

Law on information

The Parliament adopts the present organic law.

Chapter I

Title 1

GENERAL PROVISIONS

Article 1 Object of regulation and scope of application

(1) The present law:

- a) establishes the status of information as object of juridical relationships, as well as the status of subjects of legal informational relationships;
- b) establishes the classification and the sources of information;
- c) establishes the legal basis for the activity of individuals, legal and state entities in the informational field;
- d) establishes the general basis for gathering, use, dissemination and keeping of information;
- e) sets up the relationships that appear during the process of assurance and realization of the constitutional right of access to information;
- f) establishes the modality of access to information, including to information that is related to the activity of public administration's bodies;
- g) sets up the modality of creation and use of nonstate informational resources and of informational systems;
- h) establishes the legal regime of information's protection;
- i) fixes the legal forms of international exchange of information and of co-operation in informational field.

(2) This law settles the informational relationships that appear in all fields of life and activity of society and state in the process of getting, detaining, using and keeping of information.

(3) This law does not settle the relations that appear in the process of creation, use and protection of information, which constitutes the object of intellectual property law.

Article 2 The legislation on information

The legislation on information is based on the Constitution of the Republic of Moldova, the international treaties to which the Republic of Moldova is a party, the Law on informatisation and state informational resources No. 467-XV from 21.11.2003, the present law, as well as by other normative acts.

Article 3 Main notions

In terms of the present law, the following notions are defined:

document – informational support that possesses the requisites that are established by law or agreement, which allow the identification of documented

information, expressed in written, audiovisual, acoustic, electronic or other form that is useful for direct perception by human being;

documented information – the information that is contained in a document;

information – knowledge on persons, subjects, facts, events, phenomena, processes, objects, situations and ideas;

informational product – documented information, which is processed by means of automated informational systems, meant for assurance of information's users needs;

informational service – the activity of providing informational products to users;

provider of information – the individual, legal or state entity, which is empowered with the right of possession and usage of information in the conditions set up by the owner of information;

confidential information – the documented information, the access to which is limited in accordance with the legislation;

informational support – material support, which specific physical qualities allow the recording, keeping and processing of information;

informational field – the field of activity of individuals and legal entities that refers to the creation, transformation and use of information;

informational security – the protection status of informational medium of the society, which ensure its creation, usage and development in the interests of individuals, legal entities and of the whole state;

informational system of general use – the totality of interdependent informational resources and technologies, of methods and staff, destined for keeping, processing and providing of information with free access for users, including by world network Internet;

Internet – the totality of informational systems that interact through linked channels, which ensure the cooperation of informational networks dislocated in different countries;

international exchange of information – transmission and reception of informational products, as well as the performance of informational services outside the country's borders, including by using of international informational systems and global informational networks;

user of information – the individual or legal entity that is performing actions of reception, keeping and other actions of using the information;

owner of information – the individual, legal entity or state that has the right to possess, to use and to dispose of information;

means of international exchange of information – informational systems, networks, including global ones, and connection networks that are used for international exchange of information.

Article 4 General principles of international relationships

The general principles of informational relationships are:

- a) the guarantee of legality in searching, accessing, exchanging, detaining, using and keeping of information;

- b) the objectiveness, veracity, plenitude and exactness of information;
- c) the freedom of legal exchange of information at national and international level;
- d) the respect of legal rights and interests of subjects of informational law;
- e) the assurance of informational security of the personality, society and state within informational relationships;
- f) the transparency and accessibility of information that is related to the activity of state bodies and of bodies of local public administration;
- g) the assurance of protection and of the right to information.

Article 5 Functions of public administration bodies in informational field and in the field of informational security

(1) The drawing up and implementation of the state policy in informational field, as well as the coordination of international informational exchange are realized by public administration bodies, according to the competences that were established by the Government.

(2) The Service for Information and Security is the body empowered with the drawing up and implementation of the state policy and with control in the field of informational security.

Chapter II Subjects and objects of informational relationships

Article 6 Subjects of informational relationships

(1) The subjects of informational relationships are the individuals (citizens, foreign citizens, and stateless persons), the legal entities with public or private law, without depending on the legal-organizational form, including foreign legal entities, international bodies and interstates unions.

(2) The subjects are participating in informational relationships as owners, possessors and users.

(3) During the process of realisation of informational activities, the subjects of informational relationships have the right to receive (create, get), use, disseminate and keep the information in any form, by using the means that are not prohibited by law.

(4) Each subject of informational relationships is obliged:

- a) to respect the rights of other subjects of informational relationships;
- b) to get, to use, to disseminate and to keep the information according to the law and agreement;
- c) to respect the principles of informational relationships according to art. 5 of the present law;
- d) to ensure the access to information according to provisions of law or agreement.

Article 7 Informational activity

(1) The informational activity, as a totality of actions focused on satisfying the informational needs of individuals, legal entities and of the state, shall be realised in the mode established by the present law and other normative acts in the informational field.

(2) The main forms of informational activity are:

- a) reception of information – getting, gathering, according to the legislation in force, of documented information or the information that is made public by citizens, legal entities or state;
- b) usage of information – fulfilment of informational needs of individuals, legal entities and of the state;
- c) dissemination of information – promulgation (publication), transmission or exchange of information in the terms of law;
- d) keeping the information – assurance of appropriate status of the information and its material supports.

(3) The state shall guarantee the freedom of informational activity for all individuals and legal entities, in the framework of their rights and freedoms, their obligations and skills.

(4) The state shall guarantee to all participants in the relationships of informational law the opportune creation, adequate functioning and development of automatized informational systems, networks, banks and data basis in the main directions and fields of informational activity.

Article 8 Objects of informational relationships

(1) The basic object of informational relationships is the information, not depending on its type, form of expression, content and destination. The informational resources, products and services are also objects of informational relationships.

(2) The information as result of actions of individuals and legal entities constitutes the object of nonmaterial property, including of the intellectual one.

(3) The sources of information are the documents and other informational supports, as well as media communications and public discourses.

Article 9 Informational resources

(1) The informational resources are constituted by the totality of documented information, which is gathered in automatized informational systems, organised according to the requirements fixed by the legislation in force;

(2) The informational resources can be state and private ones.

(3) The state informational resources constitute state property. The modality of their creation and use is set up by law.

(4) The private informational resources constitute the property of individuals or legal entities, from account of which they are created or procured on legal or contractual basis. The modality of their creation and use is set up by the appropriate possessor according to law.

(5) The informational resources, which are declared by the law as state secret, can not be in the property of individuals or legal entities of private law.

Article 10 Informational product and informational service

(1) The informational products and informational services of individuals and legal entities that are involved in informational activity can be objects of production relationships, which are ruled by civil or other legislation.

(2) The legal relationships, which appear as result of performance or getting of informational services, are established by a contract concluded between the owner or possessor of informational products and the user. The performance of informational service shall not create for the user the right of author on received information or other rights, which are not stipulated in the law or contract.

