



**GUIDE OF
THE CENTRAL ELECTION COMMISSION OF BOSNIA AND HERZEGOVINA ON
ACCESS TO INFORMATION**

Sarajevo, May 2017

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Aimed at assisting applicants to exercise their rights to free access to information in line with the Freedom of Access to Information Act for Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, nos. 28/00, 45/06, 102/09, 62/11 and 100/13), the Central Election Commission of Bosnia and Herzegovina has at its 28th session held on May 25, 2017 adopted

GUIDE OF THE CENTRAL ELECTION COMMISSION OF BOSNIA AND HERZEGOVINA ON ACCESS TO INFORMATION

1. INTRODUCTORY NOTES

The Guide of the Central Election Commission of Bosnia and Herzegovina on access to information (hereinafter: the Guide) helps learning more about access to information that are in possession and under the control of the Central Election Commission of Bosnia and Herzegovina (hereinafter: the BiH Central Election Commission).

The guide provides information on the rights in line with the Freedom of Access to Information Act for Bosnia and Herzegovina (hereinafter: FAIA), so it:

- a) contains simple instruction for drafting and submitting an application,
- b) informs the applicant about the procedures and deadlines that must be observed by the BiH Central Election Commission when processing the application for access to information,
- c) informs the applicant about conditions under which the access to the desire information can be denied,
- d) contains instruction on appeal procedure and deadlines for appealing decisions taken in line with the FAIA,
- e) indicates persons authorized to provide information and contact phone numbers that the applicant can call in order to simplify access to information and contains a list of information necessary for addressing the BiH Central Election Commission,
- f) contains the access to information application form,
- g) regulates the costs for duplication of requested information, and
- h) indicates the BiH Central Election Commission’s Index registry and the method of accessing the Registry.

The Guide and Form for Access to Information can be obtained as a free copy at the Central Election Commission of BiH from the PR Officer or on the website of the Central Election Commission of BiH www.izbori.ba.

The Users of the BiH Central Election Commission's Guide may make recommendations and suggestions that would contribute to the improvement of its next edition.

2. TYPES OF INFORMATION THAT CAN BE OBTAINED

FAIA in Bosnia and Herzegovina guarantees every physical and legal person access to information under the control of the BiH Central Election Commission.

Consultation of the Registry Index of the Central Election Commission of BiH is recommended before establishing contacts.

As a rule, the BiH Central Election Commission will grant access to information, except in the exceptional circumstances established by the FAIA. In the case of a dilemma whether the BiH Central Election Commission has the information requested that relates to the competence of the BiH, PR offices may be contacted to provide necessary instructions.

3. PROCEDURE TO ACCESS INFORMATION

3.1. Before applying to access the information one should try to get the needed information in an informal way.

In cases where there is a high level of reliability that the BiH Central Election Commission has the requested information, and before submitting a formal request for access to information, it is necessary to contact the PR officer in order to attempt obtaining necessary information in an informal way.

A formal request to the BiH Central Election Commission can be submitted if the required information cannot be obtained in a simpler, informal way.

3.2. Address and information for contacting the BiH Central Election Commission

Address to which the formal request for access to information can be submitted:

Address:
BiH Central Election Commission
Danijela Ozme 7
71000 Sarajevo

Tel.: 033 251 300; 033/ 251 323

Fax: 033 251 329

Web: www.izbori.ba

E-mail: kontakt@izbori.ba

PR officer

3.3. Planning request for access to information

Prior to filing a formal request for access to information, it is necessary to carefully plan and determine the information or files that are to be obtained and to provide for the amount of financial resources necessary to duplicate the requested documents.

It is desirable to establish in advance that the information to be requested is not information to which access is restricted or prohibited.

3.4. Filing the request for access to information

After being carefully planned, the formal request for access to information is submitted to the BiH Central Election Commission on the form that is integral part of this Guide. The request is addressed to the PR officer and can be submitted in person at the registry office of the BiH CEC with a receiving stamp or by registered mail, fax or electronic mail.

The submission of the request must be made so as to adequately provide proof of submission - a certificate with the date of submission of the application.

