

ACT
On Free Access to Information Dated 11th May, 1999

106/1999 Coll.

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

PART ONE

Section 1

This Act incorporates relevant regulations of the European Union¹⁾ and 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

Obligation to Provide Information

- (1) Under this Act, the legally bound persons who shall be obliged to provide information related to their powers shall be state agencies, territorial self-governing units and their bodies, and public institutions.
- (2) Entities that have been authorised by law to decide on the rights, legally protected interests or obligations of natural or legal persons vis-a-vis the public administration shall also be legally bound persons, however, only to the extent of their decision-making powers.
- (3) This Act shall not apply to the provision of information on data in the central register of accounts and in related registers, provision of information relating to industrial and other types of property^{1a)}, and other information if a separate act^{1b)} stipulates how such information is to be provided, in particular in respect to processing of requests including the prerequisites that need to be met, and the way of submitting the requests, 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 to generating new information.
- (5) Self-governing professional chambers shall only provide information under this Act that relates to the exercise of public administration tasks entrusted to them by law.

§ 2a
Public enterprise

- (1) A public enterprise, which for the purposes of this Act is not a legally bound person specified in section 2, paragraph 1 herein, shall be a legally bound person
- (a) if it
 - 1. carries out a relevant activity under the Public Procurement Act²¹⁾, or
 - 2. acts as a public service provider within the meaning of Article 2 of Regulation (EC) No. 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No. 1191/69 and No. 1107/70, or
 - 3. acts as an air carrier fulfilling a public service obligation under Article 16 of Regulation (EC) No. 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community; or
 - 4. acts as a shipowner fulfilling a public service obligation under Article 4 of Council Regulation (EEC) No. 3577/92 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), and
 - (b) over which the legally bound person referred to in section 2, paragraph 1 may exercise, directly or indirectly, a dominant influence by virtue of its participation in that legal person or of the rules governing the legal person.
- (2) The condition of dominant influence shall be deemed to be met where the legally bound person under section 2, paragraph 1 directly or indirectly
- (a) holds the majority of the subscribed share capital of a public enterprise,
 - (b) holds the majority of the voting rights attached to the shares in the public enterprise; or
 - (c) can appoint more than half of the members of the administrative, management or supervisory body of the public enterprise.

§ 2b
Provision of information on economic competition

- (1) The obligation to provide information shall not apply to information on the activities of a public enterprise and a public institution which is a company or a national enterprise, if these activities
- (a) are in the ordinary course of business within the scope of the business or undertaking of the public enterprise or public institution entered in the public register; or

(b) are of a commercial or industrial nature and the disclosure of the information would put the public enterprise or public institution at a disadvantage in the relevant market.

(2) Paragraph 1 shall not apply to the activities referred to in section 2a, paragraph 1(a).

Section 3

Basic Terms

- (1) For the purposes of this Act, an applicant shall mean any natural or legal person requesting information.
- (2) For the purposes of this Act, the option of remote access shall mean access to information by an unlimited group of applicants through a network or by means of electronic communication²⁾.
- (3) For the purposes of this Act, information shall mean any content or part thereof in any form recorded on any medium, namely the content of a written record concerning a document, record stored electronically or an audio, visual or audio-visual record.
- (4) Computer programs shall not be considered information under this Act.
- (5) For the purposes of this Act, published information shall mean information which can be repeatedly searched for and obtained, in particular information that has been published in in a printed document or on another medium enabling recording and storing of information, posted up 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 shall mean information that is closely connected to the 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).

Section 3a

Additional Terms

- (1) For the purposes of this Act, the machine-readable format shall mean a data file format with a structure that shall enable a computer program to easily find, identify and obtain specific information, including individual data and their inner structure, from the data file.
- (2) For the purposes of this Act, the open format shall mean a data file format that does not depend on any 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.

- (3) For the purposes of this Act, the open formal standard shall mean a rule that was stipulated in writing and contains a specification of requirements to ensure interoperability and efficient cooperation of various program equipment.
- (4) For the purposes of this Act, metadata shall be understood as data describing the context, content and structure of recorded information and administration of such information over time.
- (5) For the purposes of this Act, open data shall mean 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 by the legally bound person who shall be obliged to provide information, the information shall be recorded in the Open Data National Catalogue.
- (6) For the purposes of this Act, dynamic data shall mean information in electronic form that is subject to continuous updating or real-time updating, in particular because of its significant variability or rapid obsolescence.
- (7) For the purposes of this Act, application programming interface shall mean a set of functions and processes that enable the development of applications that access the functions or data of an operating system, database, application, or other electronic service

Section 4

Provision of Information

- (1) Legally bound person shall provide information to an applicant by processing the applicant's request or by publishing the information.
- (2) Should an applicant be a legally bound person, information shall be provided to such a person under the same conditions as to other applicants.

Section 4a

Provision of Information Upon Request

- (1) Should the information be provided upon request, it shall be provided on terms that are objective, reasonable, non-discriminatory, non-exclusive and do not restrict the manner or purpose of subsequent use of the information provided (hereinafter referred to as "standard conditions of use") and in formats and languages according to the content of the request for provision of information, including metadata relating thereto, unless provided otherwise by this Act. Legally bound persons shall not be obliged 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; should this be the case, a legally bound person shall comply with a request by providing the information in the format or language in which it was created. If the requested information 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 a unit in accordance with this Act. If possible, considering the nature of the submitted request and the manner in which the requested information is recorded, the legally bound person shall provide the information electronically.