(3) The price and way of establishment of the price for informational products and services shall be stipulated in respective contracts, excepting the cases provided in legislation.

Article 11 Right to property on objects of informational products

(1) The documented information, the informational resources, the informational products, the means of international exchange of information are objects of patrimonial right of owners and are part of their patrimony. The relationships that are referred to the right of property on informational products and means of international exchange of information are governed by legislation.

(2) The nondocumented information shall be recognised as nonmaterial object of civil rights. The nondocumented information can not be object of the right of property.

(3) The subjects of the right of property on documented information are the individuals, the legal entities and the state, which is represented by competent bodies of the state leadership and of local public administration.

(4) The possessor of documented information is empowered with prerogatives of tenure, use or administration of information. The documented information can be the object of the right of property both in total volume and as object only of tenure, use or administration. The holder of the documented information has the right to undertake any legal actions concerning it.

(5) The grounds for appearance of the right of property on documented information are:

- a) the creation of information on his own account;
- b) the getting of the right of property on information on law basis;
- c) the getting of the right of property on information on contract basis;
- d) the succession and donation.

(6) The documented information can be the object of common property.

The modalities and rules of use of such a property shall be established through a contract concluded between the possessors of information.

(7) The documented information shall be recognised as goods and can be removed to another person for payment or without payment, excepting the cases when it contains state, commercial, service secret or other confidential information.

(8) The documented information, which is created or get from means of state budget, constitutes state property. The information that constitutes private property

can be attributed to state property in cases of its introduction in adequate state automatized informational systems, including on contract basis.

(9) The possessor of documented information has the right to establish the rules of information's procession, of the way of access to it, of other conditions regarding the information, as well as to designate a person that is realising from his part the tenure, use and administration of documented information.

(10) The legal regime of information's use shall be established by legislation, by the owner and by contracts between participants in informational relationships.

Chapter III **Types of information**

Article 12 Main types of information

(1) The information shall be classified in nondocumented information and documented information.

(2) The nondocumented information is the information that exists or that is created in accessible form for human perception, without application of document's requisites.

(3) The documented information (the document) is the information fixed on support of information, which is created, structured, processed, kept and transmitted in accessible form for human perception, and signed by the person that is empowered by law or contract, which is holding the requisites for its identification.

(4) According to the volume of access, the information is classified in information with free access and information with restricted access.

(5) The information with free access can be used by the subjects of informational relationships in a free way, without some restrictions.

Article 13 Official information with restricted access

(1) The information with restricted access is the confidential information, which access and use is restricted in order to ensure the respect of rights and freedoms of individuals and legal entities, as well as in a view to protect the national security, the public order, the health care or the morality of the society.

(2) There shall be referred to the information with restricted access:

- a) the information that constitutes state secret;
- b) the information that constitutes commercial secret;
- c) the information of personal character, the access to which is restricted;
- d) the information of service;
- e) the professional secret (of the advocate, physician etc), the nondisclosure clause, which is stipulated by law;
- f) the information related to criminal proceedings and investigations activities of competent bodies, but only on the case when the disclosure of information could affect the investigations, prevent the ruling of a judicial

trial, deprive the person of the right to a fair and impartial trial in his (her) case, or could put in danger the life or physical security of any person;

- g) the information that reflects the final or intermediary results of some creative activities, technical-scientific and innovative researches, which disclosure deprives the authors of researches of the publication priority or influences in the negative the exercise of other rights of intellectual property that are protected by law.

(3) The modality of creation, getting, processing, keeping and using the information with restricted access is established by the present law and other normative acts.

(4) The use of information with restricted access can be prohibited only in cases when the owner or the possessor of information can prove that the restriction is ruled by an organic law and is necessary in a democratic society for the protection of legal rights and freedoms of the person or to the protection of national security, and that the damage caused to these rights and interests would be larger than the public interest to take act of these information.

(5) Nobody can be punished for having made public some information with restricted access, if the disclosure of information does not affect and can not affect a legal interest related to national security or if the public interest to know the information runs over the damage that could be caused by the disclosure of information.

Article 14 Information with personal character

(1) The information with personal character is the information on an individual, which allow his direct or indirect identification. The information with personal character refers to the category of confidential information, excepting data that are contained in acts of identity.

(2) The owners or possessors of information can reveal the confidential personal data, the presentation of which is asked in compliance with the present law, only with observance of the following conditions:

- a) the person to which it refers consents its disclosure;
- b) the requested information, in its entirety, was published according to the legislation before the date of request.

(3) If the person to which the information with personal character refers does not consents its disclosure, the access to this information can only be allowed on basis of judicial decision that has established that the disclosure would be in public interest, that means that it will refer to the health care of the population, to the national or social security, to the protection of environment.

(4) The owners or possessors of information shall apply the needed measures to protect the information with personal character against its destruction or damage, nonsanctioned access, modification or non-authorized disclosure, but these measures shall not restrict the right of access to information with free access in terms of the present law.

(5) Any person has the access to the information with his/her personal data and has the right:

- a) to take act of personal data on him(her)self;
- b) to precise the personal data on him(her)self, in order to assure their plenitude and veracity;
- c) to request the rectification of personal data on him(her)self or their liquidation, if they can cause damages to his/her rights;
- d) to get information on who, when and in what purpose has used, is using or has the intention to use his/her personal data;
- e) to get the information on his/her personal data.

(6) The way of gathering, processing, keeping and use of information with personal character is established by law.

Article 15 Information of service

(1) It is considered as information of service the documented information, destined for internal use, the access to which is restricted for service purposes, within one or all legal entities, according to the present law.

(2) It is considered as information of service:

- a) the information gathered in the process of criminal proceedings or on a case of administrative offence – before the transmission of the case to the court, but not later than the expiration of prescription's terms;
- b) the information gathered following the performance of a state control – before the entering into force of the decision on this case;
- c) the information which divulgation could damage the international relations of the state;
- d) the information on arming and dislocation of military units and on the effective of armed forces, in case when this information does not constitute state secret;
- e) the information which divulgation would represent a danger for the objective that is under protection as historical or cultural monument;
- f) the information which divulgation would represent a danger for the natural reservation or species under protection, as well as for populated localities or to their increase;
- g) the information that contains the description of systems, organizations and measures from the field of social security;
- h) the information on technological resources, in case when the disclosure of such information would cause damages to the interests of possessor of documented information;
- i) the information which acknowledgment as information of service is provided by the civil contract or by the contract of work.

Article 16 Way of acknowledgement of the information of service

(1) The information gets the status of information of service on basis of the normative act of the leadership of the respective legal entity of public or private law, which is get according to the present law.

(2) The collocation "Information of service" or the abbreviation "IS" is indicated or applied with majuscules on the documents that are acknowledged as

information of service, by the person who perfected them. The collocation “Information of service. Contains information on private life” shall be indicated or the abbreviation “ISCVP” shall be applied on documents of service that contain information on the private life of individuals Under the collocation, the date of its introduction must be put and the supposed final date of the validity period of restricted access shall be marked.

