



## **Law of the Republic of Azerbaijan On freedom of information**

### **Article 1. Freedom of information**

In accordance with article 50 of the Constitution of the Republic of Azerbaijan everyone is entitled to look for, obtain, transmit, develop and distribute any information by legal way.

According to the tenor of this Law, the information means news about events, processes, facts and persons appearing in the nature, society and state regardless of the presentation form.

### **Article 2. Guaranty of freedom of information**

Everyone is entitled to apply for obtaining of information.

Execution of freedom of information shall not cause violation of rights and interests of the physical and legal persons.

Restriction of freedom of information is allowed only in cases provided for in the Constitution of the Republic of Azerbaijan. Rule of using freedom of information is set forth by the Constitution of the Republic of Azerbaijan and laws of the Republic of Azerbaijan.

### **Article 3. Purpose of Law**

This Law regulates relations arisen in relation with execution of freedom of information.

### **Article 4. Subjects of information relations**

Subjects of information relations are physical and legal persons.

### **Article 5. Main principles of execution of freedom of information**

Main principles of the execution of freedom of information are the following:

- Guaranty of freedom of information;
- Openness of information and freedom of its exchange;
- Fairness, completeness and authenticity of information;
- Legality of search, obtaining, use, distribution and protection of information;
- Protection of personal and family secret of everyone;
- Protection of security of a person, society and state.

## **Article 6. Guaranties for information acquisition**

Information acquisition is provided for as follows:

- Through delivery of information by state power bodies and municipalities about their performance and made decisions;
- Through establishment of the information services to obtain information in state power bodies;
- Through free use of statistics, funds of libraries, archives and museums, as well as information systems;
- Through immediate warning of the population about emergency cases, natural disasters and accidents causing danger to citizen life and health;
- Through immediate warning of the population about emergency cases causing danger to state security;
- Through non-admission of the state censorship in mass media and press;
- Through notification of the population about standard legal acts under the legislation.

## **Article 7. Information sources**

Documents and other data carriers covering information in order provided for in the legislation, information of mass media, information sources of open speeches shall be considered as information sources.

## **Article 8. Information acquisition**

Information acquisition shall be carried out in order and methods set forth in the legislation.

Information shall be divided into public information and limited source information for the acquisition order.

## **Article 9. Public data acquisition**

Public data acquisition is provided for by the following:

- internet information sources
- official publications;
- distribution of mass media;
- creation of conditions for acquisition with the documents in libraries, public information centers, other places of mass use;
- submission to the legal and physical persons.

Order and rules of the public information acquisition are defined by this Law, Law of the Republic of Azerbaijan "On information access", other legislative acts or contract (if submission of information is realized upon contract). Contract on submission of information is signed upon civil legislation. State power bodies and municipalities shall not deny providing with the information because of absence of contract.

## **Article 10. Information with limited access**

Information with limited access includes state, professional (lawyer, notary, and doctor), service, bank, commercial, investigation and court secrets, information on personal and family life of persons and terrorist acts. Information with limited access includes information on environment in cases determined with the relevant legislation.

Relations arisen concerning state, professional (lawyer, notary, doctor), service, bank, commercial, investigation and court secrets, information on personal and family life of persons, terrorist acts are regulated by the relevant legislation.

### **Article 11. Appeal on information acquisition**

Submitting of survey for information acquisition and reviewing of survey information acquisition is regulated by the Law of the Republic of Azerbaijan "On information acquisition".

### **Article 12. Right to complain on information acquisition**

Complaint for not presentation of information may be lodged the superior body of the information owner and an attorney on Information Issues as well as to the court.

Proving for the legality of not presentation of information shall be laid on a defendant.

### **Article 13. Information about a person**

Documentary or open news about a person is considered as information about a person. Source of documentary information about a person are documents addressed to his/her name, signed by him/her and information collected about a person by bodies within their authorities. Information about religion and confession of a person may be collected by state bodies only in case of his/her voluntary submission of this information. Information on political party membership or neutrality of a person shall be submitted to state bodies only in cases provided for by the legislation.

### **Article 14. Right of person to get acquainted with information collected about him/her**

Information about a person is collected according to the legislation. It is prohibited to collect the information by false, threat and other illegal ways.

Except for the information collected during investigation activity or criminal file, a person has the following rights in relation with obtaining of information about him/her in order defined by the Law:

- To get acquainted with information collected about him/her;
- To know who, how and for what purpose will use information collected about him/her during collection of information;
- To demand conducting of the information verification.

It is prohibited in the legislation to present the information collected by the state bodies in relevant way to the third persons.

Except of cases of the investigation actions, tracing of a person by representatives of mass media or other persons, video and photo recording, voice recording and other such actions without his/her knowledge or despite of his/her refusal, is a reason for calling to a liability determined by the legislation.

Store of information for legal purposes about a person cannot exceed duration set forth by legislation.

It is prohibited to use technical devices for getting information, check postal and telegraph dispatches, tap phone calls in cases not provided for in the legislation.

### **Article 15. Responsibility for breaching of requirements of this Law**

Persons breaching requirements of this Law bear responsibility under the legislation.

**Heydar Aliyev**

**President of the Republic of Azerbaijan**

Baku, 19 June 1998

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*With additions and amendments made on the basis of the laws No 799-IQ dated of 01 February 2000; No 429-IIQD dated of 25 March 2003; No 598-IIQD dated of 05 March 2004; No 167-IIIQD dated of 20 October 2016, No 953-IIIQD dated of 12 February 2010.*