

DRAFT
RA LAW “ON INTRODUCING CHANGES INTO
THE RA LAW “ON CIVIL SERVICE””

Article 1. To amend the second part of Article 37 of the RA Law “On Civil Service” (No. HO-272 as of 4 December, 2001) with a new paragraph of the following content:

“g1) provide necessary information in accordance with the Law of the Republic of Armenia “On Freedom of Information””.

Article 2. This Law shall enter into force one month after its official promulgation

DRAFT
RA LAW OF “ON INTRODUCING CHANGES TO THE CRIMINAL CODE OF THE REPUBLIC OF
ARMENIA”

Article 1. To substitute the word “provide” in the heading of Article 148 of the Criminal Code of the Republic of Armenia (as of 18 April 2003, HO-528) with the word “submit”, and correspondingly substitute the words “provide” and “provision” with “submit” and “submission”.

Article 2. The present Law shall enter into force from the tenth day of its official promulgation.

DRAFT
RA LAW OF “INTRODUCING CHANGES TO THE LAW OF THE REPUBLIC OF ARMENIA “LOCAL
SELF-GOVERNANCE””

Article 1. To amend the first paragraph of Article 16 Law of the Republic of Armenia “On Local Self-Governance” (as of 7 May 2002, HO-337, hereinafter referred to as “the Law”) with a new paragraph of the following content:

“121) shall provide required information in conformity with “the Law of the Republic of Armenia “On Freedom of Information” and other legal acts””.

Article 2. To amend the seventh paragraph of Article 33 of the Law after the word “from archive” with

words “as well as shall provide necessary information in conformity with the Law of the Republic of Armenia “On Freedom of Information” and other legal acts”.

Article 3. The present Law shall enter into force from the tenth day of its official promulgation.

DRAFT

**LAW OF THE REPUBLIC OF ARMENIA “ON INTRODUCING CHANGES TO THE LAW OF THE
REPUBLIC OF ARMENIA “ON COMMUNITY SERVICE”**

Article 1. To amend para. “d” of Article 5 of the Law of the Republic of Armenia “On Community Service” (as of 14 December, 2004 HO-43) after the word “publicity” with words “as well as provision of information freedom”.

Article 3. The present Law shall enter into force from the tenth day of its official promulgation.

DRAFT

**LAW OF THE REPUBLIC OF ARMENIA “ON INTRODUCING CHANGES INTO THE
ADMINISTRATIVE VIOLATIONS CODE OF THE REPUBLIC OF ARMENIA”**

Article 1. To amend the first part of Article 189.7 of the Administrative Violations Code of the Republic of Armenia (as of December 6, 1985) after the word “illegally” with words “not to publish or”.

Article 2. The present Law shall enter into force from the tenth day of its official promulgation.

DRAFT

Law of the Republic of Armenia

On making additions to the Law State Tax of the Republic of Armenia

Article 1. New section 43 with the following contents is added to the article 20 to the “State Tax Law” of the Republic of Armenia adopted on 27 December 1997 (HO-186).

With the exception of information foreseen by the 32, 32.1, 41 sections of this article and cases foreseen by the “Freedom of Information Law” of the Republic of Armenia for information disposable from state bodies and offices state tax is appropriated

3 per cent of basis tax amount for each that surpass 10 prepared pages

50 per cent of basis tax amount for electronic means and record
For videotape double amount of basis tax
For other means amount of basis tax

DRAFT

Law of the Republic of Armenia

On making additions to the Law of Local Taxes and Payments of the Republic of Armenia

Article 1. New 9.1. section is added to article 10 after 9th section with the following contents in the “Local Taxes and Payments Law” of the Republic of Armenia adopted on 26 December 1997(HO-185).

