

# **LAW OF MONGOLIA ON FREEDOM OF INFORMATION**

## **CHAPTER ONE**

### **GENERAL PROVISIONS**

#### **Article 1. Purpose of the law**

1.1 The purpose of this law is to define the legal grounds of securing the citizen's right to get information and to regulate the relations on making of request for receiving information, reviewing of and responding to request and the penalties for violating the citizen's right to get information.

#### **Article 2. Legislation on freedom of information**

2.1 The legislation on freedom of information is comprised of the Constitution of Mongolia<sup>1</sup>, the current law and all other relevant legislative acts.

2.2 If an international treaty to which Mongolia is a party provides otherwise, the provisions of the international treaty shall prevail.

#### **Article 3. Scope of the law**

3.1 This law shall not apply to the information which was classified as secrets of state, organization and individual /herein after referred to as "secret"/ in accordance with the laws of Mongolia.

3.2 This law shall not apply to receiving and reviewing of application, suggestion, statement and complaint as specified in Article 4, Law on resolving application and request submitted by citizens to government organizations and officials<sup>2</sup>.

3.3 This law shall apply to foreign citizens and stateless persons on similar bases.

#### **Article 4. Definitions of the law**

4.1. Terms used in this Law shall have the following meanings:

4.1.1. "Government organization" shall mean State Great Khural, organizations those report to it, Constitutional court, courts and prosecution offices of all instance, Government, Ministries, Government agencies, Local self governing and Administrative organizations, and other organizations those implement activities and services which are within the frame of government responsibility, on the bases of contract, in accordance with law, by state or local budget;

---

<sup>1</sup> "State Information" compilation 1992 №1

<sup>2</sup> "State information" compilation 1995 №25

4.1.2. "Private legal entity that performs public service" shall mean a privately owned legal entity performing specific services to public in the branches of education, culture, science and health including the sectors of infrastructure such as transportation, energy and telecommunication in accordance with the regulations set by legislations; object

4.1.3."Information" shall mean a information, physical item and document containing information about people, physical item, event and phenomenon.

#### **Article 5. Freedom of information**

5.1. A Mongolian legal entity, a foreign and international organization, a Mongolian citizen, a foreign citizen and a stateless person /herein after referred to as "citizen"/ shall exercise the right to get information from government organization and private legal entity that performs public service by themselves or in cooperation with others.

5.2. Citizen enjoys the right to disseminate /utilize/ information, through publishing or reporting others, in his possession or received from others according to the procedures as mentioned in the present law.

#### **Article 6. Principles of freedom of information**

6.1. Following principles shall apply in securing the freedom of information:

6.1.1. Information should be open except those classified as secret in accordance with law;

6.1.2. Information should be true;

6.1.3. Information should protect the rights and legal interests of the third party.

### **CHAPTER TWO**

#### **REGULATION ON RECEIVING INFORMATION**

#### **Article 7. The forms of obtaining information**

7.1. A citizen shall have the right to obtain information in following forms:

7.1.1. getting introduced with the documents and physical items relating to the information;

7.1.2. obtaining a copy of the document;

7.1.3. making an inquiry on the issues about the information;

7.1.4. getting oral explanation on the contents of the information;

7.1.5. getting informed about the official source of the information;

7.1.6. other forms not prohibited by law.

#### **Article 8. Citizen's rights and responsibilities to obtain information**

8.1. A citizen shall have the following rights in obtaining information:

8.1.1. to be equal;

8.1.2. to choose freely the form of receiving information;

8.1.3. not to explain the need and ground to obtain information;

8.1.4. to make complaint to authoritative organization and official if deems the right to obtain information is violated.

8.2. A citizen shall have following responsibilities in obtaining information:

8.2.1. to comply with the conditions and regulations on obtaining information mentioned in the present law;

8.2.2. not to infringe the Constitution, other laws, and other's rights and legitimate interests when exercising the right to obtain information.

**Article 9. Responsibilities of the government organization and private legal entity that performs public service on providing with information**

9.1. The government organization and the private legal entity that performs public service shall have the following responsibilities:

9.1.1. To ensure the condition of exercising the right to obtain information for citizens;

9.1.2. To receive the request by its jurisdiction on the compulsory bases;

9.1.3. To provide true and correct information in forms requested;

9.1.4. To respond to the citizens' requests within the period mentioned in the present law;

9.1.5. other responsibilities provided for by law.

9.2. The government organization and the private legal entity that performs public service shall be prohibited to intentionally destroy the available information in the organization or to prevent the citizens from exercising their right to obtain information.

9.3. The government organization and the private legal entity that performs public service should not transfer the requests in their own jurisdiction to other organization or official without any ground.

9.4. The government organization and the private legal entity that performs public service should approve their list of secret information in accordance with the grounds mentioned in provision 2, article 3, Law on Organization's secret and inform public.

**Article 10. Making of request to get information**

10.1. Request seeking information /herein further referred to as "request"/ is to be addressed in the name of government organization or private legal entity that performs public service that have a responsibility to respond on the matter.

10.2. The request shall be made either orally or in written form in Mongolian.

10.3. Citizen who does not have command of Mongolian language, may make a request in his/her own mother language and shall have the request translated and officially certified.

10.4. In a written request, a citizen shall include his/her full name, postal or residential address and telephone number and sign.

10.5. The officer who received the request made orally in person shall make the note of it and have the person who made the request, signed after introducing the note.

10.6. If a person making a request is not able to communicate due to reasons of blindness, muteness and deafness, the request shall be made through an interpreter and a relevant officer shall make the note of the request and the copy of the request shall be provided to the person who made the request.

