
ASPI system – status as of November 17, 2016 for File No. 149/2016, Coll. and 38/2016, Collection of International Treaties - RA943

Act No. 106/1999, Coll. on Free Access to Information – the last wording shall take effect from January 1, 2017

106/1999 Coll.

ACT

dated May 11, 1999

on Free Access to Information

Amended: [101/2000, Coll.](#)

Amended: [159/2000, Coll.](#)

Amended: [39/2001, Coll.](#)

Amended: [413/2005, Coll.](#)

Amended: [61/2006, Coll.](#)

Amended: [110/2007, Coll.](#)

Amended: [32/2008, Coll.](#)

Amended: [254/2008, Coll.](#)

Amended: [274/2008, Coll.](#)

Amended: [123/2010, Coll.](#)

Amended: [227/2009, Coll.](#)

Amended: [375/2011, Coll.](#)

Amended: [167/2012, Coll.](#)

Amended: [181/2014, Coll.](#)

Amended: [222/2015, Coll.](#)

Amended: [301/2016, Coll.](#)

Amended: [298/2016, Coll.](#), [368/2016, Coll.](#)

Parliament has resolved to pass the following Act of the Czech Republic:

PART ONE

Section 1

Headline Omitted

The law incorporates relevant regulations of the European Union¹⁾, sets out the rules for the provision of information and further regulates the conditions of the right to free access to such information.

Section 2

Duty to Provide Information

(1) The legally bound persons that, under this Act, are under a duty to provide information related to their powers are state agencies, territorial self-governing units and their

bodies, and public institutions.

(2) The legally bound persons are also such entities that have been entrusted by law with decisions on the rights, legally protected interests or duties of individuals or legal entities in the area of public administration, only to the extent of their decision-making activity.

(3) The act does not apply to the provision of information on data in the central register of accounts and in related registers, information that is subject of industrial property^{1a)}, and other information if a separate act^{1b)} stipulates the manner of providing such information, particularly dealing with requests including their requisites and the way of submitting a request, deadlines, remedies and the way of providing the information.

(4) The duty to provide information shall not apply to requests for opinions, future decisions and the creation of new information.

Section 3

Basic Terms

(1) For the purpose of this Act, an applicant means any individual or entity requesting information.

(2) For the purposes of this Act, the option of remote access means access to information by an unlimited group of applicants through a network or by means of electronic communication services²⁾.

(3) For the purposes of this Act, information means any content or part thereof in any form recorded on any medium, particularly the contents of a written record on a document, record stored electronically or an audio, visual or audio-visual record.

(4) Under this Act, a computer program shall not be considered information.

(5) For the purposes of this Act, published information means information which can be repeatedly searched for and obtained, particularly such that has been published in the press or on another medium enabling recording and storing of information, placed on an official notice board, available for remote access or placed in a library providing public librarian's and information services under the Library Act^{2a)}.

(6) For the purposes of this Act, accompanying information means information that is closely connected to requested information (e.g. information on its existence, origin, number, the reason for denying it, the period during which the reason for denial persists and when it will be re-evaluated, and other important characteristics).

(7) For the purposes of this Act, the machine-readable format means a data file format with a structure so that the program can easily find, identify and obtain specific information, including individual data and the inner structure thereof, from such data file.

(8) For the purposes of this Act, the open format means a data file format that does not depend on specific technical and program equipment and is made available to the public without any restrictions that would make the use of information contained in the data file

impossible.

(9) For the purposes of this Act, the open formal standard means a rule that was stipulated in writing and contains a specification of requirements for ensuring that various program equipment is able to provide mutual services and efficiently cooperate.

(10) For the purposes of this Act, metadata are data describing the context, contents and structure of recorded information and administration of such information in the course of time.

(11) For the purposes of this Act, open data means information published in a manner enabling remote access in an open and machine-readable format where the manner and purpose of the subsequent use of such information is not restricted and the information is recorded in the Open Data National Catalogue.

Section 4

Provision of Information

(1) Legally bound persons provide information to an applicant following a request or by publication.

(2) If a legally bound person is the applicant, information is provided to such person under the same conditions as to other applicants.

Section 4a

Provision Information upon Request

(1) If the information is provided upon request, it shall be provided in formats and languages according to the content of the request for provision of information, including metadata relating thereto, unless this Act provides otherwise. Legally bound persons are not under a duty to change the format or language of the information or create metadata to such information if such change or creation of metadata would be an unreasonable burden on the legally bound person; in such an event a legally bound person shall comply with a request by providing the information in the format or language in which it was created. If information requested is part of a larger unit and its removal would be an unreasonable burden on a legally bound person, the legally bound person shall provide such unit in accordance with this Act. If it is possible, taking into account the nature of the submitted request and the manner in which the requested information is recorded, the legally bound person shall provide the information in an electronic form.

