Programul de Educație Media
Media întoarsă pe toate părțile.

The Access to Information

efficient and effective



CENTRUL PENTRU
JURNALISM
INDEPENDENT

Freedom of speech

- **The freedom of speech is a fundamental human right**.
- Any person, at any age, should enjoy the freedom of speech.
- It covers all forms of expression (thoughts and opinions, conscience, religion, appearance, creation etc.)

The freedom of speech covers two aspects:

- **the access to information**
- **the freedom to express opinions**

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The access to information is guaranteed by:

The Universal Declaration of Human Rights:

Every person has a right to express their opinions freely; this right includes the freedom of having opinions without any external interference, as well as **the freedom to search for, to receive and spread information and ideas through any means and without considering state's borders.**

The Romanian Constitution (ART. 31):

(1) A person's **right of access to any information of public interest** shall not be restricted.

(2) The public authorities, according to their competence, shall be bound to **provide correct information to the citizens in public affairs and matters of personal interest.**

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The public interest

DEFINITION!

The public interest: the concept describes the general wellbeing or the benefit of the entire public, as opposed to private interests – individual or of a group.

An issue/a situation that concerns all of us (e.g.: the protection measures adopted by the Romanian Government)

Where do we get information of public interest from?



Directly – from the authorities and public institutions

Indirectly - through mass-media, social media, friends





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How is this right being respected?

People's access to the information held by the public institutions and authorities in Romania is regulated by the **Law 544/2001 concerning the free access to information of public interest.**

Access to information (Law 544/2001)

UNIVERSAL ACCESS *

Art. 1 – The person's free and unconstrained access to any kind of public interest information is one of the fundamental principles of the relations between the citizens and the public authorities, in conformity to the Romanian Constitution and the international documents ratified by the Romanian Parliament.

GENERAL ACCESS **

Art. 2b) – It is understood, by public interest information, any kind of information which concerns the activities or results from the activities of a public authority or public institution regardless of the support, the shape or the means of expression of that given piece of information.

* The right belongs to the person. One does not have to be of age or have a specific citizenship or address.

** There is information which is exempt from the citizen's free access .

The citizen requests, the state answers



1

Any person has the right to request and obtain public interest information from the public authorities and institutions.

2

The public authorities and institutions must provide public interest information to the people, at their own request, which can be made both written and orally.

3

The written request of public interest information should contain the following data:



- **The authority whom we address**
- **The requested piece of information**
- **Contact details**

The citizen requests, the state answers



Art. 7(1)

The public authorities and institutions have the obligation to provide a written answer to the request of public interest information within 10 days or, if the case, within a period not longer than 30 days from the moment the request was registered.

Art. 7(2)

The denial to communicate the requested information must be motivated and communicated within 5 days from the moment the request was presented.

How much is it?

- The information is provided for free. Only the cost due to the multiplication of documents can be charged.
- The information in itself is free of charge. It is made by the public authorities who function due to the taxes paid by the citizens.
- The cost of multiplication must not be higher than the market price.



Access restriction

Art. 12(1) The following information is exempt from the citizens' free access:

- Information concerning the defense, safety and public order, if the respective information is classified
- Information concerning commercial and financial activities, if by making it public, the principle of fair competition is being affected
- Information concerning personal data
- Information concerning the procedure enforced during a penal or disciplinary investigation, **if the process of the investigation is being affected**
- Information that once made public might affect the youth's safety measures



Access restriction

Art. 12(2) The responsibility for applying the safety measures correspondent to the categories of information listed in paragraph (1) belongs to the people and the public authorities who have such information, as well as to the public institutions which are legally competent to ensure the security of information.

Note: Those who are paid and are professionally trained to keep the secret are responsible.



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