

LAW No. 544 of October 12, 2001

on the free access to information of public interest

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*) Note CTCE:

The consolidated form of the LAW No. 544 of October 12, 2001, published in the Official Gazette No. 663 of October 23, 2001, valid on March 13, 2024 includes all the amendments and supplements introduced by: CORRIGENDUM No. 544 of October 12, 2001; LAW No. 371 of October 5, 2006; LAW No. 380 of October 5, 2006; LAW no. 188 of June 19, 2007; LAW no. 76 of May 24, 2012; LAW no. 144 of July 1h, 2016.

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The Parliament of Romania adopts the present law.

CAP. I

General provisions

ART. 1

The free access of any person to any piece of information of public interest, defined as such by the present 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.

ART. 2

In the meaning of the present law:

a) by public authority or institution shall be understood any public authority or institution that uses public financial resources, any autonomous company, any company governed by Company Law No.31 of 1990, republished, as subsequently amended and supplemented, under the authority or, as the case may be, in the coordination or subordination of a central or local public authority and to which the Romanian state or, as the case may be, an administrative-territorial unit is a sole shareholder or majority, as well as any operator or regional operator, as they are defined by the Law on community services of public utilities No. 51 of 2006, republished, as subsequently amended and supplemented. Also, the political parties, sports federations and non-governmental

organizations of public utility, which benefit from public funds, are subject to the provisions of this law;

(on July 17, 2016 par. a) in Article 2 was modified by Sole Article of LAW No. 144 of July 12, 2016, published in the Official Gazette No. 528 of July 14, 2016.)

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 medium 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 identifiable or non-identifiable natural person.

CAP. II

The organization and insurance of the access to information of public interest

SECTION 1

Common provisions regarding the access to information of public interest

ART. 3

The insurance by the public authorities or institutions of the access to the information of public interest shall be done ex officio or on request, through the intermediary of the department for public relations or through the intermediary of the person appointed for this purpose.

ART. 4

(1) In order to ensure the access of any person to the information of public interest, the public authorities and institutions have the obligation to organize specialized 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 the present law, through the regulation of organization and functioning of the respective public authority or institution.

ART. 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 organization and functioning of the public authority or institution;

b) the structure that organizes, the attributions of the departments, the program of functioning, the audience program of the public authority or institution;

c) the name and first name of the persons under the leadership of the public authority or institution and of the employee responsible for spreading the public information;

d) the contact coordinates of the public authority or institution: the denomination, headquarters, telephone numbers, fax, e-mail address and the web address;

e) the financial sources, budget and accounting balance sheet;
f) the personal programs and strategies;
g) the list comprising the documents of public interest;
h) the list comprising the categories of documents made and/or administered, according to the law;

i) the modalities for contesting the decision of the public authority or institution in the situation when the person considers himself/herself 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 actualize annually an official gazette that shall comprise the information provided under par. (1).

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

(on February 26, 2002, Paragraph(3)of Article 5 was modified by CORRIGENDUM No. 544 of October 12, 2001, published in the Official Gazette No. 145 of February 26, 2002.)

(4) The access to the information provided under par. (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 spreading of information, in personal publications, as well as in the personal web page;

b) their consultancy at the headquarters of the public authority or institution, in spaces especially intended to this purpose.

(5) Public authorities and institutions have the obligation to make available to interested persons the privatization contracts concluded after the entry into force of this law, by consulting them at their headquarters. The above provisions do not apply in the case of the privatization contracts that fall within the scope of the provisions of Article 12 paragraph (1).

(on June 29, 2007, paragraph (5) of Article 5 was introduced by the Sole Article of LAW No. 188 of June 19, 2007, published in the Official Gazette No. 425 of June 26, 2007.)

ART. 6

(1) Any person has the right to solicit and get from the public authorities and institutions, in the conditions of the present law, information of public interest.

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

(3) The request in writing for information of public interest comprises 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.

ART. 7

(1) The public authorities and institutions have the obligation to answer in writing, to the request for information of public interest within 10 days, as the case may be, or within at least 30 days from the registration of the application, depending on the difficulty, complexity, volume of the documentary works and the emergency of the application. In the case when the duration necessary for the identification and spread of the requested information surpasses 10 days, the answer shall be communicated to the applicant within maximum 30 days, on the condition of informing the applicant about this fact, within 10 days.

(2) The refuse to communicate the requested information is motivated and communicated within 5 days after receiving the application.

(3) The request and obtaining of the information of public interest may be achieved if the necessary technical conditions and the conditions in an electronic format are fulfilled.

ART. 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 to the information of public interest takes place and may supply on spot, the requested information.

(2) In the case when the requested information is not available on spot, the person is advised to request in writing the information of public interest, and the application is to be solved within the terms provided under art. 7.

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

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

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

ART. 9

(1) In the case when the request of information implies the achieving of copies on the documents owned by the public authority or institution, the cost of the copying services is in the charge of the applicant, in the conditions of the law.

(2) If after receiving the information, the applicant solicits new information regarding the documents found in the possession of the public authority or institution, this request shall be treated as a new application, and the answer shall be sent within the terms provided under arts. 7 and 8.

ART. 10

The activity of the public authorities or institutions for answering

applications and audiences, carried out according to the specific of their competences, if it regards other approvals, authorizations, supplying of services and any other requests beside the information of public interest shall not be subjected to the provisions under arts. 7 - 9.

ART. 11

(1) The persons that perform studies and researches in personal use or service interest have access to the documents of the public authority or institution, on the basis of the personal request, in the conditions of the law.