- (2) Should the information be provided upon request, it shall be provided in accordance with the content of the request, in particular
 - (a) it shall be provided electronically, or in a hard copy;
 - (b) by providing a copy of a document containing the requested information;
 - (c) by providing a data file containing the requested information;
 - (d) by making it possible to inspect the document containing the requested information;
 - (e) by exchanging data through an application programming interface; or
 - (f) by enabling remote access to information that is being changed, renewed, supplemented or repeatedly created in the course of time, or by providing the information in any other manner on a regular basis.
- (3) Should it be impossible to provide information in the manner pursuant to paragraph 2, or should it be an unreasonable burden for the legally bound person, the legally bound person shall accommodate the request by providing information in another manner allowing the applicant to use it efficiently.

Section 4b

Providing Information by Publishing

- (1) Published information shall be provided under standard conditions of use and in all formats and languages in which it was created; where such information is published electronically, one of the formats must be open and, where possible, also machine-readable. If possible and appropriate, the legally bound person shall also publish metadata relating to the information together with the information. The format and the metadata must accommodate the open formal standards requirement as much as possible.

Section 4c

Open Data Records

- (1) Legally bound persons shall register the information they are obliged to publish as open data in the National Open Data Catalogue.

- (2) The National Open Data Catalogue is a public administration information system enabling remote access, it is used to record information published as open data and other information published in a manner allowing remote access, in particular via interfaces for programming applications, and information about products and services using the open data and other information. The information contained in the National Open Data Catalogue shall be provided as open data in a manner allowing remote access.
- (3) The Digital and Information Agency shall be the administrator of the National Open Data Catalogue.

Section 5

Making Information Available

- (1) Each legally bound person shall make the following information available at a publicly accessible place at its registered office and at its other offices, and shall make it possible to make copies of such documents in order to provide information to the public:
 - (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, where and how the relevant information is obtained, where to submit a request or complaint, suggestion, input or any other proposal, or where to receive a decision concerning rights and duties of persons;
 - (c) the place, time and way to lodge an appeal against a decision of a legally bound person on the rights and duties of persons, including an express statement of requirements that an applicant must comply with, as well as a description of the procedures and rules that have to be complied with, a designation of the relevant form, and the way and place where such a form can be obtained;
 - (d) a list of the most important regulations governing activities and decisions of the legally bound person setting forth the right to request information and the obligation to provide information, and stipulating further citizens' rights *vis-a-vis* the legally bound person including information where and when such regulations shall be provided for inspection;
 - (e) a schedule of fees for providing information;
 - (f) an annual report on its activities relating to providing of information (section 18) in the previous calendar year, or a link to information published according to section 18, paragraph 2 in the Central Register of Annual Reports relating to providing information (hereinafter referred to as "the Central Register");
 - (g) exclusive licenses or sublicenses (hereinafter referred to as "licenses") provided in accordance with section 14b, paragraph 4,

- (h) a decision on the fees published in accordance with section 16a, paragraph 7 adopted by a superior authority; and
 - (i) electronic address of their mail room.
- (2) Legally bound persons shall be obliged to make available the following documents at their registered office during their business hours:
- (a) 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 or sublicensing contracts (hereinafter referred to as “license contract”) in accordance with section 14b,
 - (b) description of the process that the legally bound persons shall be obliged to follow pursuant to section 2, paragraph 1 in order to process submissions or inputs; the process shall be published by the Ministry of the Interior on the Public Administration Portal in the form of a description of activities of a public authority and activities of a body which does not act as a public authority in the performance of those activities kept in the basic registry of activities, public authorities, private users of data and certain rights and obligations shall be specified,
 - (c) in order for everyone to be able to inspect the documents and make copies thereof.
- (3) Within 15 days of providing the requested information, a legally bound person shall publish such information in a manner enabling remote access. Should the information be provided as per section 4a, paragraph 2(e) and (f), be information provided in a different than electronic format or information contained in extremely large electronic files, it shall suffice to publish accompanying information containing an abstract of information. The provided or accompanying information must be published for the minimum period of 6 years.
- (4) Legally bound persons shall also be obliged to publish the information specified in paragraphs 1 and 2 in a manner enabling remote access. This obligation shall not apply to legally bound persons who are natural persons. For the information specified in paragraph 1(b) and (c) and paragraph 2(b), a link to a website where the information has already been published in a manner enabling remote access shall suffice.
- (5) A legally bound person may publish the information under paragraph 1 also by other means and may also publish other information, with the exceptions stated in this Act.

Section 5a

Information Published in a Manner Allowing Remote Access

- (1) Legally bound persons who pursuant to the law maintain and administer registries, archives, lists or records containing information accessible to everyone under legislation (hereinafter

referred to as “the registry”) shall be obliged to publish such information in a clearly structured manner also enabling remote access.