(3) The possessor of information of service is obliged to recognize as invalid the restricted access in case of removing of the cause of its establishment. As concerns the recognition of invalidity of the restricted access, the appropriate collocation shall be indicated on the documents.

(4) The possessor of information of service is obliged to apply organizational and technical measures of program, in order to prevent the case of destruction of the given information, in connection to which the restricted access is acting, to persons that do not have the right to access.

Article 17 Access to the information of service

(1) The right of access to the information of service is held by the persons empowered with functions of responsibility and the workers of legal entities, in order to exercise the functions of service.

(2) The information of service should not be transmitted to third persons without the authorization of the leadership of the legal entity that has established the restricted access. The leader of legal entity can adopt the decision on the access to information of service for persons that are not activating in this legal entity, if this does not cause damages to the interests of state, state bodies and bodies of local public administration, excepting the access to information which contains data on private life of individuals.

(3) The information of service, in full volume, shall be presented in an obligatory way at interpellations of empowered state bodies and bodies of local public administration endowed with functions of control and supervision.

Article 18 The access to information of service that contains data on private life of individuals

(1) There are referred to information that contains data on private life of individuals:

- a) data that reflect political positions, religious convictions and person’s conception about world, excepting data on membership to a legal entity with private law, which is registered according to legislation;
- b) data on ethnical origin and racial appurtenance;
- c) data on health state and sexual life of the person;
- d) the information gathered in the process of investigations or on cases of other offences – by the open trial of the court or the issue of the judicial decision concerning any offence, or in cases when it is requested in order to protect the morality of private familial life of persons or for the interests of the minor, victim or witness, or in order to make the justice;
- e) data on requests for granting of social protection or of social services;

- f) data on personal qualities, possibilities or other character's traits of individuals, data related to psychic or physic pains of persons;
- g) the information that is gathered on persons in relation with taxation, excepting the information related to debts of fiscal payments.

(2) As concerns the information of service that contains data on private life of individuals, the restriction of access is established from the moment of perfection or getting of the appropriate document.

(3) The possessors of information of service shall assure the access to personal data that is at his disposition according to the present law, as well as to the legislation on access to information and personal data.

(4) The possessors of information of service are obliged to assure the access to information of individuals that are requesting the information on data concerning the private life of indicated persons, excepting the following cases:

- a) if the access to information of the minor would infringed the secret of child's origin;
- b) if the existence of the access would represent an impediment in preventing a crime, arresting the criminal or establishing the truth in criminal causes;
- c) if the restriction of the access is necessary in the interests of protection of rights and interests of other individuals;
- d) the access of foreign citizen to information, if the information is gathered in the interests of state security.

(5) Other persons have the right of access to information of service that contains data on private life of individuals in the following cases (excepting the case when giving the information creates impediments for establishment of truth in criminal causes):

- a) to data on minors – the parents or custodians;
- b) the custodians of persons without capacity of exercise;
- c) if the person consents the permission of giving such an access;
- d) the servants of state bodies and of bodies of local public administration – only for purposes of exercise of their service obligations;
- e) the workers of legal entities with private law or the enterprisers – individuals that are providing social services, services in the field of health care, education – only in volume that is needed for providing these services.

(6) The owners of information are obliged to maintain the evidence of information to which the information of service and containing data on private life of individuals has been provided, with indication of purposes, time and way of issue of such an information and the types of information.

(7) The right of access to information on health of persons that are placed in medical institutions belongs only to close persons, if the person herself or the investigation body is not against this and there have not been made a request for application of restricted access. While issuing such data, the owner of information is obliged to ensure himself that he is dealing with a person closed to the person on whom the information is requested.

Article 19 Terms of restricted access to information of service

(1) The restricted access to information of service is established for a period not bigger than 5 years. The administrator of the institution can extend this term for a period that does not exceed 5 years, in case of maintaining of the cause for establishment of restricted access to information of service.

(2) As concerns the information of service related to state and service supervision, as well as to the perfection of decisions of private bodies, bodies of central and local public administration, in case when there are no other reasons for restricted access to information.

(3) The restricted access to information of service, which contains data on private life of individuals, is valid either for a term of 50 years from the date reception or documentation of this information, or for term of 25 years from the date of person's decease, or for term of 100 of years form the date of birth of person, if the fact of decease can not be established.

(4) The restricted access to the information of service that contains data on private life of individuals can be lifted before term's expiration at the request of individual or of his empowered representatives or successors.

Chapter IV Right to information

Article 20 Right to information

(1) Each subject of informational relationships shall enjoy the right to information, which supposes the possibility of free getting, use, dissemination and kept of information with non restricted access, that is necessary to him for realisation of his rights, as well as for fulfilment of obligations on basis of law or contract.

(2) The right to information of each subject of relationships of informational law is realised through concrete subjective right and organizational form of his realisation, within the limits of juridical capacity and capacity of exercise of the subject.

(3) The main principles for assurance of the right of access to information are:

- a) the accessibility and transparency of the information;
- b) the veracity and plenitude of the information;
- c) the opportune presentation of the information;
- d) the protection of the right of access to information, including through judicial means;
- e) the responsibility for violation of the right of access to information;
- f) the respect, during presentation of information, of legal rights and interests of third persons;
- g) the establishment of restrictions on the right of access to information by law and only in the measure that is necessary for protection of constitutional regime's basis, assurance of state defence and state security, of the authority and impartiality of the justice, morality, health, legal rights and interests of individuals and legal entities.

(4) The right to information is ensured by:

- a) the obligation of state administration bodies to provide the access to information that is related to their activity;
- b) the creation within state bodies of special informational centres and systems, which ensure the access to information in the prescribed way;
- c) the free access of subjects of informational relationships to statistic data, to archives, to founts of libraries and museums;
- d) the creation of mechanisms for realisation of the right to information;
- e) the state control under the respect of legislation on information and establishment of sanctions for violation of the legislation on information.

(5) The realisation of his right to information by the subject shall not violate the legal public, political, economical, social, spiritual, ecological and other rights, interests and freedoms of other subjects of relationships of informational law. The realisation of the right to information does not suppose the discrimination on grounds of race, nationality, ethnic origin, language, religion, sex, opinions, political affiliation, financial status or social origin.

(6) The right to information can be submitted to restrictions, which are established in order to protect the national security or private life of the person. The right to information is restricted in case of request of information with restricted access, which special regime of use is established by the present law and other legislative acts.

Article 21 The information of public character

1) The state, public and private media shall assure the public character of information for all citizens and organizations, without highlighting any categories of users of this information.

2) The transparent character of the information shall include the free access both to periodical editions, broadcasting informational programs and to the possibility to know the sources of getting the information, in the cases provided by law.

3) The confidential information is not ruled by the present article.

4) The information with personal character is attributed to the category of confidential information. The information with personal character shall not be used for purposes of causing material and moral damages, of impediment in realisation of human rights and freedoms.