9.1. With the exception of documents foreseen by the 9th section of this article and cases foreseen by the 2nd section of article 10 of the “Freedom of Information Law” of the Republic of Armenia for information disposable from state bodies and offices local tax is appropriated

- a) From 0 to 3 per cent of basis tax amount for each that surpass 10 prepared pages
 - b) From 0 to 50 per cent of basis tax amount for electronic means and record
 - c) for videotape from 0 to double amount of basis tax
 - d) for other means from 0 to amount of basis tax.
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Unofficial Translation

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Draft

GOVERNMENT OF ARMENIA DECREE

ON INFORMATION SHARING PROCEDURE BY GOVERNMENT AGENCIES

In compliance with Article 5 of the Republic of Armenia Law on Information Freedom dated September 23, 2003 the Government of the Republic of Armenia decrees:

Approve information sharing procedure by government agencies in accordance with the Annex.

To the Ministers of the Republic of Armenia, heads of government agencies adjunct to the Government of the Republic of Armenia, Marzpets/Governors of the Republic of Armenia, Yerevan Mayor and heads of other executive bodies:

In accordance with the provisions of Information Sharing Procedure approved by this Decree:

- a) Organize recording, classification, storage of information, as well as its provision to individuals and legal entities by the Ministries of the Republic of Armenia, government agencies adjunct to the Government of the Republic of Armenia, Marzpetarans/Governor's Offices of the Republic of Armenia, Yerevan Municipality and other executive bodies;
- b) Approve information sharing procedure within a one-month period;
- c) By December 1 of each year and/or within 10 days following its change publicize information envisaged under Article 7 (3) of the Republic of Armenia Law on Information Freedom in the website managed by the given entity of the Public Communication Network and/or in the press or other mass media.

Supervision over the performance of this Decree lies with the Staff of the Government of the Republic of

Armenia.

To the Minister, Chief of Staff of the Government of the Republic of Armenia:

Within a 10-day period following each quarter submit statement on meeting the provisions of information sharing procedure by the Ministries of the Republic of Armenia, government agencies adjunct to the Government of the Republic of Armenia, Marzpetarans/Governor's Offices of the Republic of Armenia, Yerevan Municipality and other executive bodies to the Government of the Republic of Armenia.

Annex
to the # Decree of the Government
of the Republic of Armenia dated _____, 2005

PROCEDURE ON INFORMATION SHARING BY GOVERNMENT AGENCIES

I. GENERAL PROVISIONS

This Procedure defines information sharing procedure by government agencies.

Information sharing by the Government of the Republic of Armenia shall be conducted by the Staff of the Government of the Republic of Armenia.

Responsibility for organizing and managing information sharing by the structural subdivisions lies with the head of the subdivision.

Sharing of confidential information shall be conducted in compliance with the requirements of the Law of the Republic of Armenia on State and Service Secret and Instruction approved by the Decree # 626 of the Republic of Armenia dated December 10, 1997.

II. CLASSIFICATION AND STORAGE OF INFORMATION BY GOVERNMENT AGENCIES

The following information related to activities of the Government of the Republic of Armenia shall be subject to classification:

- 5.1. Laws making the legal basis for the activities of the Government of the Republic of Armenia, Decrees of the President of the Republic of Armenia, including Action and Operations Procedures of the Government of the Republic of Armenia;
- 5.2. Normative legal acts of the Government of the Republic of Armenia, including acts on making amendments and modifications, as well as revoking them;
- 5.3. List and contents of international treaties concluded/signed by the Government of the Republic of Armenia;
- 5.4. Information on court decisions on revoking normative legal acts of the Government of the Republic of Armenia;
- 5.5. Agendas of the Republic of Armenia Government Sessions, as well as information on materials and outcomes of the Republic of Armenia Government Sessions;