- (2) With the exception of documents from the collection of deeds, a legally bound person shall publish the information contained in the registers as open data, provided that it is part of the register. Pursuant to the first sentence, the following shall not be published: first name and surname, date of birth, with the exception of the year of birth, the number of the birth certificate and the address of the place of permanent residence or domicile, with the exception of the name of the municipality; this requirement shall not apply, if the data have already been published in the registers in connection with a business or other similar gainful activity or in connection with the membership of a natural person in the statutory or other body of a legal person or the exercise of the functions of a statutory body or in connection with the status of beneficial owner pursuant to the law governing on the registration of beneficial owners.
- (3) Legally bound persons shall publish dynamic data, which are not contained in the registers and the provision of which is not restricted by law, in a manner allowing remote access, in particular through application programming interfaces and as open data immediately after their collection. If the publication of dynamic data in accordance with the first sentence would constitute an unreasonable burden for the legally bound person, the latter shall publish the dynamic data without undue delay in a way that its usability is not unreasonably impaired.
- (4) State authorities, regional authorities and municipal authorities of municipalities with extended powers shall publish the metadata of information published in a manner allowing remote access on their official boards as well as the metadata of these official boards as open data.

Section 5b

Publishing High-Value Data Sets

- (1) The legally bound person shall publish as open data, in a machine-readable and open format under standard conditions of use, in particular through an application programming interface, the information listed in the directly applicable regulation of the European Union issued pursuant to Article 14(1) of Directive (EU) 2019/1024 of the European Parliament and of the Council. Access to and use of high-value data sets shall be free of charge, unless the directly applicable regulation provides otherwise in the first sentence.

Section 6

Links to Published Information

- (1) Should a request for the provision of information suggest that the information has already been 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, information that will enable the applicant to find and obtain the information already published, in particular it may provide a link to the website where the information is available.

- (2) Should an applicant insist on direct provision of the information that has already been published, the legally bound person shall provide the information to the applicant; 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 link to the website where the information is published has been provided to the applicant.

Section 7

Protection of Classified Information

If the requested information is designated as classified in accordance with the law^{4j}, the applicant shall not be entitled to access the information, and the legally bound person shall not provide it. The legally bound person shall not provide personal data of a natural person who is a holder of a security clearance and is authorised to access information classified as top secret and secret if this might pose a risk for the protection of classified information.

Section 8

Cancelled

Section 8a

- (1) Information concerning character, personal traits, privacy of a natural person and personal data shall only be provided by a legally bound person in accordance with the data privacy laws ^{4a}.
- (2) A legally bound person shall provide only the personal data of a public official, executive or civil servant that is relevant to their public or civil office or position or job title.

Section 8b

Recipients of Public Funds

- (1) A legally bound person shall provide basic personal data^{4b} of a person that was provided public funds by it.
- (2) Paragraph 1 shall not apply to the distribution of public funds under laws governing social services, the provision of healthcare, unemployment benefits, state support for building savings and state subsidies for regeneration of territory^{4c}.
- (3) Basic personal data under paragraph 1 shall only be provided to the following extent: first 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 8c
Information on the Income of Natural Persons

- (1) The legally bound person shall provide information on the amount of income of a person to whom it has provided or is providing public funds having the nature of income from employment or functional benefits under the Income Tax Act
- (a) if the natural person is
1. a public official who was or is subject to obligations under the Conflict of Interest Act,
 2. an adviser to the President of the Republic, a member of the government, a deputy member of the government or the head of a central administrative authority not headed by a member of the government; or
 3. a member of its statutory, management, supervisory or control body, or
- (b) if the applicant demonstrates a public interest in providing information on the amount of the income of that person and that public interest outweighs the interest in protecting the information in the particular case.
- (2) The information on the amount of income referred to in paragraph 1 shall include the first name, surname, function, employment or other similar classification and the amount of public funds to which the person is entitled, before tax and other compulsory levies, for the period specified in the request. Section 5, paragraph 3 shall not apply to the provision of the information referred to in the first sentence.

Section 9
Protection of Trade Secrets

- (1) Should the requested information be a trade secret⁶⁾, a legally bound person shall not provide it.
- (2) When providing information concerning the use of public funds, the provision of information on the extent and the recipient of such funds shall not be considered a violation 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 internal instructions and human resources policies of the legally bound person;
- (b) the information is new and was generated during preparation of a decision by the legally bound person, unless the law provides otherwise; this shall apply only until the preparation phase is completed and decision issued;
- (c) the information was provided by the North Atlantic Treaty Organisation or the European Union, is protected by the aforementioned originators by the designation “NATO UNCLASSIFIED” or “LIMITE” in the interest of the national security, public safety or the protection of third party rights, and the Czech Republic respects this designation to honour the obligations resulting for the Czech Republic from its membership of the North Atlantic Treaty Organisation or European Union, unless the originator gave its consent to provide such information [8a\)](#),
- (d) providing the information would pose a serious or direct threat for a security measure adopted based on a separate regulation in order to protect safety of persons, property and public order,
- (e) providing the information would pose serious or direct threat for the service in foreign countries protecting the interests of the Czech Republic and of its citizens in other countries [20\)](#),
- (f) the disclosure of the information would significantly or directly threaten the protection of critical infrastructure²²⁾, or
- (g) the information was generated or obtained in direct connection with a judicial, arbitration, administrative or similar proceeding, even prior to its initiation, and its disclosure might jeopardise the equality of the parties to that proceeding.