5) The limitation of citizens rights on basis of use of information on their social origin, race, nationality, language, religious and political affiliation are prohibited and are punished according to the legislation. It is not allowed the gathering, kept, usage and dissemination of information on private life, as well as of information that violates the personal secret, the familial secret, the secret of correspondence, the secret of phone conversations, phone postal communications and other communications of individual without his consent, excepting the judicial decision.

Article 22 Information on activity of state bodies and bodies of local public administration

(1) The state bodies and the bodies of local public administration are obliged to provide to each other, as well as to individuals and legal entities, the possibility of access to information related to their activity.

(2) The state informational resources are sources for getting the information on the activity of state bodies and bodies of local public administration.

(3) The list of information related to the activity of state bodies and bodies of public administration, that constitutes confidential information (state secret and secret of service), the access to which is restricted or prohibited, shall be established by legislation.

(4) The access to documented information shall be restricted, if appropriate, proportionally to the goals of protection of:

- a) national security, defence and international relations;
- b) public security;
- c) prevention and investigation of crimes of common law, judicial proceedings of penal activity;
- d) private life and private interests;
- e) commercial interests and other economical interests, private or public;
- f) equality of parties in judicial trial;
- g) environment;
- h) control, inspection and supervision functions of public bodies;
- i) state economical, financial and credit policy;
- j) confidentiality of mutual collaboration during elaborating on some problem within a public administration body or between such bodies;

(5) The control over the respect of rights of access to information related to the activity of state bodies and bodies of local public administration is realized by the empowered person of the state body or body of local public administration. The modality of control performance shall be established according to juridical-normative acts of state bodies and bodies of local public administration.

Article 23 List of information that is to be places obligatorily in informational systems of public use

(1) The following information is to be places obligatorily in informational systems of public use regarding the activity of state bodies and bodies of local public administration:

- a) the legislation and normative acts in force, which are published or approved by state bodies and bodies of local public administration, including: data on operation of amendments and completion to juridical-normative acts; data on recognition of juridical-normative acts of state bodies and bodies of local public administration as abrogated or nonactive; data on international treaties and agreements, to realization of which the state bodies and bodies of local public administration re participating;

- b) data on the danger for life, health and property of persons; data on the state of environment, on damages to environment and dangerous ecological actions;
- c) explanations and descriptions of activity order of state bodies and bodies of local public administration aimed to realization of legal rights, freedoms and interests of individuals and legal entities, which are provided by legislation;
- d) data on servants and competent subordinated structures of state bodies and bodies of local public administration, which are providing the information on activity of state bodies and bodies of local public administration in verbal form;
- e) the description of systems of public use, of data banks, registers, which are functioning within state bodies and bodies of local public administration, as well as the list of informational resources and services provided to individuals and legal entities;
- f) data on legal entities, to which a part of functions of guaranteeing the access to information related to the activity of state bodies and bodies of local public administration is transmitted, in the established order (the nomination of the organization, postal and legal address, phone and fax number, e-mail);
- g) data of official visits and service departures of leaders and official delegations of state bodies and bodies of local public administration, the texts of official declarations and statements of leaders and deputies of state bodies and their territorial bodies, bodies of local public administration;
- h) data on official events that are organized by state bodies and their territorial bodies, bodies of local public administration (sessions, meetings, press conference, collegiums, seminars, round tables and other), as well as on decisions taken at such official events and their execution;
- i) data on the activity of legislative elaboration of state bodies and bodies of local public administration, including texts of draft normative acts at different stages of their coordination and examination, in the prescribed way;
- j) data on special programs, which beneficiary or executor are the state bodies and bodies of local public administration (nomination, goals and tasks, beneficiaries and general enterprisers of program, expected realization terms and outcomes, financing volume);
- k) data on execution of budgets by state bodies and bodies of local public administration;
- l) data on use of means of foreign technical assistance (support) for projects and measures undertaken with the help of state bodies and bodies of local public administration;
- m) analytical reports, reports on the work (informative overview on activity) of state bodies and bodies of local public administration, sent to state bodies or bodies of local public administration;

- n) data on basic indicators that are characterizing the situation and development dynamic of the area that is under the competence of state bodies and bodies of local public administration, as well as the official statistical information, which is gathered and processed by the state bodies and their territorial bodies, bodies of local public administration;
- o) data on opened competitions, auctions, tenders, expertise and other activities that are performed by state bodies and bodies of local public administration, which include: the conditions of their ruling, order of participating in them for individuals and legal entities, compositions of competition's commission, created by the state bodies and their territorial bodies, bodies of local public administration, for competitions of goods deliverance (execution of works, service providing) for state and municipal needs, the minutes of competitions commissions;
- p) form of requests and other documents that are provided by legislation and other juridical-normative acts of state bodies and bodies of local public administration, that are adopted by state bodies and their territorial bodies, bodies of local public administration, for examination, as well as the instructions for their filling in;
- q) data on results of control that are made by state bodies and their territorial bodies, bodies of local public administration, that are made in the state bodies and their territorial bodies, bodies of local public administration;
- r) data on citizens employment in state and municipal service: the modality of citizens employment in state and municipal service; the list of vacant functions in state services, of municipal functions of municipal services; qualification requirements for candidates to vacant functions of state services, to municipal functions of municipal services;
- s) data on deputies in the Parliament, on representative bodies of local public administration, leaders of state bodies and subordinated structures, foreign representations, territorial bodies and bodies of local public administration (first name, given name and patronymic, biographical data, with the consent of indicated person);
- t) the structure of state body and body of local public administration, data on tasks and functions of its subordinated structures, postal addresses, phone numbers and other requisites of address of state bodies and bodies of local public administration, their subordinated structures and territorial bodies, number of employers, data on subordinated organizations of state bodies and bodies of local public administration (list of organizations, their postal and legal addresses, phone numbers, description of their tasks and functions, data on their creation, reorganization and liquidation, number of employers, basic indicators of activity), phone numbers of informational services of state bodies and their territorial bodies, bodies of local public administration;
- u) list of international organizations, to activity of which the state bodies and their territorial bodies, the bodies of local public administration are participating;

v) data on documents accumulated in opened found of libraries and archives, in registers of entering and living documents of state bodies and bodies of local public administration;

w) general statistics on crimes and administrative offences; decisions and verdicts of courts, which have entered in force;

(2) The information on activity of the Apparatus of the President, Parliament, courts, bodies of internal affairs, fiscal and custom bodies, prosecutor bodies, armed forces of the Republic of Moldova, other military structures, bodies for security assurance, is provided according to the present law, taking into consideration the particularities prescribed by legislation for these bodies.

(3) During the publication of information, it has to be indicated by whom and when the published information was documented and who can give explanations regarding the published information.

(4) The list of information regarding the activity of state bodies and bodies of local public administration, which is indicated at p. (1), shall not restrict the right of state bodies and bodies of local public administration to establish the composition of additional information that has to be places obligatory in informational systems of public use.