- 5.6. General information on targeted programs approved by the Government of the Republic of Armenia, including name, aims, main objectives, contracting agencies, main implementers, funding, timeframes and expected results;
- 5.7. Information on main indicators of socio-economic development of the Republic of Armenia and budget performance;
- 5.8. Information on the structure of coordination and advisory bodies established by the Government of the Republic of Armenia, their objectives and functions;
- 5.9. Information on objectives and functions of structural subdivisions of the Government of the Republic of Armenia, Government Agencies adjunct to the Government of the Republic of Armenia;
- 5.10. Information on lawmaking activities of the Government of the Republic of Armenia, including information on lawmaking programs, as well their implementation, draft laws submitted to the National Assembly as legislative initiative, conclusions of the Government of the Republic of Armenia made on draft laws submitted to the National Assembly by deputies;
- 5.11. Information on official and business trips of the Prime Minister and members of the Government of the Republic of Armenia, as well as government delegations of the Republic of Armenia;
- 5.12. Information on events organized at the government place, including sessions, discussions, meetings, press conferences, seminars, round tables;
- 5.13. Official speeches of the Prime Minister and members of the Government of the Republic of Armenia;
- 5.14. Information on cooperation of the Government of the Republic of Armenia with state and local self-governance bodies, as well as public unions, political parties, trade unions and other, including international organizations;
- 5.15. Information on appeals, suggestions and process of discussing citizens requests to get information, including information on taken measures;
- 5.16. Information on the procedure of becoming a civil servant in the Staff of the Government of the Republic of Armenia, including the procedure of becoming a public servant, qualification requirements for the candidates in order to apply for vacant positions, information on vacant positions and competition conditions for hiring;
- 5.17. First and last names, patronymic and at their consent biographical data of the Prime Minister of the Republic of Armenia, members of the Government, heads of government agencies, deputy heads of the Staff of the Government of the Republic of Armenia, heads of structural subdivisions, as well as heads of government agencies at the Government;
- 5.18. Telephone numbers, addresses and information on the activities of subdivision in the Government of the Republic of Armenia responsible for interaction with people and that of information service.
- The following information related to activities of Government Agencies shall be subject to classification:
- 6.1. Laws regulating scope of work of government agencies and setting out their responsibilities, tasks and functions, Decrees of the President of the Republic of Armenia, Decrees of the Government of the Republic of Armenia and other normative legal acts.
- 6.2. Acts (decrees, guidelines, orders, procedures, instructions, etc.) of government agencies, including acts on making amendments and modifications to them, as well as revoking them;

- 6.3. Information on court decisions on revoking normative legal acts of government agencies;
- 6.4. Information on International Treaties of the Republic of Armenia, inter-agency international treaties and participation of government agencies in the implementation of international cooperation programs, as well as list of international organizations with which the government agencies collaborate;
- 6.5. Information on budget performance by government agencies;
- 6.6. Information on progress of state targeted programs contracted or implemented by government agencies;
- 6.7. List and key conditions of contracts concluded by Government Agencies;
- 6.8. Information on laws, state targeted programs and concept papers developed/being developed by government agencies;
- 6.9. In cases envisaged by the law – information on expertise and registration of legal acts of government agencies;
- 6.10. Main indicators describing the area being under the responsibility of government agency and dynamics of their growth;
- 6.11. Samples of applications and other documents defined by government agencies in accordance with the legislation;
- 6.12. Information on official and business trips of heads of government agencies and official delegations;
- 6.13. Information on events organized by government agencies and its local subdivisions, including sessions, meetings, press conferences and round tables;
- 6.14. Official speeches of heads and deputy heads of government agencies and their local subdivisions;
- 6.15. Analytical reports and views on activities of government agencies;
- 6.16. Information on cooperation of government agency and organizations (institutions) being under its supervision with other state agencies, public unions, political parties, trade unions and other (including international) organizations;
- 6.17. Information on appeals, suggestions and process of discussing requests of citizens and legal entities to get information, including information on taken measures;
- 6.18. Information on forecasts developed by government agencies, its local subdivisions and organizations being under their subordination;
- 6.19. Information on official statistics processed by government agencies and its local subdivisions;
- 6.20. Information on competitions, auctions, tenders, expertise and other events organized by government agencies, its local subdivisions and organizations being under their subordination, including conditions, procedures for participation of individuals and legal entities, structures of competition commissions established for the provision (implementation of activities, provision of services) of goods needed by the state;
- 6.21. Lists of general use information systems and databases managed by government agencies, its local subdivisions and organizations being under their subordination;
- 6.22. Information on areas of spent international technical assistance programs implemented with the participation of government entities;
- 6.23. Information on inspections conducted by government agencies, its local subdivisions and organizations being under their subordination, as well as inspections conducted in these agencies and

organizations;