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

- (a) no public funds were used to generate the information, and the information was provided by a person who has no such obligation according to the law, unless the person agreed with the provision of the information;
- (b) the information is published by the legally bound person under a separate act⁹⁾ in predefined regular intervals until the closest upcoming period;

- (c) providing the information would violate the protection of third-party rights to the subject of a copyright or rights related to copyright (hereinafter referred to as the “Copyright”^{2b)}, or
 - (d) the information concerns stability of the financial system¹⁸⁾.
- (3) Information that a legally bound person obtains from a third party while performing audit, supervision or inspection or similar activities under separate regulation¹¹⁾, stipulating the confidentiality obligation or another measure protecting such information against disclosure or misuse shall not be provided. The legally bound person shall only provide information generated through its work while performing these tasks.
- (4) Furthermore, legally bound persons shall not provide any information on
- (a) ongoing criminal proceedings, or information concerning criminal proceedings, if the information would pose a threat for or defeat the purpose of the criminal proceeding and would not ensure the right to a fair trial in particular;
 - (b) court decisions, with the exception of final judgments;
 - (c) tasks performed by intelligence services¹²⁾ or information on activities of intelligence services, if such information would pose a threat for the performance of their tasks or protection of classified information,
 - (d) the preparation and course of audits and discussion of the results by the Supreme Audit Office;
 - (e) activities of the Financial Analytical Office in accordance with the Anti-Money Laundering and Financing of Terrorism Act or in accordance with the Act on Implementation of International Sanctions;
 - (f) activities of the Czech National Bank in connection with maintaining a central account register.

Provisions of separate acts¹³⁾ on the provision of information in the aforementioned areas shall not be affected.

- (5) A legally bound person shall not provide information that is the subject to copyright protection^{2b)}, if it is held by:
- (a) radio and television broadcasters if their operation is based on separate legislation^{13a)},
 - (b) schools and school facilities that are part of the education system under the Education Act^{13b)} and in accordance with the Higher Education 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 the Support for Research and Development^{13d}, or
- (d) cultural institutions administering public funds, such as theatres, orchestras and other artistic companies, except for libraries providing public library and information services pursuant to the Library Act^{2a} and museums and galleries providing standardized public services¹⁹.

Provision of such information pursuant to separate legislation shall not be affected.

- (5) A legally bound person shall not provide information on activities of law-enforcement agencies or security forces concerning crime prevention, detection, uncovering or prosecution, or protection of safety of persons, property and public order, if providing such information would pose a threat for the rights of third parties or for the ability of the law-enforcement agencies to prevent, detect, uncover or prosecute crime or maintain public order and security of the Czech Republic.

Section 11a

- (1) The legally bound person may reject an application or part of an application within seven days of its receipt if it can be deduced that the applicant's aim is
 - (a) to cause coercion of the natural person to whom the information requested relates, unless it is information referred to in the section 8a, paragraph 2; or
 - (b) to impose a disproportionate burden on a legally bound person; the submission of requests for information to a number of legally bound persons without any apparent connection between the content of the information requested shall also be regarded as imposing a disproportionate burden,

normally in response to a previous action by the legally bound person towards the applicant or in relation to a natural person referred to in point (a).

- (2) The extent of the information requested, or the number of requests made shall not, without further explanation, constitute grounds for refusing a request under paragraph 1.

Section 11b

The legally bound person may refuse a request for information if it does not possess the information requested and if the legally bound person is not obliged to possess the information under law; this shall not apply if the legally bound person can obtain the information requested by simple means from other information which the legally bound person possesses or can

provide in accordance with the procedure referred to in the third sentence of section 4a, paragraph 1.

Section 12

Conditions Restricting Access to Information

A legally bound person shall comply with the conditions restricting access to information by providing the requested information and accompanying information only after excluding the information that has to be excluded according to the law. 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 Information

- (1) A request for information shall be submitted orally or in writing and can also be submitted over a network or by means of electronic communication.
- (2) Should an applicant not receive information following an oral request, and/or should an applicant not consider the information provided following an oral request sufficient, the request shall be made in writing.
- (3) Provisions of sections 14 to 16a and section 18 shall apply only to requests submitted in writing.

Section 14

Submitting and Dealing with Written Requests for Information

- (1) A request shall be submitted on the day when it shall be received by a legally bound person.
- (2) A request shall clearly identify the legally bound person it is addressed to, and that the applicant seeks information under this Act. In their request, a natural person shall state their first name, surname, date of birth, permanent address or, if they have no permanent residence, residential address, and an address for correspondence, should it differ from the permanent address or residence. A legal person shall state their name, identification number, address of their registered office and an address for correspondence, if it differs from the address of its registered office. An electronic address shall also be considered an address for correspondence.
- (3) Electronically made requests shall be submitted through a legally bound person's electronic address of their mail room, if established by the legally bound person. Should the electronic address of the mail room not be publicly known, the request shall be submitted to any electronic address of the legally bound person.

