shall assist the applicant, as far as possible and reasonable, to identify the requested document.

6. Requests for access to public documents or reuse of public documents shall be treated rapidly and according to the principle of objectivity and impartiality pursuant to the applicable Law on General Administrative Procedure.

### **Article 12**

#### **Timelines for handling requests for access to public documents**

1. The public institution shall, within seven (7) days from the date of recording the request, issue a decision to grant access to the requested document or render a justified decision for the full or partial refusal and inform the applicant of the right to request reconsideration of his request as well when and where to submit such request.

2. Where the requested public document is considered, on the basis of a reasonable assessment, necessary for the protection of the life or liberty of a person, the public institution shall be obliged to provide an answer within forty-eight (48) hours.

3. The public institution may extend the deadline set out under paragraph 1 of this Article for decision making on access to public documents to a maximum of fifteen (15) additional days if:

3.1. the document has to be searched within a large number of documents or outside the public institution; or

3.2. the same applicant requests, with a single application, a large number of public documents.

4. The public institution shall notify the applicant immediately of the progress and the reasons causing the extension of the deadline, but no later than eight (8) days after receiving the request.

### **Article 13**

#### **Responsible officers for Access to Public Documents**

1. All public institutions shall appoint a unit or responsible person for access to public documents.

2. All requests for access to public documents addressed to the public institution shall be submitted to the unit or official responsible for access to public documents.

3. The unit or official responsible for access to public documents shall, upon receipt and initial review of the request for access to public documents, identify which respective unit within the public institution possesses or controls the requested document.

4. After granting access under this Law, the relevant unit within the public institution shall send the requested document to the applicant in accordance with the conditions provided by this Law and other applicable laws.

5. The unit or 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 rejected, as well as the reasoning provided and other relevant information that allows the identification of the respective request.

6. The unit or official responsible for access to public documents shall prepare regular annual reports at latest on 31 January of the following year for the previous year and shall forward these reports to the Information and Privacy Agency, who shall prepare a comprehensive report of public institutions on implementation of the right of access to public documents.

7. The archives office in each public institution shall maintain the register of public documents contained therein that are freely accessible to the public. This register shall be updated every three (3) months.

#### **Article 14** **Forms of access to public documents**

1. When the public institution allows access to a public document, the applicant shall have the right to choose the form of accessing such document.

2. Where a request for access contains a preferred access form, then the public institution is obliged to act in accordance with that preference.

3. A request may indicate the preferred forms of access to public documents and information, as follows:

3.1. an exact copy in print or other form of the requested public documents;

3.2. the opportunity to view public documents, whenever possible, by using the institution's own equipment;

3.3. the possibility of copying public documents using the applicant's own equipment;

3.4. a written transcript of words contained in audio or visual form if it exists or is derived from an open meeting;

3.5. 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.

4. Where a public document is available in more than one language, access to the public document shall be granted in the preferred language of the applicant.

5. A public institution shall not necessarily be obliged to provide access to public documents in the form requested by the applicant in cases when this would:

5.1. interfere unreasonably with the effective operation of the public institution;

5.2. cause irreparable damage to the preservation, maintenance and inheritance of any public document;

5.3. constitute an obligation for the public institution to create or adapt public documents or provide summaries of information where this would involve disproportionate effort, going beyond a simple operation.

6. The public institution may provide access to any public document by directing the applicant to alternative sources that are more easily accessible.

7. If the document has been made public upon the public institution's initiative and it is likely that



the applicant has easy access to it, the public institution may fulfill its obligation to grant access to public documents by informing the applicant where and how to obtain the requested public document.

#### **Article 15**

##### **Costs for access to public documents**

1. Consultation of public documents in the public institutions' premises shall be granted free of charge, but does not exclude fees that can be imposed for related services rendered by libraries, archives and museums.
2. Costs for a copy of a public document may be charged to the applicant, which shall be reasonable and shall not exceed the real cost for production and the service of a copy.
3. Where charges are made by libraries, archives and museums, the total income from supplying and allowing reuse of public documents over the appropriate accounting period shall not exceed the cost or collection, production, reproduction, dissemination, preservation and rights clearance, together with a reasonable return on investment.
4. No fees shall be charged concerning requests for personal data.
5. Fees related to production and service of documents or a copy thereof shall be regulated by the sub-legal act issued by the respective Ministry of Finance and shall be unified for all public institutions.
6. In the case of standard charges for the re-use of public documents any applicable condition and the actual amount of those charges, including the calculation basis for such charges, shall be pre-established and published, through electronic means where possible and appropriate.
7. If documents re-used by a public institution as input for its commercial activities which fall outside the scope of its public task, the same charges and other conditions shall apply to the supply of the public documents for those activities as apply to other users.