6.24. Information on the level of protection of the population and environment from emergencies, including measures taken for ensuring safety of the population, projections of emergencies, as well as other information subject to publicizing by government agencies;

6.25. Information on the public service in government agencies, including the procedure of hiring citizens for public service, list of vacant positions, qualification requirements for the candidates in order to apply for vacant positions, information on competition conditions and results on filling the vacancies;

6.26. First and last names, patronymic and at their consent biographical data of heads of government agencies, their structural subdivisions, international representations, local entities and organizations being under their subordination;

6.27. Information on the structure of government agencies, tasks and functions of their structural subdivisions, telephone numbers and addresses of government agencies, their local subdivisions and organizations being under their subordination;

6.28. Telephone numbers, addresses including e-mails of the government agency subdivisions, their structural subdivisions and organizations being under their subordination that are responsible for considering appeals, suggestions and inquiries.

Information specified under § 5 and 6 of this Procedure that is managed by government agencies shall be registered and classified by their Secretariats with the use of software parallel to keeping ledgers with the short description of information, medium and officer responsible for information processing.

In the right lower corner of the first page of the registered information document a stamp shall be set specifying incoming (outgoing) numbers and dates.

Registration number of information received, sent and processed by government agencies consists of conventional symbol and sequence number generated by the secretariat classifiers.

Registration number of the legal act adopted or received by government agency consists of the adoption date of the act and number given in a procedure set out by the legislation.

Information managed by government entities shall be stored in a procedure set out by legislation for the storage of archive documents.

III. PROCESSING OF WRITTEN REQUESTS TO GET INFORMATION

Processing of written requests to get information (hereinafter referred to as request) shall be conducted separately from other processes in government agencies, its local subdivisions and organizations and institutions being under their subordination and supervision over the performance lies with the officer responsible for information freedom in compliance with Article 13 of the Republic of Armenia Law on Information Freedom.

The received request shall be registered in the software of the secretariat of the government agency parallel to registering them in ledgers where type of requested information, flow and progress of the request are specified.

In the right lower corner of the first page of the registered request a stamp shall be set specifying incoming number and date.

Registration number of the received request consists of conventional symbol and its sequence number generated by the secretariat classifiers.

Registration sequence number shall be given to double requests for getting the same information submitted by the same person within the last 6 months by noting down the number of the previous request in the software and parallel to that - in the ledger. In the upper right corner the word "Double" is indicated.

The request is not deemed double if it is a successive request for getting the same information submitted by the same person within the last 6 months, however:

- a) during the last request inaccurate or incomplete information was provided to the applicant;
- b) Requested information is subject to immediate promulgation in a procedure established by law or other means of information provision accessible for the public, publication of which may prevent threats to state and public security, public order, health and wellbeing of the public, other's rights and freedoms, environment, personal property.

Double requests, as well as requests submitted by persons whose data are false or which are not signed or first and last names, citizenship, residence (office or educational institution) address (in case of legal entity - the name and location) of the requestor is not specified shall not be processed.

All the remaining requests shall be sent to the officer of the government agency being responsible for dealing with information according to the information classifier entity of the government agency (hereinafter referred to as officer).

Within a 5-day period following the receipt of the request the officer provides the requestor with a copy of information specified in the request and data on means, place and date of its promulgation or notifies the requestor by writing about the reasons causing the delay in the provision of information, including the need for paying the state duty and the deadline for providing the information or refuses to provide information by writing.

If payment of state duty is required for the provision of information specified in the written request the information will be provided to the requestor after the receipt of the paid state duty is submitted to the officer.

If additional work is required for the provision of information specified in the written request information shall be provided to the requestor within a 30-day period following the receipt of the request.

Where the government agency does not possess the requested information or its provision is not in the scope of its responsibilities the officer shall inform the requestor about it by writing within a 5-day period following the receipt of the request and if possible refer him/her to the location (including archive) where the requested information is maintained.