(2) If information is provided upon request, it shall be provided in accordance with the contents of the request, in particular

- a) by providing the information in an electronic or documentary form;
- b) by providing a copy of a document containing the requested information;
- c) by providing a data file containing the requested information;

d) by reviewing the document containing the requested information;

e) by exchanging data through an information system interface; or

f) by enabling remote access to information that is changed, renewed, supplemented or repeatedly created in the course of time or by its regular providing in any other manner.

(3) Where the manner of providing information under [subsection 2](#) is impossible or if it be an unreasonable burden for the legally bound person, the legally bound person shall fulfill the request by providing information in another manner allowing the applicant to use it efficiently.

Section 4b

Publication of Information

(1) Information provided by publication is provided in all formats and languages in which it was created; where such information is published in an electronic form, one of such formats must be open and, where possible, also machine-readable. If it is possible and appropriate, the legally bound person shall publish together with the information metadata that relate to such information. The format and the metadata should fulfill the requirement for open formal standards as much as possible.

(2) Obligatory entities publish information contained in registries, archives, records or lists maintained or administered by such entities; such information is accessible to every person by law and can be used as open data for business or other gainful activities, for study or scientific purposes or for public inspections of legally bound persons. Legally bound persons register such information in a National Open Data Catalogue. The list of information pursuant to the first sentence is set forth by an implementing legal regulation.

Section 4c

National Open Data Catalogue

(1) The National Open Data Catalogue is the public administration information system that is accessible in a manner allowing remote access used for recording information published as open data.

(2) The Ministry of the Interior is the administrator of the National Open Data Catalogue.

Section 5

Publication of Information

(1) In order to inform the public, each legally bound person shall publish the following information at a publicly accessible place at its registered office and at its offices and shall enable copies to be made:

- a) The reason and method of establishment of the legally bound person, including the conditions and principles under which it performs its activities,
- b) A description of its organizational structure, the place and the way of obtaining relevant information, where to submit a request or complaint, to submit an application, suggestion or any other proposal, or to receive a decision on persons' rights and duties;
- c) The place, time and way of submitting a remedy against a decision of the legally bound person on the rights and duties of persons, including an express statement of requirements that are, in this context, placed on an applicant, as well as a description of procedures and rules that have to be complied with during such activities, a designation of the relevant form, and the way and place where such a form can be obtained;
- d) The procedure the legally bound person shall comply with when dealing with requests, applications and other proposals from citizens, including the relevant deadlines that should be observed;
- e) A list of the most important regulations pursuant to which the legally bound person in particular acts and decides; such regulations set forth the right to request information and the obligation to provide information and stipulate further citizens' rights *vis-a-vis* the legally bound person, including information where and when such regulations are provided for inspection;
- f) A list of fees for providing information;
- g) An annual report on its activities in the field of providing information ([Section 18](#)) in the previous calendar year;
- h) Exclusive licenses provided in accordance with [Section 14a\(4\)](#),
- i) A superior body's resolution on the amount of fees published in accordance with [Section 16a\(7\)](#); and
- j) The address of the electronic registry.

(2) At their registered office, legally bound persons shall make available during their business hours:

- a) Legal regulations published as part of their powers;
- b) Lists of main documents, particularly those of a conceptual, strategic and program nature, which can be provided in accordance with this Act, including any draft licensing agreements^{2b)} in accordance with [Section 14a](#), so that anybody could examine them and make a duplicate, extract or copy.

(3) Within 15 days of providing information following a request, a legally bound person shall publish such information in a manner enabling remote access. It is enough to publish accompanying information expressing their contents about information provided pursuant to [Section 4a\(2\)\(e\) and \(f\)](#), information provided in other than electronic form or about an extraordinarily extensive amount of information provided electronically.

(4) Legally bound persons shall also publish the information stated in [subsections 1](#) and [2](#) in a manner enabling remote access. This duty does not apply to legally bound persons who are only individuals. In the case of the information specified in [subsection 2\(a\)](#), a reference to the place where this information was published in a manner enabling remote access shall be sufficient to fulfil this duty. An implementing legal regulation shall specify the structure of information published.

(5) Legally bound persons who maintain and administer registries, archives, lists or records containing information accessible to everyone under another act shall publish such information in a clearly arranged form also enabling remote access. Legally bound persons who maintain and administer registries, archives, lists or records containing information accessible to everyone under another act shall publish such information in a clearly arranged form also enabling remote access.^{3a)}

(6) A legally bound person shall comply with the duty to publish information under [subsections 4](#) and [5](#) in a manner enabling remote access and without undue delay by making it available to the administrator of the public administration portal or handing it over to it. The form and data format of information made available and provided is set forth by an implementing legal regulation.

