

## **PROCEDURES FOR ACCESS TO INFORMATION OF PUBLIC INTEREST**

**Art. 11** Access to information of public interest communicated ex officio is carried out through:

- a) posting at the information-documentation point, at RNP - Romsilva headquarters and at the units and sub-units ;
- b) RNP - Romsilva's website;
- c) consultation at RNP - Romsilva headquarters and at the headquarters of the units and sub-units in the territory;
- d) the mass media;
- e) publication in the Official Gazette of Romania.

**Art. 12** RNP - Romsilva is obliged to provide individuals or legal entities, at their request, through the Public and Media Relations Office and the structures in the territory, information of public interest, requested verbally, in writing or in electronic format.

**Art. 13** The written request for information of public interest shall include:

- a) the public authority to which the request is addressed;
- b) the information requested, in such a way as to enable the public institution to identify the information of public interest;
- c) the name, surname, capacity and signature of the applicant;
- d) the address and/or fax number to which a reply is requested.

**Art. 14** In order to facilitate the drafting of the request for information and the administrative complaint, standard forms (Annexes 1 and 2) shall be made available free of charge to the interested party.

**Art. 15** The deadlines for providing a written reply to applicants for information of public interest are as follows:

- a) 10 working days for the communication of the requested information of public interest, if it has been identified within this period;
- b) 10 working days for notifying the applicant that the initial deadline under point a) was not sufficient to identify the information requested;
- c) 30 working days for the communication of the public interest information identified within the time limit under point a);
- d) 5 working days for the submission of the refusal to disclose the requested information and the reasons for the refusal.

**Art. 16** Functioning of the structures responsible for direct public information:

- a) ensure the handling of requests for information of public interest and the organization and operation of the information - documentation point;
- b) In the case of verbal formulation of the request, the information is provided on the spot, if possible. If the requested information is not available on the spot, the person is directed to request the public information in writing and the request is dealt with within the prescribed time limits.

(c) Requests made in writing on paper or in electronic form (e-mail) shall be registered with the Registrar General, who shall issue a written confirmation to the applicant containing the date and registration number of the request.

(d) Upon receipt and registration of the request, the responsible persons shall determine whether the information requested is ex officio information, information supplied on request or information exempted from open access.

e) If the requested information is already provided ex officio, the applicant shall be informed immediately, but no later than 5 days, of this fact and of the source where the requested information can be found.

f) Information of public interest requested orally by the media shall, as a rule, be communicated immediately or within 24 hours at the latest.

g) Where the request for information involves the making of copies of documents, the cost of copying services shall be borne by the applicant. The cost of copying will be determined in relation to the market price. h) If, following the information received, the petitioner requests new information on documents in the possession of the Board, this request will be treated as a new petition, and the reply will be sent within the time limits laid down by law.

h) Persons carrying out studies and research for their own use or in the interest of their work shall have access to the documentary collection of the Board on the basis of a personal request and with the approval of the Director General. Copies of documents held by the public institution shall be made under the conditions laid down in paragraph (g).

i) Draft the reply to the requester, together with the information of public interest or the reasons for the delay or rejection of the request, in accordance with the law. The reply shall be registered and sent to the person concerned, on the medium requested, within the legal deadline.

j) If the requested information does not fall within Romsilva's competence, within 5 days of receipt, the request is forwarded to the competent institutions and the applicant is informed about it.

k) Keeps a record of the answers and receipts provided by the applicants for the payment of the costs of copying the requested materials.

l) The person or persons responsible for public information shall organise and operate the information - documentation point as follows:

- ensures the publication of the newsletter which will contain the information of public interest communicated ex officio, provided for in Article 5 of the Law;
- ensures the publication in the Official Gazette of Romania, Part II, of the activity report of the Board;
- ensures the availability in written format (on the notice board, in the form of brochures or electronically) of the information communicated ex officio;
- organises public access to information provided ex officio at the information and documentation point;

m) RNP - Romsilva, through the Public and Media Relations Office, will draw up an annual report on access to information of public interest, addressed to the Director General and made public, which will include:

- the total number of requests for information of public interest;
- the total number of requests, broken down by area of interest;

- the number of requests favourably resolved;
- the number of requests refused, broken down by reason for refusal of information (exempted from access, non-existent, etc.);
- the number of written requests: 1. on paper; 2. electronically;
- number of requests from individuals;
- number of requests from legal entities;
- number of administrative complaints: 1. favourably resolved; 2. rejected;
- number of complaints in court: 1. resolved favourably; 2. rejected; 3. pending;
- total costs of the information and public relations department;
- total amounts charged for copying services of requested public interest information;
- estimated number of visitors to the information - documentation point.

n) The activity of dealing with petitions and hearings is not subject to the provisions of this procedure if it concerns any requests other than public interest information.

#### Special provisions on media access to information of public interest

**Art. 17** In order to ensure media access to information of public interest, the management of the Board shall appoint a spokesperson.

**Art. 18** RNP - Romsilva is obliged to organize periodically, usually once a month, through the Public and Media Relations Office, press conferences, in order to bring information of public interest to the attention of the public:

(a) The Public and Media Relations Office is obliged to inform the media in good time of press conferences or any other public events organised by them;

b) RNP - ROMSILVA may not prohibit the access of the media to the public actions organized by them;

c) accreditation is granted upon request, within 2 days of its registration.

d) public authorities may refuse to grant accreditation or may withdraw accreditation to a journalist only for facts that hinder the normal conduct of the public authority's activity and that do not concern the opinions expressed in the press by that journalist.

e) Refusal to grant accreditation and withdrawal of accreditation of a journalist shall be communicated in writing and shall not affect the right of the media organisation to obtain accreditation for another journalist.

**Art. 20** The media are not obliged to publish information provided by public authorities or institutions.

#### FINAL PROVISIONS

**Art. 21** Explicit or tacit refusal by the designated employee to apply the provisions of this law constitutes misconduct and entails the disciplinary liability of the guilty party.

**Art. 22** A complaint may be lodged against the refusal, addressed to the management, within 30 days from the date the injured party becomes aware of it (see model administrative complaint in Annex 2). If, after an administrative investigation, the complaint proves to be justified, the reply shall be sent to the person aggrieved within 15 days of the lodging of the complaint and shall contain both the information of public interest initially requested and the disciplinary sanctions taken against the offender.

**Art. 23** (1) For the analysis of administrative complaints of persons, concerning non-compliance with the provisions of the Law no. 544/2001, the methodological rules and the present procedure, a commission for the analysis of violations of the right of access to information of public interest shall be established at the level of the Royal Administration by decision of the Director General.

(2) The Commission for the analysis of violations of the right of access to information of public interest shall have the following responsibilities:

- (a) receive and consider complaints from individuals;
- (b) carry out the administrative investigation;
- (c) determine whether the person's complaint concerning the violation of the right of access to information of public interest is justified or not;
- d) if the complaint is founded, proposes the application of a disciplinary sanction to the staff responsible and the communication of the requested information of public interest.
- e) draft and send the reply to the applicant.

**Art. 24** An applicant who, after receiving the reply to the administrative complaint, still considers that his rights under the law have been infringed, may lodge a complaint with the Administrative Jurisdiction Division of the Court within 30 days of the expiry of the prescribed time limit. Representation in court will be provided by the Legal Service.

**Art. 25** The exemption from stamp duty for the complaint to the court and the appeal to the court of appeal does not include the exemption from the payment of copying services for the requested public interest information.

**Art. 26** Annexes 1 and 2 form an integral part of this procedure.

This procedure was approved today, 14.02.2012 and will be brought to the attention of each department within the units and sub-units of the National Forestry Regie - Romsilva.

**Deadline:** Permanent