#### **Article 16**

##### **Prohibition of exclusive arrangements**

1. The re-use of documents shall be open to all potential actors in the market, even in cases when they already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies holding the documents and third parties shall not grant exclusive rights.
2. In cases when an exclusive right is necessary for the provision of a service in the public interest, such a right shall be reviewed every three (3) years.

### **CHAPTER V**

#### **REFUSAL OF ACCESS TO PUBLIC DOCUMENTS**

#### **Article 17**

##### **Allowed basis for refusing access to public documents**

1. Any applicant shall have the right to access public documents. Notwithstanding any paragraph of this Article, a public institution may not refuse to inform on whether it has a document in its possession or refuse access to a public document, unless it performs a damage and public interest test to determine whether the damage caused to the protected interest overrides the public interest in accessing that public document.

2. Limitation of the right of access to public documents shall be exercised in accordance with the principle of proportionality pursuant to the applicable Law on General Administrative Procedure in accordance with this Law and only for the purpose of protection of:

- 2.1. life, health and public security;
- 2.2. national security, defense and international relations;
- 2.3. prevention, investigation and persecution of criminal activities in cases where the publication of public documents may damage the investigation process;
- 2.4. disciplinary investigations in cases when the publication of public documents may damage the disciplinary procedure;
- 2.5. inspection, control and supervision by public institutions in cases of handling classified information;
- 2.6. right to privacy and Right to erasure ('right to be forgotten');
- 2.7. commercial confidentiality such as business, professional or company secrets;
- 2.8. documents for which the public institution or third parties hold intellectual property rights;
- 2.9. state economic, monetary and exchange policies;
- 2.10. statistical confidentiality;
- 2.11. equality of parties in court procedure and efficient administration of justice;
- 2.12. the deliberations within or between the public institutions concerning the examination of an issue, which contains classified document.

3. Access to public documents shall always be granted if:

- 3.1. the public document requested is related to public money expenditures;
- 3.2. the public document relates to the discharge of public functions or employment relationships of public officials, except in cases where personal protected data is involved or when specified differently in the relevant laws;
- 3.3. the requested public document relates to the environment, waste, hazardous substances or information of environmental safety reports as provided for by the relevant environmental protection law.

4. If only a part of a requested public document is covered by any of the exceptions listed in paragraph 2 of this Article, the remaining parts of the public document shall be released.

5. The request for access to public documents may be refused:

- 5.1. if, regardless the assistance by the public institution, the application remains quite unclear to enable the identification of a document;
- 5.2. if the conditions and requirements from paragraphs 2 and 4 of this Article are met.

6. Prior to making a decision to completely or partially refuse access to public documents, in accordance with paragraph 2 of this Article, the public institution shall conduct a damage and

public interest test in accordance with Article 18 of this Law.

7. The public institution completely or partially refusing access to a public document shall issue a decision on refusal stating the reasons for refusal and explaining how it conducted the test pursuant to Article 18 of this Law and how it reached the conclusion to refuse access according to paragraph 2 of this Article.

8. The decision shall be in writing and be submitted to the applicant personally, via registered mail or e-mail, if the applicant has used this method to request the public document and must contain the remedy that the applicant may use against the decision for refusal.

#### **Article 18**

##### **Damage and Public Interest Test**

1. Prior to making a decision to refuse a request for access to public documents in accordance with Article 17 of this Law, the public institution shall conduct a damage and public interest test.

2. Public institutions shall determine, on the basis of the damage and public interest test, if the interests protected by paragraph 2 of Article 17 override the public interest for publication of public documents.

3. The Agency shall, no later than six (6) months from the entry into force of this Law, adopt clear instructions for public institutions on the content and manner of conducting the damage and public interest test within the procedure of decision making and justifying decisions to refuse access to public documents pursuant to Article 17 of this Law.

4. If the request relates to any of the issues enumerated in Article 17 paragraph 3 of this Law, the public documents shall be made accessible without any test, unless otherwise provided by any other applicable law.

#### **Article 19**

##### **Silence or failure of the public institution to reply**

Silence or failure by the public authority to reply within the time limit prescribed by this Law shall be considered as a negative reply and entitle the applicant to initiate administrative appeal and court proceedings in accordance with Chapter VII of this Law.

### **CHAPTER VI**

#### **COMPLAINTS AND REMEDIES AGAINST REFUSAL OF ACCESS TO PUBLIC DOCUMENT**

#### **Article 20**

##### **Complaint with the Agency**

1. If the public institution has completely or partially refused the request for access to public documents or in case of silence or non-response of the public institution, the applicant may address a complaint to the Agency within a time limit of fifteen (15) days from the receipt of the decision on refusal or decision for partial approval of the request for access.