(7) A legally bound person may publish the information under [subsection 1](#) also by other means and may also publish other information, with the exceptions stated in this Ac.

Section 6

Duty to Refer to Published Information

(1) If a request for the provision of information suggests providing information already published, instead of providing the information the legally bound person may communicate to the applicant, as soon as possible, but within no more than seven days, data enabling the finding and obtaining of the information already published, in particular a reference to the website where the information is available.

(2) If an applicant insists on the direct provision of information already published, the legally bound person shall provide it to him/her; this shall not apply if the request for the provision of information was submitted electronically and if the requested information is published in a manner enabling remote access and a reference was communicated to the applicant to the website where the information is published.

Section 7

Protection of Classified Information

If, in accordance with legal regulations⁴⁾, information requested is designated classified information the applicant is not entitled to access, the legally bound person shall not provide it.

Section 8

cancelled

Section 8a

A legally bound person shall provide information concerning a person, expressions of a personal nature, an individual's privacy and personal data only in accordance with legal regulations governing their protection^{4a)}.

Section 8b

Recipients of Public Funds

(1) A legally bound person shall provide basic personal data^{4b)} about a person it has provided with public funds.

(2) [Subsection 1](#) shall not apply to the provision of public funds under laws in the social area, the provision of healthcare, unemployment benefits, state support for building savings and state subsidies for territorial regeneration^{4c)}.

(3) Basic personal data under [subsection 1](#) shall only be provided to the following extent:

name, surname, year of birth, municipality where the recipient has his or her permanent address, the amount, purpose and conditions of the public funds provided.

Section 9

Protection of Trade Secrets

(1) If information requested is a trade secret⁶⁾, a legally bound person shall not provide it.

(2) When providing information that concerns the use of public funds, the provision of information on the extent and the recipient of such funds shall not be considered a breach of trade secret.

Section 10

Protection of Confidentiality of Property Owned

Under this Act, a legally bound person shall not provide information on the property owned by an individual who is not a legally bound person acquired under laws on taxes, charges, pensions, health and social insurance⁸⁾.

Section 11

Further Restrictions on Right to Information

(1) The legally bound person may restrict the provision of information if:

- a) It applies solely to the internal instructions and personnel regulations of the legally bound person;
- b) It is new information that came into being during the preparation of a decision by the legally bound person, unless the law provides otherwise; this applies only until the preparation ends with a decision; or
- c) It is information provided by the North Atlantic Treaty Organisation or the European Union that is, in the interests of national security, public safety or the protection of third party rights, protected by the aforementioned originators by the designation “NATO UNCLASSIFIED” or “LIMITE” and in the Czech Republic this designation is respected for the performance of duties resulting for the Czech Republic from its membership of the North Atlantic Treaty Organisation or European Union, unless the originator gave its consent to provision^{8a)}.

(2) A legally bound person shall not provide information if:

- a) It is information originating without the use of public funds that was handed over by a person who the law does not impose such duty on, unless it stated it agrees with the provision of the information;
- b) It publishes it under another act⁹⁾ and in regular periods determined in advance until the closest next period;
- c) It would breach the protection of third party rights to the subject of a copyright or rights related to copyright (hereinafter the “Copyright”)^{2b)}; or
- d) It is information concerning stability of a financial system¹⁸⁾.

(3) Information that a legally bound person obtains from a third party when performing tasks as a part of control, supervisory, inspection or similar activities under another regulation¹¹⁾ pursuant to which the confidentiality obligation or any other procedure protecting such information against publication or misuse apply to such information shall not be provided. The legally bound person shall only provide such information that originates through its work while performing these tasks.

(4) Further, legally bound persons shall not provide information on

- a) Ongoing criminal proceedings;
- b) Courts decision-making activities, with the exception of final judgments;
- c) Performance of tasks by intelligence services;¹²⁾
- d) The preparation, course and discussion of the results of inspections in the Supreme Audit

Office's bodies;

e) Activities of the Financial Analytical Office in accordance with the Act Providing Certain Measures against Legalizing Proceeds from Criminal Activities and Terrorism Financing or in accordance with the Act on Implementation of International Sanctions;

f) Data recorded in the incident register pursuant to the Cybernetic Security Act from which it was possible to identify a body or person which/who reported a cybernetic security incident or provision of which would jeopardize the effectiveness of a reactive or protective measure under the Cybernetic Security Act, and

g) Activities of the Czech National Bank in connection with maintaining a central account register.

The provisions of other acts¹³⁾ on the provision of information in the aforementioned areas are not hereby affected.