10.7. If a request is made in written form in cooperation by citizens, it should be signed by all those made request or their representative may sign and attach a document certifying his/her right to represent.

10.8. Relevant officer of government organization or private legal entity that performs public service, who is receiving the request, is prohibited to demand anything more except those mentioned in the present law.

### **Article 11. Receipt and Registration of a request**

11.1. The government organization or the private legal entity that performs public service must receive citizen's request and shall resolve in accordance with the regulations set by the present law upon reviewing the request.

11.2. The government organization or the private legal entity that performs public service shall establish a meeting room to receive citizen and a timetable for the receipt of request and shall notify public about it.

11.3. An officer who is responsible for the receipt of request shall make the note of the request made orally in person in meeting room and register it in special registration.

11.4. A request made in written form shall be received by an officer who is responsible for the chancellery matter of the organization and registered in accordance with appropriate procedures.

11.5. The request registered in accordance with the provision 11.4 of the present law should be transferred to the official who has an authority to resolve it.

### **Article 12. Reviewing of a request**

12.1. An official who received the request shall take the any one of the following measures:

12.1.1. to provide with information;

12.1.2. to transfer the request to organization with relevant jurisdiction within 3 days, if the request does not fall under the authority of that organization and to notify the person who made the request.

12.1.3. to object to provide with information this belongs to secret.

12.2 A clarification may be made if the request of the person who made the request is not clear.

### **Article 13. Returning of a request**

13.1. If the request does not have a specific name and address, it should be returned without review.

13.2. If the request does not meet the requirements specified in the present law, a response with ground about this should be provided to the citizen who made the request.

#### **Article 14. Period and form of responding to a request**

14.1. If it is possible to provide with immediate response to the request, it should be done so.

14.2. If it is impossible to provide with immediate response to the request, a response should be made within 14 days upon the receipt of the request.

14.3. If there is a ground to protect human life, health, and legitimate rights and interests of a person, response should be provided within 48 days.

14.4. In necessary case, this time limit may be extended up to 10 days by the head official of the organization.

14.5. A citizen who made the request shall be notified about the extension.

14.6. A response to the request shall be made either in written or orally in person.

14.7. A response to the request may be given through telephone or other communication means and this should be made note of in the registration and kept.

### **CHAPTER THREE**

#### **SPECIAL RESPONSIBILITIES OF GOVERNMENT ORGANIZATION TO SECURE THE CITIZEN'S RIGHT TO OBTAIN INFORMATION**

#### **Article 15. Providing with information from Government organization**

15.1. Every government organization shall have an officer who is responsible for providing citizens with information.

15.2. An officer who is responsible for information matter shall carry out the mission of creating condition to provide citizens with true and correct information about the organization.

15.3. A government organization may specifically establish an information base for the purpose of providing citizens with information urgently.

15.4. A list of information which can be obtained from the organization shall be notified publicly.

15.5. Activities of government organization except those specifically mentioned in the law shall be open to public.

15.6. The government organization shall notify public about its decisions except those of confidential in accordance with law.

15.7. The government organization shall include in its annual report about the information provided to citizens.

## **Article 16. Government organization's responsibility to publish**

16.1. The government organization has a responsibility to publish following decision and information:

16.1.1. Laws, other decisions of State Great Khural;

16.1.2. Draft of laws submitted to State Great Khural and the decisions of State Great Khural;

16.1.3. Decisions of Government, state central administrative or local administrative organization and Government agency for public compliance;

16.1.4. The working procedures of State Great Khural and Government sessions, and working regulations of Government, its cabinet members, Committee and council of the Governor;

16.1.5. Procedure for utilizing minutes of State Great Khural and Government sessions,

16.1.6. Regulations, structure, budget, staff, salary fund and report of government organization;

16.1.7. Procedures of government organization to receive and resolve the application and complaint by citizens.

16.2. Decisions and information mentioned in the provision 16.1 of the present law may be disseminated publicly through publishing in official press or use of means of telecommunication such as publicly accessible web page.

## **CHAPTER FOUR**

### **OTHER**

## **Article 17. Supervision on the activities of securing freedom of information**

17.1. Whether the activities of the government organization or the private legal entity that performs public service to receive and resolve the request made comply with the legislation is supervised by the head of the organization.

## **Article 18. Making of complaint**

18.1. A citizen may make a complaint to a higher level of organization or official of that organization or official if considers that the government organization or the private legal entity that performs public service violated his/her right to obtain information.

18.2. An organization and an official mentioned in provision 18.1 of the present law shall review and resolve the citizen's complaint in accordance with the "law on resolving the Application or Complaint made by citizens to government organization or official" and will provide with response.

18.3. A citizen retains the right to launch an complaint to the court if he/she did not receive response within the time limit provided for by provision 18.1 of the present law or does not agree with the decisions of higher level of organization or official.

18.4. A citizen retains the right to make complaint to National Commission for Human Right if the government organization or the private legal entity that performs public service objects to provide with information.

**Article 19. Service fee**

19.1. A citizen who received information from government organization or private legal entity that performs public service shall pay the service fee.

19.2. Amount of service fee mentioned in provision 19.1 of the present law should not exceed the direct cost relating to the providing of information.

**Article 20. Liability imposed on the violation of legislation on freedom of information**

20.1. Any person who is guilty of violating the provision 8.2.2 of the present law shall be imposed the fine of 5000-10000 togrogs by judge.

20.2. For violation of provisions 9.1, 9.2, 9.3, 9.4, and 11, 2, fine of 200 000-250 000 for organization, 15 000-30 000 for officer shall be imposed by judge.

**Article 21. Entering into force**

21.1 This law shall become effective from the day .... of ..... in 200....

**SIGNATURE**