(2) The copies of the documents owned by the public authority or institution are achieved in the conditions of art. 9.

ART. 11¹

Any contracting authority, as defined by law, has the obligation to make available to the interested natural or legal person, under the conditions provided in Article 7, public procurement contracts.

(on October 16, 2006, Article 11¹ was introduced by point 1 of the Sole Article of LAW No. 380 of October 5, 2006, published in the Official Gazette No. 846 of October 13, 2006)

ART. 12

(1) The following information is excepted from the free access of the citizens provided under par. (1) of article 1 and, respectively, under article 11¹ :

(on October 16, 2006 the introductory part of paragraph (1) of Article 12 was modified by point 2 in Sole Article of LAW No. 380 of October 5, 2006, published in the Official Gazette No. 846 of October 13, 2006.)

a) the information in the field of the national defense, public safety and order, if it is from the categories of classified information, according to the law;

b) the information regarding the authority's deliberations, as well as the one regarding the economic and politic interests of Romania, if it is a part of the category of classified information, according to the law;

c) the information regarding the commercial or financial activities, if its publicity brings damage to the intellectual or industrial property right, as well as the principle of the loyal competition, according to the law;

(on October 14, 2006, point c in paragraph (1) of Article 12 was modified by point 2 of Sole Article of LAW No. 371 of October 5, 2006, published in the Official Gazette No. 837 of October 11, 2006.)

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

e) the information regarding the procedure during the penal or disciplinary inquiry, if its result is in danger, confidential sources are revealed or if the life, corporal integrity and health of a person are put in danger, as a consequence of the inquiry done or that is being done;

f) the information regarding the judicial procedures, if its publicity brings damage to the insurance of a worthy process or to the

legal interest of any of the parts involved in the process;

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

(2) The responsibility for the application of the measures for the protection of the information belonging to the categories provided under par. (1) is in the charge of the public persons and authorities that own such information, as well as of the public institutions qualified by law to insure the safety of the information.

ART. 13

The information that favors or conceals the violation of the law by a public authority or institution cannot be included in the category of the classified information and is considered as information of public interest.

ART. 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 practicing a public function.

(2) The public information of a personal interest can be transferred among the public authorities only on the grounds of a legal obligation or with the previous agreement of the person that has access to that information, according to art. 2.

SECTION 2

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

ART. 15

(1) The access of the means for mass spreading of information to information of public interest is guaranteed.

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

ART. 16

In order to ensure the access of the mass spreading of information to information of public interest, the public authorities and institutions have the obligation to appoint a spokesman within the departments for information and public relations.

ART. 17

(1) The public authorities have the obligation to periodically organize, once a month, press conferences for granting the information of public interest.

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

ART. 18

(1) The public authorities have the obligation to grant, with no discrimination, accreditation to the journalists and to the representatives of mass spreading.

(2) The accreditation is 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, in the conditions and limits of the law.

(4) The refuse of granting the accreditation and the withdrawal of the 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.

ART. 19

(1) The public authorities and institutions have the obligation to inform in due time the means for mass spreading of information about the press conferences or about any public actions organized by them.

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

(3) The public authorities that are obliged, through their own organizing 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, in the diffusion of the materials obtained by the journalists and only the professional deontology shall be taken into consideration.

ART. 20

The means for mass spreading of information have no obligation to publish the information provided by the public authorities or institutions.

CAP. III

Sanctions

ART. 21

(1) The explicit or implicit refuse of the appointed employee of a public authority or institution, for the application of the provisions of the present law is considered as a violation and calls for the disciplinary responsibility of the guilty one.

(2) Against the refusal provided under par. (1), a denunciation may be lodged with the leader of the respective public authority or institution, within 30 days from the informing of the harmed person.

(3) If after the administrative request, the denunciation proves to have solid grounds, the answer is sent to the harmed person, within 15 days from the lodging of the denunciation and shall contain the information of public interest initially requested, as well as the mentioning of the disciplinary sanctions taken against the guilty person.

ART. 22

(1) In the case when a person is considered harmed in his rights, provided in the present law, the person 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 found. The complaint shall be done within 30 days from the date of the expiry term provided under art. 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 subjected to the appeal.

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

(5) The complaint, as well as the appeal are judged in the court, in an emergency procedure and are exempted from the stamp duty.

(on June 2, 2012, paragraph (5) of Article 22 was modified by Article 42 of LAW No. 76 of May 24, 2012, published in the Official Gazette No. 365 of May 30, 2012.)

CAP. IV

Final and transitory provisions

ART. 23

(1) The present 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 the present 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.

ART. 24

(1) Within 60 days from the date of coming into force of the present law, the Ministry of Public Information, the Ministry of Communications and Information Technology, and the Ministry of Public Finance shall submit to the Government suggestions regarding the necessary measures, so that the information of public interest become available through the intermediary of some data base accessible to the public at a national level.

(2) The measures provided under art. (1) shall also concern the supply of the public authorities and institutions with the adequate computing equipment.

ART. 25

On the date of coming into force of the present law, any contrary provisions are abrogated.

This law was adopted by the Senate during the meeting of September 13, 2001, with the observance of the provisions under art. 74 par. (2) of the Constitution of Romania.

for THE PRESIDENT OF THE SENATE,
PAUL PACURARU

This law was adopted by the Chamber of Deputies during the meeting of September 18, 2001, with the observance of the provisions under art. 74 par. (2) of the Constitution of Romania.

THE PRESIDENT OF THE CHAMBER OF DEPUTIES
VALER DORNEANU