Article 24 Obligation to maintain a page in the world network Internet

(1) The state bodies and bodies of local public administration, the courts, the bodies of investigation, the bodies of prosecutor and other public legal entities and of law enforcement, are obliged to maintain a page in the world network Internet in order to publish the information, while respecting the following requirements:

- a) informing the society on the possibility of being familiarized with Internet network page, through publication of adequate addresses and happened modifications;
- b) publication on Internet network page of updated information, by indicating the date of each case of document's publication and the date of each updating of the information;
- c) highlighting the electronic address for receiving of interpellations and for transmission of requested information through the network of public use;
- d) assurance of veracity, plenitude and updating of the information placed on official page from Internet;
- e) undertaking urgent measures for eliminating technical deficiencies of program, which do not allow the access to the page from the Internet network.

(2) The direct access shall be ensured from pages of network Internet of state bodies and bodies of local public administration to pages of network Internet of their subordinated institutions.

(3) The libraries shall insure, through Internet network, the free access to the information on activity activities of state bodies and bodies of local public administration, in the way established by the legislation on libraries.

(4) In case of presentation of information in electronic form, its veracity shall be confirmed by digital signature, in the way established by legislation.

Article 25 Organization of the access to information related to the activity of state bodies and bodies of local public administration

(1) With a view to organize the access to information related to the activity of state bodies and bodies of local public administration, the subordinated structures of empowered persons of these bodies are endowed with appropriate functions, in the prescribed way. The rights, obligations and responsibility of subdivisions of competent state bodies and bodies of local public administration, of their persons with functions of responsibility that are fulfilling the activity in order to exercise these functions, are stipulated in the rules on subdivisions in cause and in the instructions of service, approved in the fixed way.

(2) The state bodies have the right to transmit to legal entities, on competition basis, which is provided by the legislation on public acquisitions, some powers for the exercise (technical assistance) of functions related to the assurance of the access to information on activity of state bodies and bodies of local public administration. In case of transmission of these powers, the obligatory conditions are to ensure the guarantees for keeping the conditions of providing the information to users, according to the present law.

(3) The legal entities, to which there were transmitted in the prescribed way some powers for exercise (technical assistance) of functions related to assurance of the access to information on activity of state bodies and bodies of local public administration, there are extended the rights, obligations and responsibility of state bodies and bodies of local public administration, established by the present law.

(4) In order to ensure the access to information related to the activity of state bodies and bodies of local public administration, which is placed in automatized informational systems of public use, the state bodies and bodies of local public administration shall:

- a) ensure the mutual integrity of their informational resources;
- b) connect the informational systems to the Internet network and place information on their official pages for the access of persons connected to this network, ensure, in a systematic and regular way, the updating of information;
- c) highlight the electronic addresses for receiving of interpellations and transmission of requested information through Internet network;
- d) create connecting points to the informational systems of p[ublic use, in accessible places for information's users (in buildings of state bodies and bodies of local public administration, in state and municipal libraries, postal sections and other buildings fixed by the bodies in cause);
- e) publish the list of informational systems of public use, of data basis that is operating in the state bodies and bodies of local public administration, their territorial bodies and subordinated structures, by indicating the modalities and conditions of access to given systems;
- f) apply measures of security of information related to the activity of state bodies and bodies of local public administration, which is placed in informational systems of public use;

- g) be responsible for the content, distortion and plenitude of information related to the activity of state bodies and bodies of local public administration, which is places in informational systems of public use.

Chapter V

Modalities of realization of the right to information

Article 26 The access to information

(1) The subjects of relationships related to the access to information are the owner of the possessor of information and the user of information.

(2) The access to information shall be insured for free, excepting the cases when the information is object of property law and the order of access to which is established by its owner; cases of providing informational services, as well as the cases of presentation of the information related to the activity of state bodies and bodies of local public administration for payment.

(3) The possessors of information are obliged to disseminate urgently to the large public the information on the danger that attempts to the life, health or property of people or to the environment, in the most rapid and compatible way, in order to prevent the danger and to diminish the possible consequences.

(4) The state bodies and bodies of local public administration are obliged to transmit for dissemination to broadcasting organizations or periodical press the information that they dispose on events and facts that represent a potential interest for the society.

(5) The modality of access to information related to the activity of state bodies and bodies of local public administration is provided by the present law. The modality of access to information related to the activity of individuals and legal entities is established by the respective person, at their decision, according to the present law.

Article 27 The modalities of assurance of the access to information

(1) The access to information is ensured through:

- a) publication of the information, including by media channels;
- b) placement of information in informational systems of common use, including in Internet;
- c) placement of information in public spaces (on stands, advertisement panels etc.);
- d) acknowledgment by information's users of documents with free access;
- e) assurance of the access of information's users to opened sessions, in the way fixed by legislation;
- f) providing of information at request;

(2) The terms for giving the access to information must assure the opportunity of realization and protection by information's users of their legal rights, freedoms and interests.

(3) The information shall be presented in verbal, written, as well as in electronic form. At request of information's user, the form of providing the

information, shall be established according to the present law and shall be indicated in the interpellation. In case of impossibility of presenting the information in the form indicating in the interpellation, the information shall be presented in another form that is provided by the present law and is accessible to the user's perception.

Article 28 Rights and obligations of the user of information

- (1) The user of information has the right:
 - a) to receive full and true information;
 - b) to refuse the getting of information;
 - c) to not justify his interest for the requested information;
 - d) to make appeal, in the prescribed way, on juridical acts and actions (nonactions) of state bodies and bodies of local public administration, their servants that have infringed the right of access to information;
 - e) to request the reparations of material damages and/or moral damage that have been caused by the infringement of his right to get the information.
- (2) The user of information is obliged to:
 - a) to present the requisites or other characteristics of the requested information, which are necessary for execution of the interpellation;
 - b) present true personal data on himself, which are necessary for execution of the interpellation, in the case when it is requested the information that directly refers to legal rights, freedoms and interests of information's users;
 - c) respect the order and conditions of access to information;
 - d) pay for the presentation of information in the cases fixed by the present law.
- (3) The rights of information's users are respected by the legislation on protection of consumer's rights.

Article 29 Rights and obligations of owners or possessors of information regarding the access to information

- (1) The owners and possessors of information have the right to:
 - a) precise the content of interpellation;
 - b) refuse to provide the information in the cases established by the present law.
- (2) The owners and possessors of information are obliged to:
 - a) assure the veracity and plenitude of the presented information, the respect of terms and conditions of providing;
 - b) extract from the presented information the information with restricted access;
 - c) assure the technical-organizational and other conditions, which are needed for realization of the right of access to information;
 - d) assure the placement of information in the modalities fixed by the present law;

- e) create informational systems for public use for service of users, to assure their plenitude, actuality, protection against destruction and nonsanctioned access;
- f) assure the publication of tariffs for the information provided for charge.

Article 30 Request for providing of information

(1) the request for providing of information represent the addressing in verbal, written or electronic form concerning the offering of information.