- (4) Should a request fail to provide the information specified in the first sentence of paragraph 2 and the address for correspondence, or should an electronic request not be made in accordance with paragraph 3, the request shall not be considered a request under this Act.
- (5) A legally bound person shall assess a request and:
- (a) should the missing applicant's information as per paragraph 2 make it impossible to deal with the request for information under this Act, in particular under Sections 14b or 15, a legally bound person shall invite the applicant within seven days of the submission of the request to complete the request; should the applicant fail to accommodate the invitation within thirty days of receiving it, the request shall be discontinued,
 - (b) should the request be incomprehensible lacking a clear specification of what information is requested or should the request be too broad, a legally bound person shall invite the applicant within seven days of the submission of the request to complete the request; should the applicant fail to accommodate the invitation within thirty days of receiving it, the request shall be rejected,
 - (c) should the requested information not fall within the area of responsibility of the legally bound person, the request shall be discontinued, and the legally bound person shall notify the applicant accordingly within seven days after the request is received by the applicant, or
 - (d) unless the legally bound person decides otherwise pursuant to Section 15, the information in response to the request shall be provided no later than 15 days after the day the request was received or after the day the information missing in the request was completed; if a license is necessary pursuant to Section 14b, a final license bid shall be submitted to the applicant within this period.
- (6) A legally bound person may extend the deadline for providing information pursuant to paragraph 5(d) for serious reasons, but by no more than ten days. The following shall be 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 units of the legally bound person that have a serious interest in the subject of the request.
 - (d) the need to enable the exercise of the rights of persons likely to be substantially affected by the provision of the information requested; this shall not apply where:

1. the request for comments could have been delivered to the person concerned in person or by electronic means no later than the fifth day after receipt of the request, or
2. the request to the person concerned included a request for acknowledgement of receipt, and
3. no later than on the third day after dispatch, proof of service of the request on the person concerned has been provided, in particular by means of acknowledgement of receipt of the request as specified in the request for information.

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

Section 14a **Exclusive Agreements**

- (1) The legally bound person may conclude an exclusive agreement on the provision of information with the applicant (hereinafter referred to as the "exclusive agreement") in the form of a public law contract if this is necessary in the public interest for the digitisation of cultural heritage not protected by copyright or other intellectual property rights. During the term of the exclusive agreement, the legally bound person shall not disclose to third parties the information provided under the exclusive agreement for the same purpose as that for which the exclusive agreement was concluded, nor shall it make available any digital reproduction created under the exclusive agreement.
- (2) The exclusive agreement may be concluded for a maximum period of 8 years. The term of the exclusive agreement may be extended once for a maximum period of 5 years, provided that the reasons for the conclusion of the exclusive agreement still exist.
- (3) The other party to the exclusive agreement shall provide the legally bound person, free of charge, with a copy of the digital reproduction of the cultural heritage, which may be made available under this Act, no later than at the end of the term of the exclusive agreement.
- (4) The terms and conditions of the provision of information under the exclusive agreement shall allow for the continued use of the information by the applicant in accordance with the request, unless otherwise provided by this Act.
- (5) The legally bound person shall publish the exclusive agreement and the agreement on the extension of its duration, together with the reasons for their conclusion, in a manner allowing remote access at least two months before their entry into force.
- (6) The provisions of exclusive agreements shall not be subject to the protection of a trade secret.

Section 14b
Certain Provisions on Licensing Contracts Relating to Provision of Information

- (1) If information that is subject to the copyright protection is to be provided under a licensing contract, and a legally bound person that is not exempt from the obligation to provide information under section 11, paragraph 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 the authorisation to use the information shall not exceed the fee under section 17, unless otherwise provided by the Copyright Act 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) Terms and conditions governing the provision of information in a licensing contract shall enable further use of the information by the applicant in accordance with their request, unless provided otherwise under this Act. A license shall be provided as nonexclusive, with the exception of cases pursuant to paragraph 4.
- (4) A legally bound person may provide an exclusive license only if it is necessary for further dissemination of the information provided, and if it is in the public interest. An exclusive license may be granted for a period of not more than 3 years; it may be renewed repeatedly for a maximum period of 3 years each time if the reasons referred to in the first sentence continue. An exclusive license to digitize a cultural heritage may be granted for a maximum period of 8 years; its duration may be renewed once for a maximum period of 5 years if the reasons referred to in the first sentence continue. Where an exclusive license to digitize a cultural heritage is granted, the other party shall provide the legally bound person with a copy of the digital reproduction of the cultural heritage free of charge, which may be made available under this Act after the expiry of the exclusive license. The legally bound person shall publish, in a manner allowing remote access, the exclusive license granted and the agreement on the extension of its duration together with the reasons for their granting or conclusion at least 2 months before they take effect.
- (5) A legally bound person shall, in a manner enabling remote access, publish a sample licensing contract that an applicant may adapt for their 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 entered into under this Act.

Section 14c

Special Right of the Database Acquirer

If information is to be provided which is the subject of a special right of the database provider under the Copyright Act^{2b)} and the property rights to this right are exercised by the legally bound person referred to in section 2, paragraph 1 or section 2a, this legally bound person shall waive these rights, or shall provide information on the basis of the license enabling the extraction and exploitation of the information provided to third parties without restricting the manner and purpose of subsequent use of the information.

