**Positive Court Judgments on Free Access to Information**

The Court has taken the stance that Requests for free access to information sent to competent authorities need to be deemed the decisions, despite being classified by the Law on Free Access to Information of Republic of Srpska as memos, and despite the fact that public authorities often try to present them as informal acts used for forwarding or denying certain information.

The administrative dispute instituted against the Public Administration for Inspection Activities of Republic Srpska has been adjudicated in favor of Transparency International Bosnia and Herzegovina. The subject of the dispute is the Request for free access to information on the Record of Service Supervision which the Labor Inspection of Republic of Srpska Inspectorate and later on appeal the Chief Inspector refused to disclose, invoking the Article 8 of the Law on Free Access to Information, with an explanation that requested information involves the personal privacy interest of a third person.

The interesting fact in this case is that the District Court in Banja Luka has noted that Republic Administration for Inspection Activities’ memo on rejection of the request for free access to information does not contain legal advice, the information on conduction of public interest test nor the legal basis for denial of the request. The second instance of the Chief Inspector named ‘the answer on appeal’ confirmed the stance noted in the first instance. Special attention needs to be paid on the respondent and its attempt to emphasize that the disputed act, i.e. reply on appeal which denied the request to information, is not an administrative act at all.

The District Court holds that the impugned act (‘reply on appeal’) is a classical administrative act in accordance with the definition given in the Article 7, Paragraph 2 of the Law on Administrative Disputes, which states that “An administrative act, within the meaning of this law, is an act whereby the authorities (organs) decide on the exercise of a right or obligation of a natural or legal person, or other person who may be party to an administrative matter.” The District Court expressed a very clear position on this issue which is of great importance, because public authorities often try to avoid the administrative disputes using the form of notice or reply, without specifying legal advice and allocation decision, considering that in this way they can conceal the fact on adoption of the decision or administrative act.

These positive court judgments on free access to information lead to development of good case-law. The court insist on the fact that Requests for free access to information sent to competent authorities need to be deemed the decisions, despite being classified by the Law on Free Access to Information of Republic of Srpska as memos, and despite the fact that public authorities often try to present them as informal acts used for forwarding or denying certain information.