The application is submitted in one of the languages that are in official use in Bosnia and Herzegovina.

The request should clearly define what one wants to know. It is necessary to specify the name of the requested document, the date of its creation, the author, the addressee, or provide any other information that would enable the Central Election Commission of BiH to find documents that contain the requested information.

If the request is not filed in the prescribed form and does not contain data that can identify the requested information, the BiH Central Election Commission will within eight days notify the applicant with a conclusion that his request cannot be processed for the above listed reasons.

The BiH Central Election Commission shall adopt a conclusion, as well as a decision informing the applicant about the partial or total admissibility or refusal of his/her request.

3.5. How to act in the situation when the Central Election Commission of BiH does not have the information

In the event that the Central Election Commission of BiH does not have information requested, as well as in the case that it has no access to the requested information, the request must be forwarded to the institution or a legal entity that can provide requested information within eight days following its receipt. The Central Election Commission of Bosnia and Herzegovina shall inform the applicant thereof in writing.

3.6. Deadline for receiving the information

The BiH central Election Commission shall inform the applicant of whether he/she was granted access to information or not within 15 days following receipt of the request.

In the case of an exception and the need to examine confidential commercial information and public interest, the deadline may be extended in accordance with the FAIA. The applicant must be notified of all actions and reasons for extending the deadline.

3.7. Access to Information

When the Central Election Commission of BiH approves access to the requested information entirely or partly, it shall inform the applicant thereof by means of a decision. The decision establishes the possibility of personal access and insight into the information in the premises of the Central Election Commission of BiH at the time suitable for the applicant and the staff employed, or, that the information will be sent in writing provided that it doesn't exceed 10 pages.

In accordance with an approved request, the BiH Central Election Commission informs the applicant of the possibility to obtain a copy of the requested information, if it exceeds ten pages, after payment of the duplication costs.

3.8. Duplication costs

The BiH Central Election Commission does not charge fees for submitting the FAIA or for written notices within the meaning of FAIA, while the fee for duplication services is charged in accordance with the BiH Council of Ministers Decision on the costs of duplicating requested information in accordance with the Law on freedom of access to information in BiH (“Official Gazette of BiH”, no 12/01), as follows:

- 0,50 KM for every standard sized page,
- 10 KM per CD electronic documents.

Duplication of first ten pages of standard sized material is free of charge, and duplication costs for more pages are paid by the applicant in advance.

Payment for the duplication costs for information exceeding 10 pages is done by a payment slip, as shown in the attachment to this Guide.

4. DENYING ACCESS TO THE BiH CEC'S INFORMATION AND DETERMINING EXCEPTIONS

The files of the BiH Central Election Commission are maintained to ensure the distinction between public and confidential archives. Classification of confidential, strictly confidential and other mail is carried out in accordance with the regulations on the protection of classified information. When considering each individual request, the applicant will be notified within eight days following receipt of the request if the request cannot be met because the information requested is confidential.

The FAIA entitles everyone to request access to any information under the control of the BiH Central Election Commission. Only in exceptional circumstances, exceptionally foreseen by the FAIA, the BiH Central Election Commission will not approve access to required information, in the case of the following three categories of information:

The first category of exceptions refers to the functions of the Central Election Commission of BiH as a public body. For the purpose of this category, an exception may be established in cases where information disclosure would cause significant damage to the legal objectives of the following categories in Bosnia and Herzegovina:

- Protection of public safety;
- Prevention of crime and any detection of crime; and
- Protection of the public body's decision making process.

The second category of exceptions refers to a case where the request for access to information includes confidential commercial interests of third parties whose disclosure could cause harm to a third party.

The third category of exceptions concerns the legitimate protection of third-party privacy. Notwithstanding these exceptions, the BiH Central Election Commission shall publish the information requested if justified by public interest, under the condition and in the procedure laid down in Article 9 of the FAIA.

5. PROTECTION OF RIGHTS IN CASE ACCESS TO INFORMATION IS DENIED

If the BiH Central Election Commission refuses access to the requested information, in whole or in part, it will inform the applicant thereof within 15 days following receipt of the request.