Section 15

Decision to Reject a Request

- (1) Should a legally bound person not accommodate a request or part thereof, it shall issue a decision denying the request or part thereof (hereinafter a “decision denying request”) by the deadline for dealing with the request, with the exception of cases where a request shall be postponed.
- (2) Should a request not be accommodated in order to protect a trade secret pursuant to section 9, or third party rights to the subject matter of a copyright pursuant to section 11, paragraph 2c), the explanation of the decision shall specify who exercises the right to the trade secret or who exercises the property rights to the subject matter of the copyright protection, provided that the information is known to the legally bound person. The first sentence shall not apply to libraries providing public library and information services pursuant to the Library Act^{2a)} and museums and galleries providing standardized public services¹⁹⁾.
- (3) Should a legally bound person provide the information in the form of a copy of a document from which only personal data or information representing banking or trade secret or information obtained in the course of procedures under the administrative, tax or control regulations has been excluded, there shall be no need to issue a decision rejecting the request. Should the applicant inform the legally bound person in the submitted request, or within 15 days from the date of receipt of the requested information, in the manner provided for by this Act for the submission of a written request for information that they insist on the issuance of a decision on the refusal of the request within the scope of the personal data or banking or trade secrets defined, the legally bound entity shall issue the rejection within the time limit for processing of the request or within 15 days from the date of receipt of the applicant’s communication.

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 forward the appeal together with a related document file to their superior authority within fifteen days of the receipt of the appeal.
- (3) The superior authority shall decide on the appeal within 15 days of the day the appeal was submitted by the legally bound person. The period to decide on a remonstrance is fifteen days from the day of delivery of the remonstrance to the legally bound person. The deadline cannot be extended.
- (4) Should it not be clear from the decision, from the document file or from the superior authority's own action whether there are grounds for refusal of the application, the superior authority shall invite the legally bound person to supplement the file within a specified time limit, which may not exceed 10 days, with the information necessary to proceed in accordance with paragraph 5, in particular to state all the grounds for refusal of the application, including the reasons for them. The superior authority shall inform the applicant of the addition, the applicant shall have an opportunity to comment on the addition within 15 days of the date of receipt of the notification. The period for deciding on the appeal shall run from the date on which the applicant's observations on the notification were received by the superior authority and if the applicant has not made any observations within the period specified in the second sentence, from the date on which the period expired.
- (5) Should a superior authority not find any reasons to deny the request, it shall cancel the decision of the legally bound person denying the request for information, or part thereof, and shall suspend the proceedings accordingly. Simultaneously, it shall order the legally bound person to provide the requested information to the applicant within 15 days of the date when the legally bound person is notified about the decision on the appeal. There shall be no appeal against the decision of the superior authority as per the second sentence, unless it is a procedure under section 16b, paragraph 2. Provision of the information by the legally bound person can be forced.
- (6) During a judicial review of a decision on an appeal based on an action under separate legislation, a court shall review whether there are reasons for denying a request. 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 denying the request and shall order the legally bound person to provide the information requested within no more than 15 days from the date the judgment is delivered to the legally bound person.

Section 16a

Complaint Challenging Processing of a Request for Information

- (1) A complaint challenging processing of a request for information (hereinafter "complaint") may be submitted by an applicant who:
 - (a) does not agree with the request being handled in a manner specified in section 6;

- (b) has not been provided with information or presented with a final license bid, and a decision denying the request has not been issued, although the deadline under section 14, paragraph 5d), section 14, paragraph 6 or section 15, paragraph 3 or the deadline for dealing with a request for information set out in the decision referred to in paragraph 6d) has expired;
 - (c) has been provided only with partial information, and no decision denying the rest of the request has been issued; or
 - (d) does not agree with the fee communicated pursuant to section 17, paragraph 3 or with remuneration under section 14b, paragraph 2 required in connection with the provision of information.
- (2) A complaint can be submitted in writing or orally; should a complaint be submitted orally and not 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 receipt of the notification under section 6, section 14, paragraph 5c) or section 17, paragraph 3; or
 - (b) the expiry of the deadline for the provision of information under section 14, paragraph 5d) or section 14, paragraph 6.
 - (c) the expiry of the deadline for issuing the decision under section 15, paragraph 3 or for dealing with a request for information set out in the decision referred to in paragraph 6b).
- (4) A superior authority shall decide on a complaint.
- (5) A legally bound person shall forward the complaint together with a related documents file to their superior authority within 7 days of the day of its receipt, unless the legally bound person accommodates the complaint by providing the requested information or a final license bid, reducing the fee or issuing a decision denying the request.
- (6) When deciding on a complaint under paragraph 1a), b) or c) the superior authority shall examine the procedure of the legally bound person and shall decide in the following manner:
 - (a) the superior authority shall confirm procedure of the legally bound person;
 - (b) the legally bound person shall be ordered to process the request, or submit a final license bid to the applicant within a set period of time that must not exceed 15 days from the receipt of the decision from the superior authority; should the superior authority not find any reason for the request to be denied, provided that the available

information concerning legal and factual situation do not raise any well-founded doubts, they shall proceed similarly pursuant to section 16, paragraph 5, or