(2) The request for providing the information must contain:

- a) the nomination of the requested documented and its requisites;
- b) the number and date (user (consumer) of information has the right to not indicate the requisites of the requested document) or other characteristics of the requested information, which are necessary and sufficient for it search;
- c) for individuals: first name, given name and patronymic and/or phone number, and/or fax, and/or postal address, and/or address of electronic post, for transmission of the answer or precision of the content of interpellation;
- d) for legal entities : nomination, postal and legal addresses and/or phone number, and/or fax, and/or address of electronic post, for transmission of the answer precision of the content of interpellation;
- e) the requested form for providing the information.

(3) The request for providing of information is submitted in state language. The state bodies and bodies of local public administration have the right to establish the possibility of request submission in a foreign language, according to the legislation.

(4) The users of information have the right to address with a request for providing of information either directly or through their representative. The powers of the representative shall be fixed in the way provided by civil legislation.

(5) The requests for providing of information related to the activity of state bodies of bodies of local public administration are ruled by the legislation on petitions.

Article 31 Order of examination of the request and providing of information

(1) The providing of information at request shall be made in the form of sending by the owners or possessors of information of the answer that contains the requested information or of sending the grounded refuse to provide the information on the activity of state bodies of bodies of local public administration.

(2) In case when the requested information does not exist, the request for providing information can be readdressed to another possessor or provider of information, which holds the requested information, with a obligatory notification of the applicant within a delay of three working days from the moment of request receive.

(3) The access to information at request can be realized in form of:

- a) acknowledgement of documents that contains the requested information;
- b) getting a copy of the appropriate document or of extracts from it;
- c) getting in written form of the certificate that contains the requested information;
- d) getting the verbal exposure of the content of requested information;
- e) getting data on the source of publication of requested information in official periodicals.

(4) The information shall be provided at request in one exemplar. At request of applicant, the information shall be provided in the form that it exists, without additional processing, if the present law does not stipulate otherwise. The information can be created by the possessor of provider, at the request of applicant, for adequate payment.

(5) At the request of applicant, the information shall be provided in the state language or in the language that it was perfected in. In the case when the information was perfected in other language than the state language, the owner or possessor is obliged at the request of applicant to issue the copy of the authentic translation into the state language.

(6) In the case when the requested information is placed in informational systems of public use, the owner or possessor of information has the right to not provide the information, but in his answer he shall refer to the source where the requested information has been placed. At repeated addressing of the user for providing the indicated information, the possessor of provider of information shall provide the requested information in the way and terms established by the present law.

(7) The answer to the request for providing information shall be presented not later than thirty days from the moment of request reception. In the case when the requested information can not be presented to the user in the indicated term, within a delay of 7 days from the date of request reception, the user shall be notified about the prolongation of the term for answer's remission, with indication on the reason of prolongation and the term of providing the requested information, which can not exceed the term of fifteen days, established by the present law for the remission of answer.

(8) In the case when the information refers to the information with restricted access, in the answer there shall be made only reference to the normative act (title, nomination, number and date of adoption) that attributes these data to confidential information. In case when a part of the document contains information with restricted access, the owner or possessor of information is obliged to provide the information form requested document that do not refer to the information with restricted access.

(9) The requests of users of information, as well as the replies to requests, are obligatorily registered by the owner or possessor of information.

Article 32 Grounds for refuse to provide the information

(1) The owner or possessor of information has the right to refuse to provide the information to the user of information, in the following cases when:

- a) the content of the request does not allow the determination of the requested information or the address for transmission of the answer;
- b) the requested information and/or data on the owner or possessor of information that can tenure such information are missing;
- c) the requested information refers to the information with restricted access;
- d) the requested information is placed in informational systems of public use;
- e) the requested information has been previously provided to the user of information;
- f) the appropriate payment for providing the information in cases established by the present law has not been paid.

(2) The nongrounded refuse can be appealed to the court, in the way established by legislation.

(3) The owner or possessor of information can not be obliged to present proves on non-existence of the requested information.

Article 33 Payment for services of information's providing

(1) There will be given for free to the disposal of applicants the information that:

- a) refers directly to the user;
- b) concretizes the information that has been presented before, in the mode established by the present law;
- c) refers to the activity of state bodies and bodies of local public administration, which is presented in verbal form;
- d) refers to the activity of state bodies and bodies of local public administration, which is to be placed obligatorily in informational systems of public use.

(2) The list of services of providing the information related to the activity of individuals and legal entities, which are provided for charge to users of information, shall be approved by the persons indicated according to the present law or the contract between the applicant and provider of information.

(3) The list of services of providing the information related to the activity of state bodies and bodies of local public administration, which are provided for charge to users of information, shall be approved by juridical-normative acts of indicated state bodies and bodies of local public administration. In the payment for services of providing the information related to the activity of state bodies and bodies of local public administration there are included the costs of multiplication and deliverance of the information related to the activity of state bodies and bodies of local public administration, as well as the costs of search and creation of information at the request of user.

(4) The user of information has the right to appeal in the court the amount of payment for services of providing the information related to the activity of state bodies and bodies of local public administration.

(5) The payment for services of providing information shall be established according to the contract between the user and owner or possessor of information

and shall be paid by the user before the transmission to him of the answer to the request, at the condition of existence of requested information.

(6) The owner or possessor of information has the right to refuse to provide the services of providing the requested information to the user, in cases of non-payment by the user of established tariffs for services.

(7) The provider of information, which has provided for charge information that contains inexact or incomplete data, is obliged to introduce for free the necessary amendments and completions on basis of the request of information's user.

Chapter VI

International exchange of information

Article 34 Objects and subjects of international exchange of information

(1) The objects of international exchange of information are the documented information, the informational resources, the informational products, the informational services and the means of international exchange of information.

(2) Any subject of informational relationships can be subjects of international exchange of information.

(3) The prevention and combating of monopolist activity and of the concurrence without scruples in the field of international exchange of information shall be performed by the antimonopolist body, according to the national legislation.

(4) It is not allowed the dissemination of documented foreign information that is not authentic, false, got as result of international exchange. The subject of international exchange of information that has got such information and/or is disseminating it on the territory of the respective state is responsible for dissemination of such information.

Article 35 Exporter of information

(1) It is not restricted to export, as well as to transmit through informational world networks from the territory of the Republic of Moldova of following information:

- a) legislative and other normative acts of the Republic of Moldova, excepting normative acts that constitute state secret;
- b) published information related to the activity of state bodies and bodies of local public administration of the Republic of Moldova;
- c) documents that contain the information on exceptional situations, ecological, meteorological, demographic, sanitary-epidemiological and other information that is needed for the assurance of safe functioning of localities, objectives of production, safety of citizens of foreign states;
- d) documents gathered in public funds of libraries and in other opened informational systems;

- e) documented information media information and other information, which use or export does not infringed the legal rights and interests of individuals and legal entities or of the state, that are provided by the legislation of the Republic of Moldova.
- (2) It is restricted to export the information that constitutes:
- a) confidential information;
 - b) national thesaurus;
 - c) found of archive.