The decision shall state the reasons for refusing access to information, the legal basis for the exclusion of the information, all material matters of relevance to the decision, and shall instruct the applicant on the right to appeal.

The applicant may file an appeal on the decision of the BiH Central Election Commission to the Appeals Chamber of the Bosnia and Herzegovina Council of Ministers, in accordance with Article 215, paragraph (1) of the Law on Administrative Procedure ("Official Gazette of

BiH", No. 29/02, 12/04, 88/07, 93/09, 41/13 and 53/16), as well as contact the Ombudsman of BiH at any stage of the proceedings.

Appeal time limits are precisely defined and strictly formal and there is risk of losing the right to appeal if failing to observe the appeal time limits.

6. ACCESS TO PERSONAL INFORMATION

The FAIA provides for a special procedure for access to personal information, or information related to private life. In addition to the general requirements for information access requests, it is important to point out that access to personal information may only be requested by the person to whom they relate, by signing the request and submitting a valid identification document with a photo. The request may also be filed by a legal representative, or a proxy of the persons to whom the personal information relates. A legal representative and a proxy are obliged to present valid evidence on the status of legal representative or proxy, as well as a copy of the valid identification document with the photo of the person they represent and to present their valid identification documents with the photograph.

The FAIA provides the right to ensure that personal information, which is under the control of a public body, are accurate, current, complete, relevant to the legitimate use for which they are stored, and in no way misleading.

Once personal information has been accessed, a request can be filed to make changes, additions or comments, which will be added to personal information. Requests for changes or additions to personal data are not time-limited.

The public authority may refuse the requested modification or amendment to the personal data by a decision if found that the legal requirements regarding the accuracy, relevance, legitimacy for which the information is stored are not met or if the information is found to be otherwise misleading. Such a decision also contains a legal remedy.

7. ANNEXES

The Request Form for Access to Information and Index Registry of the BiH Central Election Commission are attached to this Guide.

The Guide, together with annexes, will be submitted to the Ombudsman for Human Rights of Bosnia and Herzegovina, public libraries and every legal library in Bosnia and Herzegovina.

8. FINAL PROVISIONS

Enforcement of the Guide for applicants in terms of the Freedom of Access to Information Act for Bosnia and Herzegovina from February 2009 shall become ineffective upon adoption of this Guide.

This Guide shall be published on the website of the BiH Central Election Commission www.izbori.ba.

Number: 04-1-50-2-765-1/17
Sarajevo, May 25, 2017

President
Dr. Irena Hadžiabdić

7.1. Request form

Applicant's name and last name

Address

Place

Telephone/fax/e-mail

Date: _____

CENTRAL ELECTION COMMISSION OF BOSNIA AND HERZEGOVINA
DANIJELA OZME 7
71 000 SARAJEVO

SUBJECT: REQUEST TO ACCESS INFORMATION

In line with the Freedom of Access to Information Act for Bosnia and Herzegovina I request access to the following information:

(Accurately list the information you request and describe it as precisely as possible)

Check the way in which you wish to access the information:

- a) Inspection at the site
 - b) Copying
 - c) Receiving the information at the home address
-

Annex:

APPLICANT

INDEX REGISTRY OF INFORMATION AT DISPOSAL OF BIH CENTRAL ELECTION COMMISSION

1. INTRODUCTION

In accordance with the Election Law of Bosnia and Herzegovina, the BiH Central Election Commission established the Secretariat, which conducts professional and administrative-technical tasks and which is managed by the Secretary General.