If the government agency does not possess all the data related to the requested information the officer shall provide the requestor with the portion of data possessed by the Government agency and if possible shall refer him/her to the location (including archive) where the remaining data related to the requested information are maintained.

Response to the request shall be provided on a medium specified in the request. If the medium is not specified and it is not possible to clarify within a timeframe specified by the legislation for responding to the request, the response to the request is provided on a suitable for the government agency medium.

Instead of getting copy of information the requestor at his/her free will may familiarize himself/herself with information on the spot and withdraw the request.

The officer may decline provision of information in the timeframes envisaged by the law where the requestor does not submit the receipt of duty payment within 24 hours following the moment of getting the notification in a procedure specified under §13 of this procedure or the information:

- a) Contains data of state, official, trade secrecy;
- b) Violates secrecy of individual's personal and family life, including secrecy of correspondence, telephone, mail, telegram and other communications;
- c) Contains raw data not subject to publication;
- d) Discloses data that require restricted access due to professional activities (health, notary, advocacy);
- e) Violates copy- and other related right.

In case of declining the provision of information requested the officer notifies the requestor by writing within 5 days and specifies the basis for declining (respective norm of the law) as well as procedure for appealing.

DRAFT

2

DECISION OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA

No. ----- as of -----2005

**ON ESTABLISHING THE ORDER FOR THE PROVISION OF INFORMATION OR COPIES
(DUPLICATES) THEREOF FROM STATE LOCAL SELF-GOVERNING BODIES, STATE
INSTITUTIONS AND ORGANIZATIONS**

In accordance with part 1 of Article 10 of the Law of the Republic of Armenia "On Freedom of Information" the Government of the Republic of Armenia resolves as follows:

to establish the order for the provision of information or copies (duplicates) thereof from state and local self-governing bodies, state institutions and organizations in accordance with the attachment;
the present Decision shall become effective from the following date of its official promulgation.

Attachment to the
RA Government Decision
No. _____ as of _____

ORDER

**FOR THE PROVISION OF INFORMATION OR COPIES (DUPLICATES) THEREOF FROM STATE
SELF-GOVERNING BODIES, STATE INSTITUTIONS AND ORGANIZATIONS**

1. State and local self-governing bodies, state institutions and organizations (hereinafter referred to as "the Information holder") shall provide information in accordance with the present order.

2. Information shall be provided to a person intended to inquire and obtain information based on a written or verbal application addressed to the Information holder in conformity with the RA Law "On Freedom of Information" (hereinafter referred to as "the Law") in the manner and dates established by the Law.

3. In case if inquiry requires such information, the provision of which envisages state duty under the Law, the Information holder shall within five days after the receipt of the inquiry notify the information inquirer of the amount of the state duty foreseen for the provision of information indicating in the notification the delay in the information provision date in accordance with paragraph 3, part 7 of Article 9 of the Law. The person submitted the inquiry shall, within 10 days after the notification as set forth hereby, provide the Information holder with the state duty payment receipt.

4. No charge for the provision of information is due in the following cases:

- a) response to verbal inquiries;
- b) for up to 10 pages of printed or copied information;
- c) for information provided via e-mail (internet);
- d) responding the written information inquiries, publication of which may preclude menace to state and public security, public order, public health and morals, others rights and freedoms, environment and persons' property;
- e) providing information on the changes of the deadline in cases and order specified by the Law;
- f) the information sought is lacking or providing information on the location of the Information holder;
- g) refusing the information request.

With the exception of the cases envisaged by paragraph 3 hereof:

- a) a state duty shall be levied for the information provided by state bodies and institutions at the amounts specified by the RA Law "On State Duty";
- b) a state duty shall be levied for the information provided by local self-governing bodies in accordance with the RA Law "On State Duties and Payments";
- c) a fee shall be levied for the information provided by state organizations at the amounts established by authorized management bodies thereof. In addition, the amount of the fee envisaged under the present sub-paragraph may not exceed the information provision expenses.

6. Information holders shall, in accordance with the Law and other present Order, develop and publish the order for the provision of information or copy (duplicate) thereof, which shall be attached to all conspicuous places of their location.