- (c) the superior authority shall take over the matter and provide the information or issue a decision denying the request; however, this procedure cannot be used in case of authorities of territorial self-governing units exercising their independent powers, or
 - (d) the superior authority shall reject the complaint if it is lodged late, prematurely or by an unauthorized person.
- (7) When deciding on a complaint under paragraph 1d), the superior authority shall examine the procedure of the legally bound person and shall decide in the following manner:
- (a) the superior authority shall confirm the fee or remuneration;
 - (b) the fee or remuneration shall be reduced; provided that the available information concerning legal and factual situation do not raise any well-founded doubts, the superior authority shall proceed similarly pursuant to section 16, paragraph 5, second sentence and shall order the legally bound person to provide the requested information within 15 days of the payment of the fee or remuneration at the latest, or
 - (c) the superior authority shall reject the complaint if it is lodged late, prematurely or by an unauthorized person.
- (8) A superior body shall decide on a complaint within fifteen days of the day the complaint was submitted to it.
- (9) The applicant and the legally bound person shall be informed about the decisions pursuant to paragraphs 6 and 7. There shall be no appeal against the decisions issued under paragraphs 6 and 7. However, for the decisions made pursuant to paragraph 6c), there shall be no appeal only if the decision was made by the minister or head of another central administrative authority or the Personal Data Protection Office.
- (10) If information is provided under paragraph 6c), the applicant may proceed in a similar manner pursuant to paragraph 1a) or c).

Section 16b

Review Procedure and Protection Against Failure to Act

- (1) Decision of a superior authority may be reviewed in a review procedure that shall be held by the Office for Personal Data Protection pursuant to separate legislation.

- (2) Should the administrative authority conclude that the information was denied in violation of the law, and the available information concerning legal and factual situation do not raise any well-founded doubts, they shall proceed similarly pursuant to section 16, paragraph 5.
- (3) The Office for Personal Data Protection shall be authorised to impose measures on the superior authority to prevent failure to act.

Section 17

Reimbursement of Costs

- (1) Legally bound persons may charge a fee for the provision of information in an amount which must not exceed the costs relating to making copies, obtaining of data media and sending the information to the applicant. Legally bound persons may also request a fee for a labour intense search for information.
- (2) Should the remuneration be agreed upon in a licensing contract, no reimbursement of costs may be requested.
- (3) Should a legally bound person request a fee for the provision of information, it shall notify the applicant thereof and specify the fee before providing the information. The notification shall clearly state based on what and how the legally bound person calculated the amount of the fee. The notification shall include information on the possibility to file a complaint against the request for the reimbursement of the costs for providing the information pursuant to section 16a, paragraph 1d), it shall clearly state the deadline for filing such a complaint, the date when such deadline commences, the superior authority that shall decide on the complaint and to which legally bound person the complaint is to be filed.
- (4) Should the legally bound person fail to comply with the notification obligation in respect to the applicant in accordance with paragraph 3, it shall lose its entitlement to the reimbursement for costs.
- (5) The information under paragraph 3 shall only be provided after the requested fee is paid. Should an applicant fail to pay the fee within sixty days of the day of notification of the amount of the requested fee, the legally bound person shall suspend the request. The period stated in the second sentence shall not run, while a complaint against the amount of a requested fee is in process.
- (6) The fee shall be an income for the legally bound person.

Section 18

Annual Report

- (1) Each legally bound person shall be obliged to publish their Annual Report for the previous calendar year outlining their activities associated with the provision of information under this Act by 1st March, the report shall contain:
- (a) the number of received requests for information, and the number of decisions to deny a request;
 - (b) the number of appeals against decisions;
 - (c) a copy of the substantial parts of every court judgment on a review of the legitimacy of a decision made 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 concerning the rights and obligations under this Act, including the costs of its own employees and the costs of legal representation;
 - (d) a list of provided exclusive licenses, including an explanation why it was necessary to grant an exclusive license;
 - (e) the number of complaints filed under section 16a, the reasons for their submission and a brief description how they were handled;
 - (f) other information related to the application of this Act.
- (2) The obligation to publish the annual report may be fulfilled by publishing the information referred to in paragraph 1 within the time limit referred to in paragraph 1 through the Central Register.
- (3) Should a legally bound person be obliged to present a public Annual Report containing information about its activities under separate legislation and not under paragraph 2 above, the information stated under paragraph 1 shall be included as a separate chapter in the Annual Report, the title of the chapter shall be “Provision of Information under Act 106/1999, Coll., on Free Access to Information”.

Section 18a

Central Register

- (1) The Central Register is established as a public administration information system for the publication of annual reports pursuant to section 18. The Ministry of the Interior shall be the administrator of the Central Register.

- (2) The Central Register shall be publicly accessible free of charge and without restriction in a manner allowing remote access.
- (3) The administrator of the Central Register shall not be responsible for the accuracy of the data entered in the Central Register.