(5) A legally bound person shall not provide information that is the subject of protection of a Copyright^{2b)}, if it is held by:

a) Radio and television broadcasters, if they operate the broadcasts based on other legislation^{13a)},

b) Schools and school facilities that are part of the education system under the Education Act^{13b)} and in accordance with the Universities Act^{13c)},

c) The Academy of Sciences of the Czech Republic and other public institutions that are the recipients or co-recipients of support for research and development from public funds in accordance with the Act on Support for Research and Development^{13d)}; or

d) Cultural institutions administering public funds, such as theatres, orchestras and other artistic companies, save for libraries providing public library and information services pursuant to the Library Act^{2a)} and museums and galleries providing standardized public services¹⁹⁾. The provision of such information in accordance with other regulations is not hereby affected.

(6) A legally bound person shall not provide information about the activities of bodies active in criminal proceedings, including information from files, including files in which criminal proceedings were not commenced, documents, materials and reports on the procedure for checking notifications that arose due to the activities of such bodies during the protection of the safety of persons, property and the public order, preventing criminal activities and during the performance of tasks in accordance with the Criminal Code, if this would endanger the rights of third parties or the ability of bodies active in criminal proceedings to prevent criminal activities, search or uncover criminal activities, prosecute criminal activities or ensure the security of the Czech Republic. The provisions of other acts on the provision of information shall not hereby be affected^{13e)}.

Section 12

Conditions of Restrictions

All restrictions on the right to information shall be made by a legally bound person in such a manner that it provides the requested information including the accompanying information after the exclusion of the information the act stipulates. The right to deny information shall continue to apply only as long as the reason for denial persists. In justified cases, a legally bound person shall verify whether a reason for denial persists.

Section 13

Request for Provision of Information

(1) A request for provision of information shall be submitted orally or in writing and can also be submitted over a network or by means of electronic communication service.

(2) If an applicant does not receive information following an oral request, and/or if an applicant does not consider the information provided following an oral request sufficient, the request shall be made in writing.

(3) The provisions of [Sections 14 to 16a](#) and [Section 18](#) shall apply only to requests submitted in writing.

Section 14

Procedure for Submitting and Dealing with Written Requests for Provision of Information

(1) A request is submitted on the day the legally bound person receives it.

(2) It must be clear from a request which legally bound person it has been made to and that the applicant seeks the provision of information under this Act. In a request, an individual shall state his/her name, surname, date of birth, permanent address or, if he/she does not have a permanent residence, residential address, and the address for correspondence should it differ from the permanent address or residence. A legal entity shall state its name, registered number, the address of its registered office and the address for correspondence if it differs from the address of its registered office. An electronic address is also considered an address for correspondence.

(3) If a request is made electronically, it shall be submitted through a legally bound person's electronic registry^{13e)}, if the legally bound person has established one. If the electronic registry's address has not been published, submitting a request to any electronic address of the legally bound person shall suffice.

(4) If a request does not contain the requisites under the first sentence of [subsection 2](#) and the address for correspondence, or if an electronic request is not made in accordance with [subsection 3](#), it is not a request under this Act.

(5) A legally bound person shall assess a request and:

- a) If a lack of data on the applicant under [subsection 2](#) prevents the procedure for dealing with the request for information under this Act, in particular under [Sections 14a](#) or [15](#), it shall invite the applicant to complete the request, within seven days of the request's submission; if the applicant does not comply with the invitation within thirty days of receiving it, the request shall be deferred;
- b) In the event that a request is not comprehensible, it is not clear what information is requested or a request is formulated too generally, it shall invite the applicant within seven days of the request's submission to make the request more specific; if the applicant fails to make the request more specific within thirty days of the delivery of the invitation, it shall decide to reject the request;
- c) In the event that information requested does not apply to its powers, it shall defer the request and shall notify the applicant of this justified fact within seven days of the request's delivery to the applicant; or
- d) Unless it makes a decision under [Section 15](#), it shall provide information in accordance with a request no later than fifteen days after the day the request was received or after the day the request was supplemented; if a license is necessary in accordance with [Section 14a](#), it shall provide the applicant with a final license bid within this period.

(6) A record shall be made of the procedure during the provision of information.

(7) A legally bound person may extend the deadline for providing information under [subsection 5\(d\)](#) for serious reasons, but by no more than ten days. The following are serious reasons:

- a) Search and collection of requested information at other offices that are separate from the office handling the request;
- b) Search and collection of a large quantity of separated and different pieces of information requested in one request; and
- c) Consultation with another legally bound person who has a serious interest in the decision on the request or between two or more elements of the legally bound person that have a serious interest in the subject of the request.

The applicant shall always be demonstrably notified of the extension of a deadline and the reasons for it, in time before the deadline for the provision of the information.

Section 14a

Some Provisions on Licensing and Sublicensing Contracts on Provision of Information

(1) If information that is a subject of the copyright protection^{2b)} is to be provided under a licensing or sublicensing contract and a legally bound person that is not exempt from the obligation to provide information under [Section 11\(5\)](#) exercises the property rights to the subject of the copyright protection, the Copyright Act^{2b)} shall apply in matters that are not

regulated under this Act.

