



Босна и Херцеговина
Агенција за идентификациона
документа евиденцију
и размјену података



Bosna i Hercegovina
Agencija za identifikacijske/identifikacione
isprave/dokumente, evidenciju
i razmjenu podataka

Pursuant to Article 61 of the Law on Administration ("Official Gazette of BiH, No 32/02), Article 19 of the Law on Agency for Identification Documents Registers and Data Exchange of BiH (Official Gazette of BiH, No 56/08) and Article 20 of the Law on Freedom of Access to Information in Bosnia and Herzegovina (Official Gazette of B&H, No: 28/00, 45/06, 102/09), the Director of the Agency for Identification Document Registers and Data Exchange of BiH issues the

GUIDEBOOK

Of the Agency for Identification Documents Registers and Data Exchange of BiH for Access to Information (English language)

-2nd EDITION-

Banja Luka, March 2010
(This Guidebook is free)

“Information” is any material which is used for transmitting facts, opinions, data or any other content, including any copy or a part of it, regardless of form or characteristics, as well as when it was created and how it is classified.

(Article 3 paragraph (1) of the Law on Freedom of Access to Information in Bosnia and Herzegovina)

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1. INTRODUCTORY REMARKS

This guidebook was made in order to help the submitters of the request in acquiring the right of access to information according to the provisions of the Law on Freedom of Access to Information in Bosnia and Herzegovina ("Official Gazette of BiH" No: 28/00, 45/06, 102/09 – Henceforth: ZOSPI).

This guidebook gives information about how you can have access to information which are in possession and under control of the Agency for Identification Documents Registers and Data Exchange of BiH (henceforth: the Agency).

This guidebook gives information about rights according to ZOSPI in the following way:

- contains simple instructions for making and submitting of the request;
- informs the submitter of the request about the time limits that the Agency has to respect during the processing of request for access to information;
- advises the submitter about authorized persons for information and contact phones that can be used to make easier the access to information and contains the list of information necessary for addressing the Agency;
- informs the submitter about the circumstances under which the request for access to certain information may be denied;
- contains instructions for lodging of the complaint and time limits for lodging of the complaints against the decisions according to the ZOSPI;
- regulates the amount of costs of the multiplying of the requested information;
- contains the uniform form of the request for access to information;
- directs to the Index register of the Agency for Identification Documents Registers and Data Exchange of B&H and the method of access to the Register.

The users of the Guidebook of the Agency for Identification Document Registers and Data Exchange of B&H for access to information may give recommendations and suggestions which would improve its next edition.

2. TYPE OF INFORMATION THAT CAN BE OBTAINED

ZOSPI in Bosnia and Herzegovina guarantees to every legal and physical person the access to information that is under the control of the Agency.

Before a contact, it is recommended to consult the Index register of the Agency for Identification Documents Registers and Data Exchange of B&H.

As a rule, the Agency will approve the access to information, except in the exceptional circumstances regulated by the ZOSPI. In case of a dilemma whether the Agency possesses the requested information which refers to the competencies of the Agency, the authorized person may be contacted and he/she is obliged to give instructions.

3. THE PROCEDURE OF ACCESS TO INFORMATION

3.1. Before submitting the request for access to information, it is recommended to try to obtain the requested information in an informal way

In cases when there is a high level of certainty that the Agency possesses the necessary information, and before submitting of a formal request for access to information, it is necessary to contact the authorized person in order to try to obtain the necessary information in an informal way.

If the information cannot be obtained in a simpler, informal way, one should submit the formal request to the Agency.

3.2. Address and information for the contact of the Agency for Identification Documents Registers and Data Exchange of BiH

Address for submitting of the formal request for access to information:

Address: Mise Stupar 38, 78000 Banja Luka,

Tel: 051/340-182

Fax: 051/340-162

E-mail: pr@iddeea.gov.ba

amila.opardija @ iddeea.gov.ba

Public relations officer: Amila Opardija, spokesperson

3.3. Planning of the request for access to information

Before submitting the formal request for access to information, it is necessary to carefully plan and identify the information and files that are to be obtained, and predict the financial funds possibly needed for multiplying of the requested documents.

It is desirable to previously confirm whether the access to information in question is limited or forbidden.

3.4. Submitting of the request for access to information

The information which are on the disposal of the Agency can be divided into two groups:

- The information which refer to the competencies, scope of work and functioning of the Agency, and
- Data from the registers which are maintained by the Agency, which is defined in Article 8, par. 3 of the Law on Agency for Identification Documents, Data Registers and Data Exchange of BiH (“Official Gazette BiH” No. 56/08).

3.4.1. Access to the information which are under control of the Agency and which refer to the competencies, scope of work and functioning of the Agency

The request for access to this information is in the supplement of this Guidebook.

The request is submitted in one of the official languages in use in Bosnia and Herzegovina and it can be delivered in person, by mail or e-mail or by fax. It is necessary to state how many copies of requested documents are requested and in which form.

The request should contain:

- the name of the institution which is addressed for information;
- precise specification of data about the requested information so that the Agency could find it easier;
- name, surname and address of the submitter of the request for access to information.

3.4.2. Access to data from the registers that are maintained by the Agency

Registers maintained by the Agency are defined in Article 8, par. 3 of the Law on Agency for Identification Documents, Data Registers and Data Exchange of Bosnia and Herzegovina (“Official Gazette of BiH” No. 56/08).

Access to these data is conducted in accordance with the Rulebook on Manner of Access to Registers and Data Exchange („Official Gazette of BiH” No. 35/09) and applications are submitted exclusively on form Nr. 1 of this Rulebook, which is also available on the Agency's web site.

3.5. Time limit for obtaining the information

Within the period of 15 days after the reception of the request, the Agency is obliged to inform the submitter of the request whether the access to information for him/her has been approved or denied.

In the cases of exceptions and necessity of examining the confidential commercial information and examining of the public interest, the time limit can be prolonged according to ZOSPI. The submitter of the request must be informed about all actions and reasons for prolonging of the time limit.

3.6. What to do when the Agency does not possess the information

In case when the Agency does not possess the requested information or it has no access to the requested information, it is obliged to, within the period of eight days after reception of the request, forward the request to the institution or legal person that can provide the requested information. The Agency informs the submitter of the request about this action in written form.

3.7. The Access to information

When the Agency partially or completely approves the access to requested information, it informs the submitter of request by a decision.

The decision regulates the possibility of personal access and insight into the information in the premises of the Agency, in time suitable for the submitter of the request and the personnel of the Agency, or the Agency will, provided that the information is shorter than ten pages, deliver the information in written form to the submitter of the request.

According to the approved request, the Agency informs the submitter of the request about the possibility to receive the photocopy of the requested information, and if the information is longer than ten pages, after paying the costs of multiplying.

3.8. The costs of multiplying the information

According to the Law, the Agency does not charge fees for submitting of the request or for the written information according to ZOSPI, while the costs of multiplying pages of information are charged according to the Decision of the Council of Ministers on the costs of multiplying of requested information, according to the Law on Freedom of Access to Information in Bosnia and Herzegovina ("Official Gazette of BiH" No: 12/01), as follows:

- 0.50 KM for each page of the standard format,
- 10 KM for floppy disc for the electronic documentation.

The stated amount is paid in advance in the following account:

Recipient: Ministry of Finance and Treasury, the Single Treasury Account

Payment account number: 5520040002547572

Type of payment: "0"

Type of income: 722152

Budget organization: 0709999

Call number: "0"

Purpose of remittance: payments for the Agency for Identification Documents Registers and Data Exchange of B&H, indicating "For information according to ZOSPI".

The multiplying of the first ten pages of material is free of charge, and for all other requested information with larger number of pages, the submitter of the request pays in advance.

4. DENYING THE ACCESS TO INFORMATION OF THE AGENCY FOR IDENTIFICATION DOCUMENTS AND DATA EXCHANGE AND ESTABLISHING OF THE CATEGORIES OF EXCEPTIONS

ZOSPI gives right to request the access to any information that is under the control of the Agency. Only in exceptional circumstances regulated by the ZOSPI, the Agency will not approve the access to the requested information, i.e. in the case of the following three categories of information:

The first category of the exceptions refers to the functions of the Agency as a public organ. Within this category, the exception may be established if providing information will cause significant damage for the legitimate goals of the following categories in Bosnia and Herzegovina:

- foreign policy;
- interests of the defense and security
- protection of public security
- interests of the monetary policy
- preventing crime and detection of crime and
- protection of the procedure of making decisions of the public organ.

