

**LAW No. 544 of 12 October 2001
regarding the free access to information of public interest**

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**CHAPTER I
General provisions**

Article 1 - The free and unrestricted access of any person at any piece of information of public interest, defined as such by this law, constitutes one of the fundamental principles of the relations between persons and public authorities, in accordance with the Constitution of Romania and with the international documents ratified by the Parliament of Romania.

Article 2 - In the meaning of this law:

- a) by public authority or institution shall be understood any public authority or institution, as well as any autonomous administration that uses public financial resources and that develops its activity on the territory of Romania, according to the Constitution;
- b) by information of public interest shall be understood any piece of information that regards the activities or results from the activities of the public authority or institution, no matter the prop or form or the way of expressing the information;
- c) by information regarding the personal data shall be understood any piece of information regarding an identified or identifiable natural person.

CHAPTER II

**The organisation and assurance of the access at information of public
interest**

Section 1

Common provisions regarding the access at information of public interest

Article 3 - The assurance by the public authorities and institutions of the access at the information of public interest shall be done ex officio or on request, through the department for public relations or the person appointed for this purpose.

Article 4 - (1) In order to assure the access of any person to the information of public interest, the public authorities and institutions have the obligation to organise specialised departments of information and public relations or to appoint persons with attributions in this area.

(2) The attributions, organization and functioning of the departments of public relations are established on the basis of the provisions of this law, through the regulation of organization and functioning of the respective public authority or institution.

Article 5 - (1) Each public authority or institution has the obligation to communicate ex officio the following information of public interest:

- a) the normative acts that regulate the organisation and functioning of the public authority or institution;
- b) the structure that organises, the attributions of the departments, the programme of functioning, the audience programme of the public authority or institution;
- c) the name and first name of the persons from the management of the public authority or institution and of the employee, responsible for disseminating the public information;
- d) the contact coordinates of the public authority or institution: the denomination, headquarters, telephone and fax numbers, e-mail address and the address of the web page;
- e) the financial sources, budget and accounting balance sheet;
- f) the own programmes and strategies;
- g) the list including the documents of public interest;
- h) the list including the categories of documents made and/or administered, according to the law;
- i) the modalities to contest the decision of the public authority or institution in the situation when the person considers himself harmed in what concerns the right of access to the requested information of public interest.

(2) The public authorities and institutions have the obligation to publish and update annually an official bulletin that shall comprise the information provided under paragraph (1).

(3) The public authorities have the obligation to issue ex officio a periodic activity report, at least annually, that shall be published in the Official Gazette of Romania, Part II.

(4) The access to the information provided under paragraph (1) is achieved by:

- a) bill sticking at the headquarters of the public authority or institution or by publication in the Official Gazette of Romania or by means of mass information, in own publications, as well as in the personal web page;
- b) consulting them at the headquarters of the public authority or institution, in spaces especially meant for this purpose.

Article 6 - (1) Any person has the right to ask and obtain from the public authorities and institutions, under the terms of this law, information of public interest.

(2) The public authorities and institutions have the obligation to provide the persons, on their request, the information of public interest requested orally or in writing.

(3) The written request of information of public interest includes the following elements:

- a) the public authority or institution to which the application is addressed;
- b) the requested piece of information, so that to allow the public authority or institution, to identify the information of public interest;

c) the name, first name and signature of the applicant, as well as the address to which the receiving of the answer is requested.

Article 7 - (1) The public authorities and institutions have the obligation to answer in writing, to the request of the information of public interest within 10 days or, as case maybe, within 30 days from the registration of the application, depending on the difficulty, complexity, volume of the documentary works and on the urgency of the request. If the time needed to identify and provide the requested information exceeds 10 days, the answer shall be communicated to the applicant within maximum 30 days, on the condition of informing him about this fact, within 10 days.

(2) The refusal to provide the requested information shall be motivated and communicated within 5 days from receiving the petitions.

(3) The request and obtaining of the information of public interest, if the necessary technical conditions allow, may also be achieved in electronic format.

Article 8 - (1) For the information requested orally, the employees within the departments of information and public relations have the obligation to specify the conditions and forms in which the access at the information of public interest take place and may supply the requested information on the spot.

(2) If the requested information is not available on the spot, the person shall be advised to request in writing the information of public interest, and the application is to be solved within time limits provided under Article 7.

(3) The orally requested information of public interest, is communicated within a minimum programme, established by the management of the public authority or institution, which shall be posted at its headquarters and shall be carried out, compulsorily, during the functioning of the institution, also including a day per week, after the functioning programme.

(4) The registry activities regarding the applications cannot be included in this programme and shall be carried out separately.

(5) The information of public interest, orally requested by the means of mass information shall be communicated, as a rule, immediately or within 24 hours.

Article 9 - (1) If the request of information implies the making of copies of the documents held by the public authority or institution, the cost of the copying services are incumbent on the applicant, under the provisions of the law.

(2) If after receiving the information, the applicant asks for new information regarding the documents held by the public authority or institution, this request shall be treated as a new application, and the answer shall be sent within the time limits provided under Articles 7 and 8.

Article 10 - The activity of the public authorities or institutions of answering applications and of granting audiences, carried out according to the specific of their competences, if it regards approvals, authorisations, provision of services and any other requests besides the information of public interest shall not be subject to the provisions under Articles 7 - 9.

Article 11 - (1) The persons that conduct studies and researches for own use or in the interest of the job shall have access to the stock of documents of the public authority or institution, on the basis of a personal request, under the provisions of the law.

2) The copies of the documents owned by the public authority or institution shall be made under the provisions of Article 9.