Section 19

Enabling access to information or providing information under the terms and in the way determined in this Act shall not be a violation of the confidentiality obligation imposed by other acts.^{[15\)](#)}

PART TWO

TRANSITORY AND CONCLUDING PROVISIONS

Section 20

- (1) The obligation specified in section 5, paragraph 2 shall come into effect on January 1, 2001. For municipalities that are not towns^{[16\)](#)} the obligation in accordance with section 5, paragraph 2 shall come into effect on January 1, 2002.
- (2) The obligation specified in section 5, paragraph 3 shall come into effect on January 1, 2002.
- (3) The deadline for providing information [section 14, paragraph 3c)] and the extension of the deadline (section 14, paragraph 5) shall be double the time in the first 12 months after the Act comes to effect, and for another 12-month period it shall be extended by half the time.
- (4) Unless provided otherwise in this Act, the provisions of the Code of Administrative Procedure^{[17\)](#)}; shall apply to the following procedures pursuant to this Act:
 - (a) decisions denying a request;
 - (b) appeals against proceedings;
 - (c) provision of information to ensure enforceability of an order,
 - (d) proceedings on complaints for counting deadlines, delivery and costs of proceedings;

furthermore, the provisions of the Code of Administrative Procedure concerning the basic principles of functioning of administrative authorities, provisions determining deadlines, provisions stipulating protection against failure to act as per section 16b herein, provisions on review proceedings and provisions of section 178 of the Code of Administrative Procedure shall also apply; other provisions of the Code of Administrative Procedure shall not apply.

- (5) Should it be impossible to determine a superior authority pursuant to section 178 of the Code of Administrative Procedure, the Office for Personal Data Protection shall decide on appeal procedure and complaints.
- (6) Information concerning delegated powers of a territorial self-governing unit shall be provided by authorities of the relevant territorial self-governing unit exercising delegated powers.
- (7) Parts of the file containing information the provision of which is the subject of the request, and which has not yet been provided pursuant to the request, documents and larger bodies of information from which the requested information cannot be easily extracted, and personal data of a person who could be directly affected by the provision of the requested information are excluded from inspection of the file, except for personal data known to the person making the request.

Section 21

- (1) The government shall issue an order regulating the co-operation between state administrative authorities and municipalities in carrying out the duties of municipalities in accordance with section 5 of this Act.
- (2) The government shall issue an order stipulating the principles for determining payments and licensing fees for the provision of information.
- (3) The Ministry of the Interior shall issue a decree to determine the structure of information to be published about legally bound persons pursuant to section 5, paragraphs 1 and 2 in a manner enabling remote access;

Section 22

Effect

This act shall come into effect on January 1, 2000.

Transitory Provisions Implemented by Article II of Act No. 61/2006, Coll.

- 1. Existing legal regulations shall be used to process the requests received by legally bound persons before this Act comes into effect.

2. Licensing or sublicensing contracts that had been concluded before the effective date of this Act, under which exclusive licenses to provide information were granted under Act No. 106/1999, Coll., as amended and effective until this Act comes into effect, and that had been concluded before this Act came into effect, shall expire upon the expiration of the agreed period, but no later than December 31, 2008.

Transitory Provisions Implemented by Article II of Act No. 222/2015, Coll.

1. Requests for information filed prior to the effective date of this Act shall be processed in accordance with Act No. 106/1999, Coll., as amended before this Act comes into effect.

2. The obligation to publish information in accordance with Act No. 106/1999, Coll., as amended, from the effective date of this Act shall not apply to information published before the effective date of this Act.

3. Licensing or sublicensing contracts under which exclusive licenses were granted to provide information under Act No. 106/1999, Coll., as amended, before the effective date of this Act, that were valid on July 17, 2013, shall 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 heritage.

Transitory Provisions Implemented by Article XIX of Act No. 298/2016, Coll.

Following the effective date of this Act, legally bound persons shall publish information under section 4b, paragraph 2 of Act No. 106/1999, Coll., as amended, as open data and shall enter the information in the National Open Data Catalogue within 12 months following the effective date of this Act.

Transitory Provisions Implemented by Article XVI of Act No. 111/2019, Coll.

Until 1st January 2020, sections 16, 16a, 16b and section 20 of this Act, as amended, shall apply.

Transitory Provisions Implemented by Article LI of Act no. 261/2021 Coll.

The obliged entities shall publish the registers, records, lists or registers containing information that are required by the law to be accessible to everyone, as open data pursuant to section 5a, paragraph 2 of Act no. 106/1999 Coll., as amended effective from the fifteenth day from the date of promulgation of this Act, until December 31, 2023.

Transitory Provisions Implemented by Article II of Act no. 241/2022 Coll.

1. A request for information submitted before the date of entry into force of this Act shall be processed in accordance with Act 106/1999 Coll., as amended before the date of entry into force of this Act.

2. Information disclosed pursuant to section 5, paragraph 3 of Act 106/1999 Coll., as amended before the date of entry into force of this Act, shall remain disclosed for at least 6 years from the date of entry into force of this Act.

Klaus

Havel

Zeman

Footnotes:

1) Directive (EU) 2019/1024 of the European Parliament and of the Council on open data and the re-use of public sector information.

1^a) 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, 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.

1^b) 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).

2^a) 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.

2^b) 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.

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

4^a) 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.

4^b) Section 5, paragraph 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 statistical 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 protection, 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 higher education institutions and on amendment to other acts (the Higher Education Act), as amended.

13d) Section 2, paragraph 2(b) and (c) of Act No. 130/2002, Coll., on the support of 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 museum-like collections and on amendments to certain other acts, as amended.

20) Act no. 150/2017, Coll., on service in foreign countries.

21) Section 153 and 154 of Act no. 134/2016, Coll., on public procurement as amended.

22) Section 2 of Act no. 240/2000, Coll., on crisis management and on amendments to certain acts (Crisis Act) as amended.