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## **TI BiH: Amendments to the Law on Free Access to Information of BiH should be revised**

*The Draft Law on Amendments to the Law on Free Access to Information introduces the obligation of proactive publication of certain information categories, but this obligation has not been precisely defined, nor has it been specifically prescribed what kind of information and in which way must be published.*

**Sarajevo, 22nd August 2017** – A new Draft Law on Amendments to the Law on Free Access to Information of Bosnia and Herzegovina has not been in compliance with the standards of proactive transparency which BiH obliged to follow upon joining the *Open Government Partnership*, nor harmonized with other relevant international recommendations.

The Draft Law introduces the obligation of proactive publication of certain categories of information, and this is a progress compared to previously proposed versions, but this obligation has not been precisely defined, nor has it been specifically determined what kind of information and in which way should be published. Particularly concerning is the fact that the meaning and the role of the Central portal of public documents has not been explained yet, but also the fact that too broad and vague formulations („information on public procurement“) give the mandate to the authorities to choose on their own which information would be appropriate for proactive publication.

Also, the public interest test has not been clearly prescribed by this Draft Law either, so the relevant authorities will still have confusions regarding its implementation. The second-instance bodies which should be in charge of proceedings upon the requests for free access to information have not been defined either.

Transparency International in BiH (TI BiH) along with a group of civil society organizations has submitted to the Ministry of Justice of BiH a letter proposing that the Draft Law is withdrawn from the consultation process and be returned for revision. TI BiH has previously submitted its proposals during the consultations in which it clearly provided and explained the principles of proactive transparency, the way in which they could be proposed by the Law, but also the way to standardize the public interest test.

The quality of the Law governing the area of free access to information has the most direct impact on civil and media freedoms, prevention of corruption and transparency of work of all public bodies, and it is therefore specifically important to harmonize it with the leading international recommendations. This is the second proposal of the Amendments to the Law that tries to regulate the issue of access to information based on partial and insufficiently well-prepared solutions.