The Secretariat of the BiH Central Election Commission is comprised of the following organization units:

1. Sector for public relations, international cooperation, protocol and training

- a) Department for public relations, international cooperation and protocol**
- b) Department for Administration-Documentation Affairs and Training**

2. Office for audit of political party financing

- a) Department for audit affairs**
- b) Department for pre-audit and administrative affairs**

3. Sector for legal affairs and administrative proceedings

- a) Legal Affairs Department**
- b) Administrative proceedings Department**

4. Sector for elections and information technology

- a) Elections Department**
- b) ICT Department**

5. Sector for financial and general affairs

- a) Department for financial affairs**
- b) Department for operational and common affairs**

Sector for public relations, international cooperation, protocol and training performs following tasks: preparation of materials, proposals, opinions relating to the needs of the Central Election Commission of BiH concerning implementation of the Central Election Commission's (i.e. Secretariat's) program of activities; preparation of sessions of the BiH Central Election Commission; conducting and monitoring the execution of the conclusions of the Central Election Commission of BiH and informing the Central Election Commission of BiH on the dynamics of the fulfillment of obligations; ensuring publicity of the work of the BiH Central Election Commission; receiving and dispatching the mail sent to the BiH Central Election Commission; keeping records of confidential material; operational coordination of work between basic organizational units; professional, administrative and technical tasks for the Central Electoral Commission of BiH or the Secretariat, keeping the schedule of activities of the members of the Central Election Commission of BiH and the Secretary General of the Secretariat, organization of official visits in the country and abroad, and reception of domestic and foreign visitors; translation of written materials from English to languages officially used in BiH and vice versa, proofreading of materials in languages officially used in BiH and training under the competence of the BiH Central Election Commission.

Office for audit of political party financing performs the following tasks: reviews, controls and audits financial reports submitted by political parties in accordance with the Law on political party financing and the BiH Election Law, and in line with International Auditing Standards and Rulebook on Administrative Procedures it reviews, controls and audits political parties' financial reports, including reports from the national and entity headquarters (including the Brčko District of BiH) and at least two regional offices; informs the BiH CEC in writing about non-observance of the provisions of the Law on political party financing and the BiH Election law by political subjects; participates in the preparation of proposals for normative acts for the implementation of the Law on political party financing and the Chapters the BiH Election Law on Campaign Financing as well as their Amendments; giving opinions and answers; collecting data on the property status of political parties, sorted by type and origin of assets, which are kept in a current audit dossier; drawing up a preliminary audit reports and audit reports, and following a statement by the political party about it, issuing a final report on the audit and reports on the completed audit; publishing audit reports and auditing reports with opinion and audit findings on financial statements and financing of political parties in accordance with the Law on political party financing on the BiH Central Election Commission's website and its opinion in the Official Gazette of BiH.

Sector for legal affairs and administrative proceedings performs the following tasks: proposing and giving recommendations for the adoption of the laws and for the changes and amendments to the laws under the competences of the BiH Central Election Commission; preparing working texts, drafts, proposals and adopted texts of procedures and rules for the implementation of laws, contracts, provides legal and expert opinions and interpretations of the provisions of the law and procedures verified by the Central Election Commission of BiH whenever necessary. Preparing the proposals of the normative acts of the Secretariat. Provides legal expert assistance to organizational units in the Secretariat; solving administrative matters; providing legal aid to basic organizational units.

Sector for elections and information technology performs the following tasks: conducting voter registration procedures in the Central Voters Register, especially the registration of my-mail voters; securing the accuracy of the data of the final Central Voters Register; ensuring all technical aspects of preparation of elections in accordance with the BiH Election Law, the electoral laws of the entities and other electoral regulations; participation in drafting the budget for the conduct of elections; preparing instructions for the work of election management bodies; participates in the dynamics and distribution of ballots and election materials to the relevant election commissions; preparation of working meetings with competent bodies involved in electoral processes and political subjects; preparation of procedures for registration of political subjects for the elections; developing rafts of all forms used in the process of registering political subjects; implementation of election results and establishment of authorities in accordance with the election results, BiH Election Law and other regulations; organizing education as well as informing the voters about election process and elections; proposing and giving recommendations for the adoption of laws, changes and amendments to the laws relating to the electoral system; preparation of working texts, drafts, proposals and adopted texts of procedures and rules for implementation of the BiH Election Law; solving administrative matters; providing all services from the IT segment to all the organizational units in the Secretariat and the BiH Central Election Commission, both for the purposes of conducting the elections and for the internal functioning of the BiH Central Election Commission, as well as for performing all other tasks entrusted to the BiH Central Election Commission; participates in the preparation and development of all necessary software packages, organization of data entry and user training; database updates; providing information to the BiH Central Election Commission and to the organizational units of the Secretariat; preparation of reports, statistical analysis and web site maintenance; software standardization in accordance with the BiH Election Law; Data security and network protection; installation; software and hardware maintenance; providing technical support to all

employees in the Secretariat; studying guidelines in the development of information technologies and monitoring world trends in this area to improve business.