(2) Remuneration for authorisation to use information shall not exceed the fee under [Section 17](#), unless it is otherwise determined by another legal regulation or licensing contract between the legally bound person and the party that transferred the right to dispose with the subject matter of the copyright protection to the legally bound person.

(3) The terms and conditions of the provision of information in a licensing or sublicensing contract (hereinafter “licensing contract”) shall enable the applicant to use the information further in accordance with the request, unless it is otherwise stated by this Act. A license or sublicense (hereinafter “license”) shall be provided as nonexclusive, with the exception of cases in accordance with [subsection 4](#).

(4) A legally bound person may provide an exclusive license only if an exclusive license is necessary for further dissemination of the information provided and if it is in public interest. If a legally bound person provides an exclusive license under the first sentence, at least every three years it shall re-examine the duration of the reasons based on which the exclusive license was provided; this shall not apply if an exclusive license is granted to digitalize the cultural source where the legally bound person will re-examine the duration of the reasons on the basis of which the exclusive license was granted, in the eleventh year of duration or each subsequent seven years. If an exclusive license is provided to digitalize the cultural source, a copy of a digital reproduction of the cultural source must be provided free of charge to the legally bound person, and namely a copy that may be provided under this Act after the exclusive license expires.

(5) A legally bound person shall, in a manner enabling remote access, publish a sample licensing contract that an applicant may adapt for his/her specific request and use as a draft for the conclusion of a licensing contract.

(6) The protection of a trade secret shall not apply to the provisions of licensing contracts concluded during the provision of information under this Act.

Section 15

Decisions on Rejection of Request

(1) If a legally bound person does not comply with a request or part thereof, it shall, by the deadline for dealing with the request, issue a decision denying the request or part thereof (hereinafter a “decision denying request”), with the exception of cases where a request is deferred.

(2) If a request is not granted for reasons of the protection of a trade secret under [Section 9](#) or of the protection of third party rights to the subject matter of a copyright under [Section 11\(2\)\(c\)](#), the reasoning for the decision shall state who exercises the right to the trade secret or who exercises the property rights to the subject matter of the copyright protection, if the legally bound person knows who it is. For libraries providing public library and information services under the Library Act^{2a)} and museums and galleries providing standardized public services¹⁹⁾, the first sentence shall not apply.

Section 16

Appeals

(1) An appeal may be submitted against a decision taken by the legally bound person to deny a request.

(2) A legally bound person shall submit an appeal together with file material to the superior body within fifteen days of the receipt of the appeal.

(3) The superior body shall make a decision on the appeal within fifteen days of the day the appeal was submitted by the legally bound person. The period for making a decision on an application for review is fifteen days from the day of delivery of the application for review to the legally bound person. The deadline cannot be extended.

(4) During a judicial review of a decision on an appeal based on an action under another legal regulation, a court shall review whether the reasons for denying a request exist. If there are no reasons for denying the request the court shall cancel the decision on the appeal and the decision by the legally bound person rejecting the request, and shall order the legally bound person to provide the information requested.

Section 16a

Complaint against Procedure When Dealing with Request for Information

(1) A complaint against the procedure for dealing with a request for information (hereinafter “complaint”) may be submitted by an applicant:

- a) That does not agree with handling the request in a manner specified in [Section 6](#);
- b) That, after the expiry of the deadline under [Section 14\(5\)\(d\)](#) or [Section 14\(7\)](#), has not been provided with information or presented with a final license bid, and a decision denying the request has not been issued;
- c) That has been provided with information partially without a decision denying the rest of the request being issued; or
- d) That does not agree with the fee communicated to it under [Section 17\(3\)](#) or with remuneration under [Section 14a\(2\)](#), required in connection with the provision of information.

(2) A complaint can be submitted in writing or orally; if a complaint is submitted orally and it cannot be dealt with immediately, the legally bound person shall make a written record of it.

(3) A complaint shall be submitted to a legally bound person within thirty days of the day:

- a) Of the delivery of the notification under [Section 6](#), [Section 14\(5\)\(c\)](#) or [Section 17\(3\)](#); or
- b) The expiry of the deadline for the provision of information under [Section 14\(5\)\(d\)](#) or [Section 14\(7\)](#).

(4) A superior body shall make a decision on a complaint.

(5) A legally bound person shall submit a complaint together with file material to its superior body within seven days of the day of its receipt, unless it fully complies with the complaint itself by providing the information requested or the final license bid, or issues a decision denying a request.

