

Your request to access public documents cannot be refused because of the format. The forms which have been developed by the institutions are there to facilitate the procedure for you; however, you are not obliged to use them.

What happens with your request when you initiate the procedure?

The first action upon the submission of the request is the registration of your request and issuance of a confirmation certificate by the institutions.

Hint: You should always ask for the confirmation certificate if not provided to you by the institution. This document is proof that you have submitted the request on the given date, which is important for determination of the response deadline.

THE INSTITUTION SHOULD INFORM YOU ON THEIR DECISION ON YOUR REQUEST TO ACCESS PUBLIC DOCUMENTS, WITHIN 7 WORKING DAYS FROM THE DAY OF REGISTRATION OF YOUR REQUEST

In case your request is unclear or if it is addressed to the institution that does not own such a document, it is the legal obligation of the municipal official who receives your request to instruct you on how to fill in the request correctly and/or to refer you to the right address if your request to access public documents is addressed to the wrong institution.

Within 7 working days, the institution should inform you of their decision, in writing, on:

- Granting access to public documents;
- Refusal to access public documents;
- Refusal to access public documents in parts.

The municipality may grant access to a public document you are requesting also by referring you to the appropriate sources that are easily accessible on official web pages of relevant institution. For example, if you request the Law on Local Self Government, the official may refer you to the Assembly of Kosovo's or Ministry of Local Government Administration's official web page without providing you the copy of this law.

Where do you complain if your request to access public documents was refused?

There are two appeal mechanisms foreseen by the law to challenge the decision of the institution not to grant you access to public documents:

- Asking the institution to revise its decision;
- Filing a claim with the Ombudsperson, other public institutions, or the court.

You can use these appeal mechanism within 15 days starting from the day you received the decision on total or partial refusal of access to the public document or starting from the day the deadline of 7 days for response has elapsed.

NON-RESPONSE OF THE INSTITUTION TO YOUR REQUEST WITHIN THE LEGAL DEADLINE IS CONSIDERED A NEGATIVE RESPONSE



THE RIGHT TO BE INFORMED ON THE WORK OF YOUR MUNICIPALITY

How to access public documents in your municipality

What is the legal basis for requesting access to public documents?

It is the right of any natural or legal person to be informed about the activities of the public institutions following certain procedures set forth in the Law No.03/L –215 for Access to Public Documents.

THE RIGHT TO ACCESS PUBLIC DOCUMENTS IS GUARANTEED TO YOU BY THE LAW

The constitution and the law guarantees your right to access public documents maintained, drawn or received by all local and central public institutions. You have a right to access public documents in any of the official languages in Kosovo without discrimination on any grounds.

BY RULE, YOU HAVE THE RIGHT TO ACCESS ALL PUBLIC DOCUMENTS WITH EXCEPTIONS AS SET FORTH IN THE LAW

Exceptions for which access to public documents can be denied:

- Security;
- Public safety;
- Prevention of criminal activity;
- Disciplinary investigation;
- Inspection by the public institutions;
- Privacy;
- Commercial and economic interests;
- Monetary policies;
- Efficient administration of justice;
- Environment;
- Discussions within the public institutions.

If such reasons are established you can be denied access to the whole document or parts of it.

IF YOUR RIGHT TO ACCESS PUBLIC DOCUMENTS IS RESTRICTED, THE INSTITUTION IS LEGALLY OBLIGED TO PROVIDE YOU WITH WRITTEN JUSTIFICATION OF THEIR DECISION

The so called burden of proof in the process of access to public documents lies with the document holder, i.e. the institution and not the requester of the public document. Moreover, the requester is not obliged to provide any justification to the institution on the reasons of request to access public documents.

What is a public document?

A public document can be any official letter serving to prove or establish something, regardless of its physical form or characteristics. A public document includes information recorded in any form, drawn and received by the municipality, including written or typed texts, maps, schedules, pictures, drawings, sketches, working materials stored in magnetic or electronic form. Some examples of municipal public documents:

- A decision from the administration on property matters;
- Annual narrative reports from the departments;
- The budget of the municipality;
- Minutes from the meetings of the municipal assembly;
- Decision of municipal assembly; A decision from the Mayor;
- Projects of the municipality.

VIEWING THE DOCUMENT ON LOCATION IS FREE OF CHARGE, WHILE PROVISION OF THE COPY OF THE DOCUMENT MAY BE CHARGED

The fees for access to public documents are foreseen by Regulation 02/2012 on fees for access to public documents:
<https://mf.rks-gov.net/sq-al>

How to initiate access to public documents?

By submitting the request to the institution that you think is in possession of the requested document.

The request should contain the following information:

- The institution that you are addressing the request to;
- The title of the documents you are requesting;
- The name and the contact information.

Hint: *When you go to your municipality to submit your request, ask for the official responsible for access to public documents who will receive your request.*

WHEN SUBMITTING THE REQUEST TO ACCESS PUBLIC DOCUMENTS YOU ARE NOT BOUND TO ANY FORM