Sector for financial and general affairs performs the following tasks: monitoring the execution of the financial plan and budget; preparation of periodic and annual accounts; controlling accuracy of financial documentation and its entry into a single treasury system; account assignment; preparation of reports on resources and their spending according to budget items; calculation of personal income, contributions, taxes, travel expenses and other benefits; solving administrative matters in the first and second instance proceedings, purchasing of fixed assets, office and other consumables, press, official gazettes and other professional literature; keeping the record of the BiH Central Election Commission's stamp; HR affairs, establishment and termination of employment, necessary employment records, realization of rights from health and pension insurance; coordinating work between organizational units, libraries, archives, warehouses and couriers; taking care of servicing and maintenance of official vehicles and technical devices, the purchase of goods and office supplies, and other general affairs that are common to the Secretariat.

2. TYPES OF INFORMATION Below we list only those organizational units of the BiH Central Election Commission's Secretariat that have certain types of information at their disposal:

Sector for public relations, international cooperation, protocol and training

- Press releases,
- Minutes from the BiH CEC's sessions,
- Reports on implementation of laws under competence of the BiH CEC,
- Reports on conduct of elections in BiH,
- Anti-corruption strategy,
- Action plan for implementation of the Anti-corruption strategy,
- BiH CEC's Integrity plan,
- Annual work plan of the BiH CEC.

Office for audit of political party financing:

- Financial reports of political subjects for the period starting three months before the day application for participation in the elections is submitted,
- Financial reports of political subjects for the period starting from the day application for participation in the elections is submitted until the day election results are verified,
- Financial reports of political subjects for every calendar year,
- Audit reports,
- Information on budget appropriations to political subjects.

Sector for legal affairs and administrative proceedings:

- Laws and by-laws under competence of the BiH CEC,
- Decisions adopted by the BiH CEC.

Sector for elections and information technology:

- Central Voters' Register,
- Registry of election commissions,
- Registry of sanctioned EMBs' members,
- Registry of centers for voters' register,
- Registry of political subjects that submit request to be certified to participate in the elections and that participate in the elections,
- Assets declaration forms of elected officials,
- Results of conducted elections,
- Statistical data on voters,
- Statistical data on election results and other statistics.

Sector for financial and general affairs:

- Budget of the BiH CEC and execution of the budget,
- Balance of Cash, Funds and Funds of Special Purpose Programs (Elections),
- Public procurement records,
- HR records.

Note: All listed types of information are mostly available at the website of the BiH CEC (www.izbori.ba).

Payment referred to in point 3.8 of this Guide is made through a payment slip in the following way:

First (1.) field: Number of taxpayer – should contain unique citizens' identification number if payment is made by a natural person or a 13-digit ID number of a legal entity, if payment is made by a legal entity,

Second (2.) field: Type of payment – should be 0 for every payment,

Third (3.) field: Type incomes - 722577,

Fourth (4.) field: Type of payment – should be 0 for every payment,

Fifth (5.) field: Taxation period – should correspond to the payment date,

Sixth (6.) field: Budget organization - 0706999,

Seventh (7.) field: Reference number- 0706999,

Payment is done to one of the deposit accounts of the BiH Ministry of finance and treasury:

- a) Deposit account number: 3380002210018390 with Unicredit bank d.d Mostar,
- b) Deposit account number: 5517902220404858 with Unicredit bank a.d Banja Luka,
- c) Deposit account number: 5556000031201417 with Nova Banka a.d Banja Luka or
- d) Deposit account number: 5620128137723339 with NLB Banka a.d Banja Luka