The possibility to export this documented information from the territory of the Republic of Moldova shall be established by the Government for each particular case.

(3) The right to import into the territory of the Republic of Moldova of foreign informational resources and informational products that can be used for realization of activities types that are prohibited by legislation or for other illegal activities shall be granted to legal entities in the way established by the Government.

(4) The owner or possessor of documented information, informational resources, informational products, means of international exchange of information has the right to appeal to the court the actions of persons with functions of responsibility, with a view to restrict the international exchange of information, if these actions are infringing his rights.

Article 36 Means of international exchange of information

(1) The means of international exchange of information are used only with the consent of the owner or possessor of information or of the empowered person.

(2) The state protection of confidential information shall be extended only over that activity of international exchange of information that is realized by individuals and legal entities which are holding the license for activity with confidential information and which are using certified means of international exchange of information. The modality for certification of means of international exchange of information and of license issue is established by legislation.

(3) At detection of non-staff regimes of functioning of means of international exchange of information, that means at appearance either of error commands, as well as of commands occurred following nonsanctioned actions of service staff or of other persons, or of error information, the owner or possessor of these means is obliged to communicate in time on this to the bodies of control of the international exchange of information and to the owner or possessor of the means of international exchange of information that he collaborates with, otherwise, the first shall be responsible for the cause damage.

(4) The inclusion of informational systems, networks in the composition of the means of international exchange of information shall be done in case of presence of international code. The modality of getting the international code is established by legislation.

(5) The inclusion of state informational systems, networks, for which there are established special rules of access to informational resources, into the composition

of means of international exchange of information shall be made with the consent of competent state bodies.

(6) The individuals and legal entities, the informational systems that do not contain information with restricted access, shall have the free possibility to connect to informational world networks both directly and through national segments of respective informational networks.

(7) The access of individuals and legal entities to the means of international exchange of information, foreign informational resources and products, shall be realized according to the rules established by the owner or possessor of these means, resources and products, in compliance with the legislation. The owners or possessors of means international exchange of information and of informational products are obliged to assure the open character of accessing rules that they have established, as well as the possibility for the user to be familiarized with them.

(8) The refuse of accessing the means of international exchange of information, the foreign informational resources and products can be appealed to the national foreign or international appropriate court.

Article 37 Obligations of the state in the fields of international exchange of information

The state bodies and bodies of local public administration, within limits of their competencies:

- a) shall create the conditions for assurance of the state, municipal organizations, individuals and legal entities with foreign international services and products, including through use of informational world networks;
- b) shall support the implementation of performance informational technologies that assure the efficient participation of the state, municipal organizations, individuals and legal entities to the international exchange of information;
- c) shall assure the security of state informational resources, municipal and private informational resources, means of international exchange of information and the respect of legal regime of municipal and private information;
- d) shall stimulate the mutual favourable extension of the international exchange of information with documented information, shall defend the legal interests of the state, municipal organizations, individuals and legal entities;
- e) shall create the conditions for protection of autochthon owners or possessors of documented information, of informational resources, informational products, means of international exchange of information, users of non qualitative and nonauthentic foreign information against the concurrence without scruples of individuals and legal entities of foreign states in the informational field;
- f) shall contribute to the development of material relationships during the process of international exchange of information.

Chapter VII. INFORMATIONAL SECURITY

Article 38 State policy in the field of insurance of informational security

The state policy in the field of informational security shall be focused on the settlement of social relations in the informational field and shall established the main tasks and activity directions of state bodies, as well as the place and role of individuals and legal entities in the field of informational security of the person, society and state.

Article 39 Informational security of the person

(1) The informational security of the person shall be insured through creation of requested conditions and guarantees of free access to information, protection of the secret of private life, protection against illegal psychological-information actions.

(2) The information with personal character of individuals shall be referred to confidential information.

(3) It is not allowed to gather, keep, process, disseminate and use the information on private life, as well as to disseminate the information that infringe the secret of private life, the secret of correspondence, phone conversations, telegraph and other communications of individuals, without their consent, excepting the cases established by legislation.

(4) It is prohibited to use the information on individuals with a view to cause them a material damage and moral injury, as well as in order to prevent them in realization of their legal rights, freedoms and interests.

(5) The individuals and legal entities, which are receiving, holding and using on illegal way the information with personal character, shall be responsible according to this law for infringement of the using order of this information.

Article 40 Informational security of the society

The informational security of the society shall be insured through:

- a) state support of development of the basis of democratic civil society, of the freedom of public information;
- b) not allowance of illegal psychological-informational actions on social conscience, of actions for its manipulation;
- c) keeping and developing of social spiritual, cultural and historical values of the society, of the scientific and technical-scientific potential;
- d) creation of system for fighting against informational expansion, which is focused on deformation of social conscience, bursting of the society from national and historical traditions and habitudes, destabilization of social-political situation, infringement of inter-ethnic and inter-religious harmony.

Article 41 Informational security of the state

The informational security of the state shall be insured through:

- a) realization of economical, political, organizational and other kind of measures for fighting against the danger for the security in the informational field;
- b) protection of state secret and informational resources against nonsanctioned access to them;
- c) integration of the Republic of Moldova into contemporary European and world informational space and telecommunication systems;
- d) defence against dissemination of information that contains public appeals to violent changes of constitutional regime, violation of territorial integrity and sovereignty of the Republic of Moldova;
- e) fighting against spreading of information that contains the propaganda of war and violence, cruelty, terrorist ideas and religious extremism, aimed to instigation of social, national, racial and religious hate.

Article 42 Goals of information's protection

The goals of information's protection are:

- a) the prevention of destruction, trickling, defalcation, lost, falsification of information;
- b) prevention of dangers for the security of persons, society, state;
- c) prevention of nonsanctioned actions of destruction, modification, distortion, copy, blockage of information; prevention of other forms of illegal intervention in informational resources and informational systems, assurance of legal regime of documented information as object of property;
- d) defence of constitutional rights of citizens during keeping of personal secret and confidential data with personal character, which are kept in informational systems;
- e) keeping the state secret, the commercial secret, the confidentiality of documented information, according to legislation;
- f) assurance of the respect of rights of individuals and legal entities and of state during informational processes and elaboration, production and application of informational systems, technologies and means of maintenance.

Article 43 Organization of information's protection

(1) Any documented information, which incorrect use can cause damage to the owner, possessor, user or another person, is submitted to protection.

(2) The information with free access is not submitted to protection.

(3) The legal regime of information's protection and the level of access to it are established in the Law "On state secret", "On the commercial secret", the present law, other juridical-normative acts, as well as by the possessor of information, depending on its degree of secrecy.

(4) The possessors of information, of informational resources or the empowered persons, which are responsible for the protection of information, have the right to control the execution of the legislation on information's protection and

to prohibit or to suspend the processing of information in cases when these provisions are not executed.