2. The Agency shall communicate the complaint received to the public institution that has decided on the request for access, which shall within seven (7) days of receipt of the complaint issue a written response to the allegations raised by the complainant.

3. Upon receipt of the response by the public institution or in case of non-response, the Agency shall decide on the complaint within thirty (30) days. The Agency, by means of an internal act, shall decide on the procedure and the manner of decision within this institution.

4. The Agency can fully approve the complaint and modify the decision of the public institution in such a way as to grant the applicant full access to all public documents requested, in accordance with the provisions of this Law.
5. The Agency may partially approve the complaint and modify the decision of the public institution in such a way as to allow the applicant partial access to public documents requested, in accordance with the provisions of this Law.
6. The public institution is obliged to act pursuant to the decision of the Agency within seven (7) days.
7. The Agency may refuse the complaint and uphold the decision of the public institution on refusal or partial approval of access to public documents.
8. In case of a full or partial refusal of the complaint, the Agency shall issue a decision that will contain the reasons for refusal of the complaint and the legal remedy that the applicant may employ against the decision on refusal of the complaint.
9. The decision must be in writing and must be submitted to the applicant personally, via registered mail or via electronic mail, if the applicant has used this method to submit the request for review.
10. In administrative procedure the Agency's decision is final which can only be challenged through a suit before the competent court of administrative matters.

#### **Article 21** **The Ombudsperson Institution**

1. The Ombudsperson Institution is an independent body, which shall assist citizens in realization of their right for access to public documents pursuant to Constitution, this Law and respective laws governing the scope and responsibilities of the Ombudsperson.
2. Each person has the right to address the Ombudsperson Institution with a request or a complaint, if they consider that any right acknowledged by this Law or other acts for access to public documents has been violated.

#### **Article 22** **Request for Judicial Protection through the Court**

In the event of a full or partial rejection of the complaint by the Agency, in accordance with Article 20 of this Law, the applicant may file a suit before the competent court for administrative matters within thirty (30) days from the day of receipt of the final decision by the Agency.

#### **Article 23** **Application of the Provisions of the Law on General Administrative Procedure**

In proceedings for realization of the right of access to public documents, the provisions of the Law on General Administrative Procedure of the Republic of Kosovo shall apply accordingly, unless otherwise defined by the provisions of this Law.

### **CHAPTER VII** **RE-USE OF PUBLIC DOCUMENTS AND DATA**

#### **Article 24** **The Right for the Re-use of Public Documents**

Any person has the right to re-use public documents, either for commercial purposes or not, in

compliance with the provisions and limitations set forth by this Law.

**Article 25**  
**Application and granting access for re-use**

The provisions of Chapters III to V on requests for access to public documents, refusal of requests for access to public documents and on the complaints and legal remedies against the decisions rejecting the access, shall apply accordingly on requests for the re-use of public documents.

**Article 26**  
**Conditions and Limitations for allowing re-use**

1. Public institutions shall make public documents accessible for re-use in any language and pre-existing condition and, if possible, in an open and readable format by technological equipment, together with their data summaries.
2. Public institutions are not obliged to transform the format of documents or to continue to create, update the information, solely for the purpose of their re-use.
3. Public documents, in which libraries, including university libraries, museums and archives, have intellectual property rights, are permitted for re-use for commercial and non-commercial purposes, only if the re-use of such documents is permitted.
4. Public institutions shall be prohibited from making deals, which allow access for re-use on an exclusive basis. The right to re-use should be open to all potential market participants and prohibit discrimination against parties interested in access to re-use of public documents.
5. The right to re-use cannot be approved for public documents on which third parties hold intellectual property rights.

**CHAPTER VIII**  
**INDEPENDENT BODY FOR OVERSIGHT OF ACCESS TO PUBLIC DOCUMENTS**

**Article 27**  
**Agency**

The Agency is competent for monitoring and ensuring the implementation of this Law, for undertaking and imposing measures provided for by this Law, as well as promotion and training of public institutions in the implementation of this Law.

**Article 28**  
**Duties and Responsibilities of the Agency**

1. In addition to other duties and responsibilities provided for by this Law and other laws, the Agency has the following duties and responsibilities as well:
  - 1.1. monitor and report in relation to compliance and adherence of this Law by public institutions;
  - 1.2. recommend changes and general and specific reforms addressed to a specific institution, in relation to the right of access to public documents;
  - 1.3. cooperate with responsible institutions for organizing and holding trainings for public officials on access to public documents and on effective implementation of this Law;

1.4. publish the obligations of public institutions deriving from this Law and the rights of each person provided for by this Law;

1.5. undertake and impose any of the measures stipulated in this Law for the effective implementation of this Law.