(6) When making a decision on a complaint under [subsection 1 \(a\)](#), [\(b\)](#) or [\(c\)](#) the superior body shall examine the procedure of the legally bound person and shall decide in the following manner:

- a) It confirms procedure of the legally bound person;
- b) It orders the legally bound person to deal with the request, or submit a final license bid to the applicant within a set period that must not exceed fifteen days from the delivery of the decision by the superior body; or
- c) It takes over the matter and provides the information or issues a decision denying the request; such a procedure cannot be used against territorial self-governing bodies exercising their independent powers.

(7) When making a decision on a complaint under [subsection 1\(d\)](#), the superior body shall examine the procedure of the legally bound person and shall decide in the following manner:

- a) It shall confirm the amount of the fee or remuneration;
- b) It shall decrease the amount of the fee or remuneration; such procedure shall not be used against the territorial self-governing bodies exercising their independent powers; or
- c) It shall order the legally bound person, by a set deadline that shall not be more than fifteen days after the delivery of the decision by the superior body, to effect a remedy, if it concerns a fee or remuneration for the provision of information by a territorial self-governing body exercising independent powers.

(8) A superior body shall decide on a complaint within fifteen days of the day the complaint was submitted to it.

(9) A decision under [subsections 6](#) and [7](#) shall be notified to the applicant and the legally bound person. There shall be no appeal against a decision issued under [subsections 6](#) and [7](#). If a decision under [subsection 6\(c\)](#), is involved, there shall be no appeal against it only in the event that the superior body determined under [Section 178\(2\)](#) last sentence of the Code of Administrative Procedure or under [Section 20\(5\)](#) of this Act made decision.

(10) If information is provided under [subsection 6\(c\)](#), the applicant may proceed in a

similar manner in accordance with [subsection 1\(a\)](#) or [\(c\)](#).

Section 17

Reimbursement for Costs

(1) A legally bound person may charge a fee for the provision of information in an amount which must not exceed the costs linked to making copies, obtaining technical data media and sending the information to the applicant. A legally bound person may also request a fee for an extraordinarily wide-ranging search for information.

(2) If remuneration was agreed upon in a licensing contract, a fee may not be charged for the reimbursement for costs.

(3) In the event a legally bound person requests a fee for the provision of information, it shall notify the applicant of this fact along with the amount of the fee before the information is provided. The notification shall clearly state based on which facts and in what manner the legally bound person calculated the amount of the fee. The notification shall include information on the possibility to file a complaint [Section 16a\(1\)\(d\)](#) against the request of the reimbursement for the costs for providing information. Said information shall clearly state the deadline within which the complaint may be filed, the date when such deadline commences, which superior body decides on the complaint and to which legally bound person it is filed.

(4) If the legally bound person fails to perform the notification duty to the applicant in accordance with [subsection 3](#), it shall lose its entitlement to the reimbursement for costs.

(5) The provision of information under [subsection 3](#) is conditional on the payment of the fee requested. If an applicant does not pay the fee within sixty days of the day of notification of the amount of the fee requested, the legally bound person shall defer the request. When dealing with a complaint against the amount of a fee requested, the period stated in the second sentence shall not run.

(6) The fee is income for the legally bound person.

Section 18

Annual Report

(1) By March 1 each legally bound person shall publish an Annual Report for the previous calendar year on its activities in the provision of information under this Act containing the following data:

a) The number of requests for information submitted and the number of decisions on denying a request;

b) The number of appeals submitted against decisions;

c) A copy of the substantial parts of every court judgment on a review of the legitimacy of a decision by a legally bound person to deny a request for the provision of information and a

list of all the expenses the legally bound person incurred in connection with legal proceedings on rights and duties under this Act, including the costs of its own employees and the costs of legal representation;

d) A list of exclusive licenses provided, including the justification of the necessity of granting an exclusive license;

e) The number of complaints filed under [Section 16a](#), the reasons for their submission and a brief description of the way of handling them;

f) Other information related to the application of this Act.

(2) If, under another act, the legally bound person is under a duty to present a public Annual Report containing information about its activities, it shall include the data stated under [subsection 1](#) as an independent part of this Annual Report under the title “Provision of Information under Act [106/1999, Coll.](#), on Free Access to Information”.

Section 19

Enabling access to information or providing information under the terms and in the way determined in this Act shall not represent the breach of the duty to maintain confidentiality imposed by other acts.¹⁵⁾

PART TWO

TRANSITORY AND CONCLUDING PROVISIONS

Section 20

(1) The duty specified in [Section 5\(2\)](#) comes into effect on January 1, 2001. For municipalities that are not towns,¹⁶⁾ the duty in accordance with [Section 5\(2\)](#) comes into effect on January 1, 2002.

(2) The duty specified in [Section 5\(3\)](#) comes into effect on January 1, 2002.

