

Attachment XI

Model refusal to provide access to information

DECISION No ...

REFUSING ACCESS TO PUBLIC INFORMATION

Ref. No.....

To.....

(Full name of the requestor – individual or natural person)

Dear Sir/Madam,

In response to your access to information request filed on (date), I have established the following facts:

You have requested information about the responsibilities of our institution in the time of war. Our institution is (is not) in possession of the requested information. The information you have requested fall within the national security exemption, in particular – defense of the state.

After examined the archives of the institution, we have determined that the responsibilities of the institution during the time of are determined with Order No..... The Order contains information classified as state secret and has been marked “confidential” by (name and position of the official) on..... (date).

/Legal grounds/

Pursuant to art. 4 of the Access to Public Information Act (APIA) everyone has the right to access information collected or held by the public authorities. The right to information can be limited only with the purpose of protecting legitimate interests, listed in art. 5 of the APIA. Pursuant to art.37, para.1, item 1 of the APIA information might be exempt from access when it is classified as state secret. The categories of information, which can be classified as state secret, are determined by art. 25 of the Protection of Classified Information Act and are enumerated in Attachment List No. 1 to PCIA.

/Harm test /

Disclosure of the requested information about the responsibilities of our institutions during the time of war would endanger the effective implementation of our activities in cases of war. The requested information corresponds to section I item 19 from the Attachment list to the PCIA; therefore it has been classified as state secret. The security mark/seal has been placed on..... (date), and the classification term of 15 years has not expired.

We are in no position to provide partial access to the requested information.

The decision for classification cannot be reconsidered and the security seal cannot be removed. After internal consultations, I have determined that the requested Order is still valid (in operation) and its disclosure might seriously harm national security.

/Overwhelming public interest test/

After considering your arguments, shared with an official in a phone call from (date), we have decided that there is no overwhelming public interest from disclosure. There would only be an overwhelming interest from disclosure, in case the life, health, or security of the public needed urgent protection, pursuant to art.14, para. 2, item 1 of the APIA ЗДЮИ or pursuant to art.20, para. 4 of the Environmental Protection Act. However, this is not the case.

Considering the above arguments, I refuse access to.....

Please, direct your further questions to (name and position of the responsible official or office) on the following phone number

Date.....

Signed by the official responsible for
handling access to information requests: