

USTAVNI SUD
BOSNE I HERCEGOVINE



CONSTITUTIONAL COURT
OF BOSNIA AND HERZEGOVINA

УСТАВНИ СУД
БОСНЕ И ХЕРЦЕГОВИНЕ

COUR CONSTITUTIONNELLE
DE BOSNIE-HERZÉGOVINE

Having regard to Article 80(1)(9) of the Rules of the Constitutional Court of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina* No. 60/05), and pursuant to Article 20 of the Law on Free Access to Information in Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, no. 28/00), the Constitutional Court of Bosnia and Herzegovina, at its session held on 1 April 2006, adopted a

GUIDE
on Access to Information
within the Constitutional Court of Bosnia and Herzegovina

I – GENERAL PROVISIONS

Article 1

Every natural or legal person shall be entitled to access the information in records under the control of the Constitutional Court of Bosnia and Herzegovina (“the Constitutional Court”), in accordance with the provisions of the Law on Free Access to Information in Bosnia and Herzegovina (“the Law”) and this Guide.

Information in records under the control of the Constitutional Court shall be listed in the “Indexed Register of Types of Information” attached to the Guide as an integral part thereof.

This Guide may be obtained free of charge in the Registry Office of the Constitutional Court or on the Constitutional Court’s web-site www.ustavisud.ba

Article 2

The seat of the Constitutional Court shall be in Sarajevo, Reisa Džemaludina Čauševića 6/III, 71 000 Sarajevo, phone no. +387(33)251-226, fax no. +387(33)561-134, e-mail address: sud@ustavisud.ba.

Article 3

The person in charge of giving information and processing the requests shall be the Secretary General of the Constitutional Court who can be reached at phone no. + 387/33/251-210.

II - PROCEDURE

Article 4

A right of access to information shall be exercised through submission of a written request form to the Constitutional Court either through regular mail or fax or directly in the Registry Office of the Constitutional Court.

The request referred to in paragraph 1 shall:

1. be made in writing in one of the official languages of BiH;
2. contain the name and address of the applicant;
3. provide sufficient detail as to the nature and/or contents of the information sought so as to enable the Constitutional Court exercising a reasonable effort to locate the requested information.

The form of written request referred to in paragraph 1 of this Article, together with essential elements to be filled in to meet formal conditions referred to in paragraph 2 of this Article, shall be attached to the Guide and shall be an integral part thereof.

Article 5

In the event that a request does not meet the formal requirements, the applicant shall be informed in writing, where such notification is possible, that the request cannot be processed for that particular reason. The information shall be made in accordance with the Law and submitted no later than 8 days from the date of receipt of the request.

A reformulated request shall be considered as a new request.

Article 6

The types of access to information may be as follows:

- direct examination of information
- sending information to home address of the applicant
- copying information

Article 7

Upon receiving a request for access to information, the Constitutional Court shall take, through the person responsible for the information, all reasonable measures to collect the requested information and shall consider all facts and circumstances pertinent to the processing of the request.

In a case that the request for access to information is granted fully or partially, the Constitutional Court shall notify the applicant in writing within 15 days from the date of receipt of the request that the information is available to be accessed in person at the premises of the Constitutional Court or that the information may be provided if it contains less than ten pages; or that the information may be provided in copies if the information exceeds ten pages, including a fee of 0,50 KM per page of standard paper size, *i.e.* 10 KM per electronic copy on floppy disc. The copies of material shall be made in the Constitutional Court.

Article 8

The time limit referred to in Article 7 paragraph 2 of the Guide may be extended for seven days in the cases provided for by the Law, and the Constitutional Court shall be obliged to immediately notify the applicant of the extension including the reasons for the extension.

Access to information shall be provided to the applicant in one of the official languages of Bosnia and Herzegovina and, where possible and reasonable to do so, in the original language if different than one of the official languages.

III – RESTRICTIONS ON THE RIGHT TO ACCESS THE INFORMATION

Article 9

The Constitutional Court may reject a request for access to information (special information), in full or in part, in the following cases:

- to protect the process of decision making as well as the employees of the Constitutional Court, exclusive of the factual, statistical, scientific or technical information;
- in the interest of the foreign policy, the defense and security interests, and the protection of public safety;
- in the cases of crime prevention and crime detection;
- to protect a confidentiality of a hearing, which is closed for the public;
- to protect the proceedings conducted against a juvenile within the meaning of the provisions of the Code on Criminal Proceedings of Bosnia and Herzegovina;
- when the request for access to information includes personal interests relating to a privacy of a third person in accordance with the law and the European Convention of Human Rights and Fundamental Freedoms (Article 8 of the Convention);
- when the request for access to information infringes the appellant's privacy; and
- in a case when the request for access to information involves the confidential commercial interests of a third party, the Constitutional Court shall forthwith notify the third party in writing of the specifics of the request and inform the third party that the disclosure of the information is imminent unless the third party, within 15 days from receipt of the notice, responds in writing that it considers the information to be confidential and gives reasons as to why harm would result from disclosure.

Article 10

The Constitutional Court shall disclose the requested information notwithstanding that it has claimed an exemption as stipulated by the Law, where to do so is justified in the public interest. In so doing, it shall have regard to both any benefit and harm that may accrue from the disclosure.

Article 11

If the information is denied in full or in part, the Constitutional Court shall notify the requestor in writing no later than 15 days from the date of receipt of the request, as provided for under the Law. The notice under paragraph 1 of this Article shall contain the instructions regarding the availability of appeal, the specific body to whom the appeal should be addressed within 15 days from the date of receipt of the notice, and the costs of filing an appeal as well as the instruction on the right to apply on the same matter to the Ombudsman of Bosnia and Herzegovina.

IV – FINAL PROVISIONS

Article 11

This Guide shall enter into force on the date of its adoption.

No. P-233/06
1 April 2006
Sarajevo

Mato Tadic
President
Constitutional Court of Bosnia and Herzegovina