(3) The deadline for providing information [[Section 14\(3\)\(c\)](#)] and the extension of the deadline ([Section 14\(5\)](#)) shall be extended to double in the first 12 months from the effect of the Act, and by half for the next 12 months.

(4) Unless this act provides otherwise, during the procedure set out in this act, the provisions of the Code of Administrative Procedure¹⁷⁾ shall apply to the following:

a) To taking decisions denying a request;

b) To appeal proceedings; and

c) To proceedings on complaints for counting deadlines, delivery and costs of proceedings;

in addition when proceeding in accordance with this Act, the provisions of the Code of Administrative Procedure on fundamental principles of activities of administrative bodies,

provisions on protection from inactivity and the provisions of [Section 178](#); the other provisions of the Code of Administrative Procedure shall not apply.

(5) If, under [Section 178 of the Code of Administrative Procedure](#), the superior body cannot be determined, in appeal proceedings and in proceedings on a complaint the person who heads the legally bound person will decide on a complaint.

(6) Information concerning delegated powers of a territorial self-governing unit shall be provided by bodies of such territorial self-governing unit in delegated powers.

Section 21

(1) The government shall issue an order that deals with co-operation between state administrative bodies and municipalities when dealing with the municipalities' duties in accordance with [Section 5](#) of this Act.

(2) The government shall stipulate in an order the principles for determining payments and licensing fees for the provision of information.

(3) The government shall stipulate in an order a list of information in accordance with [Section 4b\(2\)](#) published as open data.

(4) The Ministry of the Interior shall stipulate in a decree:

a) The structure of information published about a legally bound person in accordance with Section 5(1) and (2) in a manner enabling remote access;

b) The scheme describing the procedures in accordance with [Section 5\(1\)\(d\)](#),

c) The form and data format of information for the making available or handing over of information in accordance with [Section 5\(6\)](#).

Section 22

Effect

This act comes into effect on January 1, 2000.

Klaus m.p.

Havel m.p.

Zeman m.p.

Selected provisions of amendments

[Article II of Act No. 61/2006, Coll.](#)

Transitory Provisions

1. Existing legal regulations shall be used to deal with a request that a legally bound person received before the day this Act comes into effect.
2. Licensing or sublicensing contracts under which an exclusive license was granted concerning the provision of information under Act No. [106/1999, Coll.](#), as amended as of the day this Act comes into effect and that were concluded before this Act came into effect, expire upon the expiration of the agreed period, but no later than December 31, 2008.

[Article II of Act No. 222/2015, Coll.](#)

Transitory Provisions

1. An application for providing information filed before this Act comes into effect shall be dealt with in accordance with Act No. [106/1999, Coll.](#), as amended before this Act comes into effect.
2. The duty to publish information in accordance with Act No. [106/1999, Coll.](#), as amended from the date when this Act comes into effect, shall not apply to information that was published before this Act comes into effect.
3. Licensing or sublicensing contracts under which an exclusive license was granted concerning the provision of information under Act No. [106/1999, Coll.](#), as amended before this Act comes into effect, and which took force as of July 17, 2013, expire upon the expiration of the agreed period, but no later than July 18, 2043. The first sentence shall not apply to licensing or sublicensing contracts on digitalization of cultural sources.

[Article XIX of Act No. 298/2016, Coll.](#)

Transitory Provisions

A legally bound person shall publish information under [Section 4b\(2\) of Act No. 106/1999, Coll.](#), as amended from the date when this Act will come into effect, as open data and shall register such information in the Open Data National Catalogue within 12 months following the date when this Act will come into effect.

1) Directive No. [2003/98/EC](#) of the European Parliament and of the Council of November 17, 2003 on the repeated use of public sector information.

Directive No. [2013/37/EU](#) of the European Parliament and of the Council of June 26, 2013 amending Directive No. [2003/98/EC](#) on the repeated use of public sector information.

1a) For example Act No. [527/1990, Coll.](#), on inventions and improvement proposals, as amended, Act No. [529/1991, Coll.](#), on the protection of topographies of semiconductor products, as amended, Act No. [478/1992, Coll.](#), on utility models, as amended, Act No. [452/2001, Coll.](#), on the protection of designations of origin and geographical designations and on an amendment to the act on consumer protection, as amended, and Act No. [441/2003, Coll.](#), on trademarks and on an amendment to Act No. [6/2002, Coll.](#), on courts, judges, magistrates and the state administration of courts and on amendments to certain other acts (the Courts and Judges Act), as amended, (the Trademarks Act), as amended by Act No. [501/2004, Coll.](#)

1b) For example Act No. [123/1998, Coll.](#), on the right to information about the environment, and Act No. [344/1992, Coll.](#), on the land registry of the Czech Republic (the Cadastral Act), as amended.