The second category of exceptions regards the cases when the request to access to information includes confidential commercial interests of the third party, and providing of information may cause damage to the third party.

The third category of exception regards the justified protection of privacy of the third person.

Regardless of the mentioned exceptions, the Agency shall publish the information if it is justified by the public interest, under conditions and in the procedure prescribed in the Article 9 of the ZOSPI.

5. PROTECTION OF RIGHT IN THE CASE WHEN THE ACCESS TO INFORMATION IS NOT APPROVED

If the Agency, partially or completely, denies the access to the requested information, it informs the submitter by a decision within the period of 15 days from the day of reception of the request.

The decision shall state the reasons for denial of the request for access to information, legal bases for denial of the request, all material issues important for the decision, and instruct the submitter of the request about the right to lodge a complaint.

In the mentioned case, the submitter of the request can:

- lodge an administrative complaint against the decision;
- in the case when the submitter of the request is not satisfied with the decision after the complaint, he/she can launch an administrative litigation in front of the Court of B&H and/or
- address the Human Rights Ombudsman of B&H in any phase of the procedure.

Human Rights Ombudsman of Bosnia and Herzegovina

Ravnogorska 18,
78000 Banja Luka

Tel / fax: +387 51 303 992,

E-mail: info@ombudsmen.gov.ba

The time limits for lodging of the complaints are precisely defined and strictly formal and if not respected, one risks losing the right to lodge a complaint.

6. ACCESS TO PERSONAL INFORMATION

ZOSPI prescribes a special procedure for access to personal information, i.e. information about private life. As an addition to the general requirements connected to the requests for access to information, it is important to point out that the access to personal information may be requested only by person to whom the information belong, who will sign the request and provide a valid identity document with a photo.

The request may also be submitted by the legal representative and authorized person of the person to whom the information belong. The legal representative and authorized person are obliged to sign the request, provide a valid identity document with a photograph, valid evidence about the status of the legal representative and authorized person as well as a photocopy of the valid identity document with a photo of the person that he/she represents.

ZOSPI gives right which ensures that the personal information under control of the public organ are correct, current, complete, relevant for the legal use for which they have been stored and that they are not in any way wrong.

After accessing to the personal information, one can ask for a change, supplementing or giving comments, which is added to the personal information. The requests for change or supplement of the personal information are not limited with time.

If it establishes that the legal conditions about correctness, relevance for legal use for which it has been stored are not fulfilled, or it establishes that they are in any way wrong, the public organ may, by a decision, deny the requested change or supplement of the personal information. Such a decision also contains the instructions for legal remedy.

7. COMMITMENT OF DELIVERY

This Guidebook has been delivered to the Human Rights Ombudsman of BiH.

This Guidebook is free of charge and can be obtained in the Agency for Identification Documents Registers and Data Exchange of BiH, and it is available on the website www.iddeea.gov.ba.

DIRECTOR

Siniša Macan, Msc

Number: 15-01/1-07-1-878-2/10
Banja Luka, 24 March, 2010

8. REQUEST FORM

Name and Surname:	
Address:	
Phone /GSM:	
e-mail:	

Date: _____

**THE AGENCY FOR IDENTIFICATION DOCUMENTS AND DATA EXCHANGE
OF B&H
Miše Stupara 38,
78000 Banja Luka**

RE: Request for access to information

According to the Law on Freedom of Access to Information in Bosnia and Herzegovina, I request the access to the following information:

Circle the wanted method of access to information:

<input checked="" type="checkbox"/> direct insight	<input checked="" type="checkbox"/> multiplying of the information	<input checked="" type="checkbox"/> sending of the information to the home address	<input checked="" type="checkbox"/> sending of the information to e-mail address
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Supplement:

Submitter of the
request