Article 12 - (1) The following information is excepted from the free access of the citizens provided under Article 1:

a) the information in the field of the national defence, public safety and order, if it falls under the category of classified information, according to the law;

b) the information regarding the deliberations of the authorities, as well as the one regarding the economic and politic interests of Romania, if it falls under the category of classified information, according to the law;

c) the information regarding the commercial or financial activities, if its publicity prejudices the principle of loyal competition, according to the law;

d) the information regarding personal data, according to the law;

e) the information regarding the procedure during the penal or disciplinary inquiry, if it jeopardises the outcome of the investigation, if confidential sources are revealed, or the corporal integrity and health of a person are endangered, as a consequence of the investigation carried out or underway;

f) the information regarding the judicial procedures, if its publicity prejudices the assurance of a fair trial or the legitimate interest of any of the parties involved in the process;

g) the information whose publication is prejudicial to the measures for youth protection.

(2) The responsibility for the enforcement of the measures for the protection of the information belonging to the categories provided under par. (1) shall be incumbent to the public persons and authorities that have such information, as well as to the public institutions empowered by law to assure information safety.

Article 13 - The information that favours or hides the infringement of the law by a public authority or institution cannot be included in the category of classified information and shall be considered as information of public interest.

Article 14 - (1) The information regarding the citizen's personal data may become information of public interest only as far as it affects the capacity of exerting a public function.

(2) The public information of personal interest cannot be transferred among public authorities unless on the grounds of a legal obligation or with the previous written agreement of the person that has access at that information, according to Article 2.

Section 2

Special provisions regarding the access of the means of mass information to information of public interest

Article 15 - (1) The access of the means of mass information to information of public interest is guaranteed.

(2) The activity of collecting and disseminating the information of public interest, carried out by the means of mass information is considered as a materialization of the citizens' rights to have access to any piece of information of public interest.

Article 16 - In order to assure the access of the means of mass information to information of public interest, the public authorities and institutions have the obligation to appoint a spokesman, as a rule from the departments of information and public relations.

Article 17 - (1) The public authorities have the obligation to periodically organise, once a month as a rule, press conferences to bring to knowledge information of public interest.

(2) Within the press conferences, the public authorities have the obligation to answer with respect to any piece of information of public interest.

Article 18 - (1) The public authorities have the obligation to grant, without discrimination, accreditation to journalists and to representatives of means of mass information.

(2) The accreditation shall be granted on request, within two days from its registration.

(3) The public authorities may refuse the granting of accreditation or may withdraw the accreditation of a journalist only for deeds that stand against the normal development of the public activity and that do not concern the opinions expressed in the press by the respective journalist, within the conditions and limits of law.

(4) The refusal to grant accreditation and the withdrawal of accreditation of a journalist shall be communicated in writing and does not affect the right of the press body to obtain the accreditation for another journalist.

Article 19 - (1) The public authorities and institutions have the obligation to inform in due time, the means of mass information about the press conferences or any other public actions organised by them.

(2) The public authorities and institutions cannot prohibit, in any way, the access of the means of mass information to the public actions organised by them.

(3) The public authorities that are obliged, through their personal organising and functioning law, to carry out specific activities in the presence of the public have the obligation to allow the access of the press to those activities, and only professional deontology shall be taken into account in the dissemination of the materials obtained by the journalists.

Article 20 – The means of mass information do not have any obligation to publish the information provided by the public authorities or institutions.

CHAPTER III

Sanctions

Article 21 - (1) The explicit or implicit refusal of the appointed employee of a public authority or institution, to enforce the provisions of this law shall be considered as a violation and shall entail disciplinary responsibility of the guilty one.

(2) Against the refusal provided under paragraph (1), a complaint may be lodged with the head of the respective public authority or institution, within 30 days of the wronged person having taken cognisance.

(3) If after the administrative investigation, the complaint proves to be well-grounded, the answer shall be sent to the wronged person, within 15 days from the lodging of complaint and shall contain both the initially requested information of public interest, and the mention of the disciplinary sanctions taken against the guilty person.

Article 22 - (1) If a person considers his/her rights, provided in this law, were damaged, he/she may lodge a complaint with the section of administrative contentious of the court, in whose territorial area the residence or the headquarters of the public authority or institution is located. The complaint shall be done within 30 days from the date of the deadline provided under Article 7.

(2) The court may oblige the public authority or institution to provide the requested information of public interest and to pay moral and/or patrimonial damages.

(3) The decision of the court is subject to appeal.

(4) The decision of the Court of Appeal is definitive and irrevocable.

(5) Both the complaint and the appeal shall be judged in court, under emergency procedure and shall be exempted from the stamp duty.

CHAPTER IV

Final and transitory provisions

Article 23 - (1) This law shall come into force after 60 days from the date of its publication in the Official Gazette of Romania, Part I.

(2) Within 60 days from the date of the publication of this law in the Official Gazette of Romania, Part I, the Government shall elaborate, at the initiative of the Ministry of Public Information, the methodological norms for its application.

Article 24 - (1) Within 60 days from the date of coming into force of this law, the Ministry of Public Information, the Ministry of Communications and Information Technology and the Ministry of Public Finance shall submit to the Government proposals regarding the necessary measures, so that the information of public interest become gradually available, through databases accessible to the public at a national level.

(2) The measures provided under paragraph (1) shall also refer to the endowment of the public authorities and institutions, with the adequate computer equipment.

Article 25 - On the date of coming into force of this law, any contrary provisions shall be abrogated.

METHODOLOGICAL NORMS for application of Law 544/2001
ASSESSMENT REPORT on the implementation of Law 544/2001 in 2007
ASSESSMENT REPORT on the implementation of Law 544/2001 in 2007 -
centralised

Attached files

- Application form
- Administrative complaint (“... I received a negative answer)
- Administrative complaint (“... I have not received the requested information within the legal time frame, established by the law...”)