(5) The subjects that are processing the information with restricted access, which constitutes state property, are obliged to create special services that shall assure the protection of information.

Article 44 Certification of technical means of program for information's protection

(1) The subjects of informational legal relationships, which are responsible for creation and use of information and informational resources that are submitted to protection, as well as the bodies and organisms that are elaborating and using the informational systems and informational resource with restricted access, are obliged to use in their activity the means technical certified of program for protection and to undertake required organizational measures for the protection of information.

(2) The risk related to the use of uncertified informational systems and means for protection of creation and procession of information shall be assumed by the owner (possessor) of these systems and means. The risk related to use of information get from uncertified informational systems is assumed by the user of information.

(3) The organization that certifies the means of protection of the information has the right to make, at request, the efficiency analyze of protection's measures of informational resources and systems.

Article 45 Legal protection of the right to property on information

(1) The owners of documented information or other informational resources and other legal possessors have the right to request, in judicial way, from the offender of his right:

- a) the recognition of rights;
- b) the reestablishment of the state existing previously to right's infringement and cease of actions that are violating the right or are creating the danger of its violation;
- c) the reparation of damages, including the incomes get by the offender;
- d) instead of damages reparation – the payment of compensations in the amount established by the court according to the legislation;
- e) the application of other measure provided by legislation.

(2) In cases when the infringement of legislation on information brings moral damages to individuals, the guilty persons shall repair them on basis of judicial decision. The quantum of damage's reparation shall be established by the court.

(3) In order to assure the action, the court can decide to apply the sequester on information, informational resources, the confiscation of informational supports, the use of which brings the infringement of the right of property on information, as well as their destruction or transmission to the legal holder.

(4) There can be created temporary or permanent arbitrages for examination of litigii and protection of rights of informational relationships, creation and use of informational systems, technologies and means of their assurance.

Chapter VIII Responsibility

Article 46 The responsibility for infringement of the legislation on information

(1) The infringement of the legislation on information brings the disciplinary, juridical, civil, administrative or penal responsibility according to legislation.

(2) The responsibility for infringement of international norms and rules in the field of information and informational resources, creation and use of informational systems, technologies and means for their assurance is assumed by individuals and legal entities, according to the contracts concluded between them and foreign partners, according to international agreements that have been ratified by the Republic of Moldova.

(3) The prevention of actions that are bringing the infringement of rights and interests of subjects of informational relationships that are fixed by legislation shall be performed by the state bodies, individuals and legal entities that are participating in the informational activity.

(4) The control over the execution of the present law by the state bodies and bodies of local public administration and by the persons with responsibility functions, the control over the execution by state bodies and bodies of local public administration of the right of citizens to access the information related to the activity of state bodies and bodies of local public administration is realized by the prosecutor office in the way that is established by the Law "On prosecutor office".

Article 47 The responsibility for infringement of the right of access to information

(1) The following actions of owners or possessors of information are recognized as actions of infringements of the right of access to information:

- a) the nongrounded refuse to receive and to register the request;
- b) the refuse to assure the access to information with free access;
- c) the infringement of terms and procedure of information's presentation or of access to it;
- d) the nonpresentation or presentation of the requested information in the non-appropriate form, term and mode;
- e) the nongrounded refuse to present the requested information;
- f) the nongrounded attribution of the information to the category of information with restricted access, including the declaration of the information as being secret;
- g) the establishment of payment for providing of information that, according to legislation, has to be provide for free;

- h) causing material and/or moral damage through illegal actions of owners or possessors of information;
- i) the commission of other actions that are violating the right to information, provided by the present law.

(2) The user of information, which considers that his legal rights or interests have been affected, can appeal the actions of owners or possessors both on extrajudicial way and directly to the competent court. As well, the user can address for protection of his legal rights and interests to the ombudsman.

(3) The appeal of actions or nonactions of owners or possessors of information shall be performed by the leadership of the last one and/or by the body hierarchically superior within a term of 30 days from the date when the user of information has found out or was supposed to find out about the infringement. The leadership of the owner or possessor of information and/or his hierarchically superior body is obliged to examine the complaint of the user of information within a term of five working days and to bring to notice of the last one the results of examination.

(4) The complaint, in which are appealed the actions or nonactions of the leadership of owners or possessors, including of organizations that do not have hierarchically superior bodies, shall be addressed directly to competent court. The intimation of the court shall be made within a delay of one month from the date of reception of the answer from the owner or possessor, in case when there is no received answer, from the date when it was supposed to be received. If the person that has requested the information had previously appealed the actions of owners of possessors of information on extrajudicial way, the term of one month shall be calculated from the date of communication of the answer of the leadership of information's provider and/or his hierarchically superior body, in case when there is no received answer, from the date when it was supposed to be received.

(5) During settlement of litigations on the right to information, the competent bodies and the courts shall undertake measures for protection of information and rights of all persons, which interests can be affected by disclosure of information, including by assurance of their participation in the trial as third parties.

Article 48 Responsibility for infringement of the right of access to information related to the activity of state bodies and bodies of local public administration

(1) The actions (nonaction) of state bodies and bodies of local public administration, of their persons with responsibility functions, which are infringing the right of individuals and legal entities of access to information related to the activity of state bodies and bodies of local public administration, can be appealed to the person with responsibility function of the state body or of the body of local public administration or to the court.

(2) The user of information, to which the access to information related to the activity of state bodies and bodies of local public administration has been illegally rejected and which has received denatured, false or incomplete information on the activity related to the activity of state bodies and bodies of local public

administration or which has received the information related to the activity of state bodies and bodies of local public administration with infringement of terms for its presentation, has the right to reparation of the damage caused by the infringement of his right to providing information related to the activity of state bodies and bodies of local public administration.

(3) The persons with responsibility functions of state bodies or bodies of local public administration, civil servants and municipal servants, that are guilty for the infringement of the right of access to information related to the activity of state bodies and bodies of local public administration are liable of disciplinary, administrative, civil and penal responsibility, according to legislation.

Article 49 The responsibility for infringements admitted during international exchange of information

(1) The individuals and legal entities, including of foreign countries, the stateless persons are liable of juridical, civil, administrative or penal responsibility according to the law for illegal actions during the process of international exchange of information.

(2) The litigations, which appear during the international exchange of information, can be examined by the court or arbitration according to their competencies.

(3) The responsibility of parties for non-execution of the contract on international exchange of information shall be established according to international agreements, which are applied by the national legislation and the contract of parties.

Chapter IX Final provisions

Article 50

The present law enters into force from the moment of its publication in the Official Gazette of the Republic of Moldova.

(1) The Law No. 982-XIV from 11.05.2000 "On the access to information" is recognized as caduceus from the moment of entering into force of the present law.

(2) The Government, within a delay of six months:

- a) will bring his normative acts into compliance with the present law;
- b) will assure the compliance of departmental normative acts with the present law.

**PRESIDENT
OF THE PARLIAMENT**