2) [Section 2\(h\) and n\) of Act No. 127/2005, Coll.](#), on electronic communications and on amendments to certain related acts (Act on Electronic Communications).

2a) Act No. [257/2001, Coll.](#), on libraries and the conditions for the operation of public library and information services (the Library Act), as amended by Act No. [1/2005, Coll.](#).

2b) Act No. [121/2000, Coll.](#), on copyright, on rights related to copyright and on amendments to certain acts (the Copyright Act), as amended by Act No. [81/2005, Coll.](#)

3a) [Section 5\(1\)\(h\) of Act No. 101/2000, Coll.](#), on the protection of personal data and on amendments to certain acts.

4) Act No. [412/2005, Coll.](#), on the protection of classified information and security clearances.

4a) For example [Section 11 to 16 of the Civil Code](#), and [Sections 5 and 10 of Act No. 101/2000, Coll.](#), on the protection of personal data and on amendments to certain acts.

4b) [Section 5\(2\)\(a\) of Act No. 101/2000, Coll.](#)

4c) For example Act No. [155/1995, Coll.](#), on pensions insurance, as amended, Act No. [48/1997, Coll.](#), on public health insurance, as amended, Act No. [117/1995, Coll.](#), on state social support, as amended, Act No. [100/1988, Coll.](#), on social security, as amended, Act No. [96/1993, Coll.](#), on building savings and state assistance with buildings savings, as amended, and Act No. [12/2001, Coll.](#), on state assistance with the renewal of territory affected by a natural or other disaster and on an amendment to Act No. [363/1999, Coll.](#), on insurance, as amended (the Act on State Assistance with the Renewal of Territory).

6) [Section 17 of Act No. 513/1991, Coll.](#), the Commercial Code.

8) For example [Section 24 of Act No. 337/1992, Coll.](#), on the administration of taxes and charges, as amended, [Section 23 of Act No. 592/1992, Coll.](#), on insurance premiums for general health insurance, as amended, [Section 14 of Act No. 582/1991, Coll.](#), on the organization and performance of social insurance, as amended, [Section 24a of Act No. 551/1991, Coll.](#), on Všeobecná zdravotní pojišťovna České republiky, and Act No. [117/1995, Coll.](#), on state social support, as amended.

8a) [Section 64a of Act No. 499/2004, Coll.](#), on archives and a filing service and on amendments to certain acts, as amended by Act No. [32/2008, Coll.](#)

9) For example Act No. [89/1995, Coll.](#), on the state statistics service, and Act No. [6/1993, Coll.](#), on the Czech National Bank, as amended.

11) For example Act No. [552/1991, Coll.](#), on state inspections, as amended, Act No. [15/1998, Coll.](#), on the Securities Commission and on amendments and modifications of other acts, as amended, Act No. [64/1986, Coll.](#), on the Czech Trade Inspectorate, as amended, and Act No. [133/1985, Coll.](#), on fire defence, as amended.

12) [Sections 5 and 8 of Act No. 153/1994, Coll.](#), on intelligence services, as amended by Act No. [118/1995, Coll.](#)

13) For example [Section 8a of Act No. 141/1961, Coll.](#), the Criminal Code, as amended by Act No. [292/1993, Coll.](#), and [Section 45 of Act No. 166/1993, Coll.](#)

13a) Act No. [483/1991, Coll.](#), on Czech Television, as amended.

Act No. [484/1991, Coll.](#), on Czech Radio, as amended.

13b) Act No. [561/2004, Coll.](#), on pre-school, basic, secondary, further vocational and other education (the Education Act).

13c) Act No. [111/1998, Coll.](#), on universities and on amendments and supplements to other acts (the Universities Act), as amended.

13d) [Section 2\(2\)\(b\) and \(c\) of Act No. 130/2002, Coll.](#), on support for research and development from public funds and on amendments to certain related acts (the Act on Support for Research and Development).

13e) Act No. [141/1961, Coll.](#), the Criminal Code, as amended, and Act No. [218/2003, Coll.](#), on the liability of juveniles for unlawful acts and the system of courts in juvenile matters, as amended.

15) For example Act No. [15/1998, Coll.](#), Act No. [90/1995, Coll.](#), on the rules of procedure of the Lower House, Act No. [199/1994, Coll.](#), on public procurement, as amended, Act No. [283/1993, Coll.](#), as amended, and Act No. [6/1993, Coll.](#), as amended.

16) Act No. [367/1990, Coll.](#), on municipalities (establishment of municipalities), as amended.

17) Act No. [500/2004, Coll.](#), the Code of Administrative Procedure.

18) [Section 2 of Act No. 6/1993, Coll.](#), on the Czech National Bank, as amended.

19) Act No. [122/2000, Coll.](#), on the protection of collections of a museum character and on amendments to certain other acts, as amended.