2. The Agency is also competent to initiate the procedure for the declassification of classified documents based on the applicable law on classification of documents.

## **CHAPTER IX MEASURES FOR IMPLEMENTING THE LAW**

### **Article 29 Information and Training for Public Institutions**

1. The Agency shall draft a simple and clear instruction, in each of the official languages and languages in use in the Republic of Kosovo, which will contain practical information on facilitating the exercise of rights provided for by this Law. The instruction shall be published and disseminated to all public institutions and will become accessible to the general public.

2. The Agency shall organize and hold conferences, seminars and trainings for responsible public officers, civil society and the general public to promote and facilitate access to public documents.

3. The Agency shall inform public institutions of recent developments and best practices on access to public documents.

### **Article 30 Public information and awareness**

1. Public institutions shall inform the public of their rights to access public documents and the manner how this right can be exercised.

2. The public institutions shall take the necessary measures to:

2.1. fulfil their duties and obligations regarding the implementation of this right;

2.2. provide information on issues or activities related to their responsibilities;

2.3. manage their public documents, efficiently, so that they are easily accessible;

2.4. inform the public about the rights arising from this Law; and

2.5. determine the unit or responsible officer for communication with citizens, who shall be responsible for receiving and conducting an initial review of applications for access to documents.

### **Article 31 Reporting**

1. In order to provide full transparency with regard to their work and access to public documents, the public institutions shall, through the official responsible for access to public documents, draft an annual report at the latest by the end of January of the current year for the period until 31 December of the previous year, including the number of cases in which the public institution has granted access to documents, the number of cases in which the public institution denied access to documents, as well as reasons for such refusals.

2. Each public institution shall send the annual report on the previous year to the Agency.
3. The Agency shall prepare a comprehensive report for the preceding year by the end of March of the current year for the period until 31 December of the previous year.
4. The Agency shall present the comprehensive report to the Assembly of Kosovo, together with other recommendations for measures and changes aiming to increase transparency and public access to public documents, until 31 March of the following year, for the previous year, regarding the implementation and respect of this Law. Report shall be made public after the approval by the Assembly of the Republic of Kosovo.
5. The Agency may draft periodical and thematic reports for the Assembly of Kosovo, public, public institutions, regarding important issues on the right to access to public documents.
6. The Agency shall issue a sub-legal act on the manner of keeping evidences and reporting on the implementation of this Law.

## **CHAPTER X FINES**

### **Article 32 Competent Authority for the Imposition of Fines**

1. The Agency is competent to impose fines against public institutions and responsible officers, in accordance with the provisions of this Law.
2. The financial means collected from the imposition of fines under Article 33 of this Law shall be deposited to the budget of the Republic of Kosovo.
3. Prior to imposing any of the fines provided under Article 33 of this Law, the Agency shall inform the public institution of the purpose and the reason for imposing the fine and shall provide a time limit of not less than seven (7) days to remedy the identified violation, so that the fine is not imposed.
4. In the procedure for imposing fines under this Law, the Agency shall act in accordance with the provisions of the relevant law governing the procedure for imposing fines by the Agency.
5. In case the public institution does not improve the identified violation according to the instructions of the Agency, the latter shall make a decision to impose the fine.

### **Article 33 Reasons for Imposing Fines and their Amount**

1. The public institution which in contradiction to the provisions of this Law, disables, 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) euro.
2. 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 by the interested applicant shall be penalized according to the Criminal Code of the Republic of Kosovo.
3. The public institution that fails to respond to the request for access to public documents shall be given a fine from one thousand (1,000) to three thousand (3,000) euro.

**CHAPTER XI  
TRANSITIONAL AND FINAL PROVISIONS**

**Article 34  
Sub-legal acts**

1. Government shall, upon the proposal of the Agency, adopt sub-legal acts for the implementation of this Law, at latest six (6) months after entry into force of this Law.

2. Sub-legal acts issued in compliance with the Law No.03/L-215 on Access to Public Documents shall continue to be applied until the issuance of new acts in compliance with this Law.

**Article 35  
Abrogation**

This Law shall abrogate the Law No. 03/L-215 on Access to Public Documents.

**Article 36  
Entry into force**

This Law shall enter into force fifteen (15) days after the publication in Official Gazette of the Republic of Kosovo.

**Law No.06/L - 081  
30 May 2019**

**Promulgated by Decree No.DL-129-2019, dated 24.06.2019 President of the Republic of Kosovo Hashim Thaçi.**