[BY] Provisions on access to information are now part of the law

IRIS 2014-5:1/9

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Access to information is now part of the national law as it was adopted by the Chamber of Representatives of the National Assembly of the Republic of Belarus on 12 December 2013. It went into effect on 10 January 2014. The law takes the form of amendments to the 2008 law “On Information, Informatization, and the Protection of Information”.

In particular, its Article 16 now has an expanded list of information that shall be available to citizens under any conditions.

Article 22-1 of the amended law lists categories of information that shall be made available through official websites of the state bodies. It also establishes that there shall be open meetings of national governmental collegial bodies, as well as that of local executive structures with the exceptions of cases when the planned discussion will be on issues that contain secret or confidential information. Amended Article 21 allows requesting information via email or any other electronic form.

The requested information may not be provided in a number of cases, and in particular if it was already disseminated in the mass media, or if other reasons are established in the national legal acts.

Article 18-1 of the amended law establishes the notion of so-called “service information”, or confidential data about activity of governmental bodies or state legal entities. Its dissemination may harm the national security of Belarus, public order, human rights and liberties including reputation and privacy, as well as rights and lawful interests of legal entities that are not part of state secrets.

The Constitutional Court of the Republic of Belarus took a decision on 26 December 2013 which found provisions of the Law of the Republic of Belarus “On amendments and additions to the Law of the Republic of Belarus “On Information, Informatization, and the Protection of Information”, and in particular provisions on service information, in conformity with the Constitution.

The OSCE Representative on Freedom of the Media issued a legal review of the draft law which elaborates on these and other provisions concerning access to information in Belarus.

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Об информации, информатизации и защите информации

http://www.pravo.by/main.aspx?guid=3871&p0=h10800455&p2={NRPA}

Law of the Republic of Belarus "On Information, Informatization, and the Protection of Information", No. 455-3, as amended on 4 January 2014

О соответствии Конституции Республики Беларусь Закона Республики Беларусь «О внесении изменений и дополнений в Закон Республики Беларусь «Об информации, информатизации и защите информации»

http://www.kc.gov.by/ru/main.aspx?guid=33633

Decision of the Constitutional Court of the Republic of Belarus "On conformity of the Law of the Republic of Belarus "On amendments and additions to the Law of the Republic of Belarus "On Information, Informatization, and the Protection of Information" with the Constitution of the Republic of Belarus" of 26 December 2013, No. P-886/2013

Comments on Amendments to the Draft Law of Belarus on Information, Informatization, and the Protection of Information, commissioned by the OSCE Representative on Freedom of the Media, 10 September 2013

http://www.osce.org/fom/104708

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