



**GUIDEBOOK
FOR APPLICANTS WITHIN THE MEANING OF THE LAW ON FREEDOM OF ACCESS
TO INFORMATION IN BOSNIA AND HERZEGOVINA**

Sarajevo, February, 2009

1. INTRODUCTION

Aimed at assisting legal entities and natural persons to actualize their rights according to the Law on freedom of access to information in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, no. 28/00 and 45/06), the Central Election Commission of Bosnia and Herzegovina (hereinafter: BiH Central Election Commission) has compiled this Guidebook. The guidebook helps you to get details regarding access to information that the BiH Central Election Commission manages and has at its disposal. We hope you will find the information in this guidebook very useful.

2. PROCEDURE FOR ACCESS TO INFORMATION

The right of access to information can be exercised by submitting a written request that should fulfill the following conditions:

- To be in written form and on one of the BiH official languages,
- To contain sufficient data on the nature and the content of the requested information as to enable the BiH Central Election Commission to find that information,
- To contain applicant’s name and last name, his/her address and if possible also the telephone number,
- Description of the manner in which the applicant wishes to access the information.

A request referring to personal information can only be submitted by a person, to whom the information is related, and/or by a legal representative or a plenipotentiary. When submitting the request for information, a person to whom the information is related must show the ID card or any other personal document with a photograph to the information officer or he/she must attach evidence of legal representation, i.e. power of attorney.

"Personal information" is any information which is having reference to the natural person that can be directly or indirectly identified by facts such as, but not limited to, identification number or physical, mental, economic, ethnical, religious, cultural or social identity of that person.

3. DEADLINES

Upon receiving a request submitted in line with the Law and this guidebook, the BiH Central Election Commission will give its answer within fifteen (15) days following the receipt of the request or within eight (8) days if it is not possible to provide the requested information.

4. DUPLICATION COSTS

The applicant pays duplication costs in accordance with the Decision of the BiH Council of Ministers on costs for duplication of requested information (“Official Gazette BiH”, no. 12/01). First ten pages of standard sized material are free of charge, and duplication costs for more pages are as follows

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

Aforementioned amount is paid to the following account:

Bank: CENTRAL BANK OF BOSNIA AND HERZEGOVINA

Account no.: 000 003 00000001 45

Reference to: 37111 with reference to BiH Central Election Commission information services

5. MORE SIMPLE WAY TO ACCESS INFORMATION

Before officially submitting a request, the BiH Central Election Commission offers a possibility of informal access to requested information, which can be found at the BiH Central Election Commission's web site (www.izbori.ba), or which can be obtained from the expert assistant for public relations of the BiH Central Election Commission by telephone.

6. EXCEPTION REGARDING CONFIDENTIAL INFORMATION

The files of the BiH Central Election Commission are kept in a way to ensure differentiation of public and confidential documents. Categorization of confidential, strictly confidential and other mail is done according to the Regulation on office management.

When considering each individual request, the applicant will be informed about impossibility to get wanted information, because it is confidential, within eight (8) days from the receipt.

7. RIGHT TO COMPLAIN

The applicant has the right to submit an appeal to the BiH Central Election Commission if he/she thinks that his lawful rights have been violated. If the applicant is not satisfied with the decision of the BiH Central Election Commission, he/she can seek protection with the competent court.

Answer or decision of the BiH Central Election Commission must always contain the legal remedy instruction.

8. ATTACHMENTS

The form for access to information and index register of the information that the BiH Central Election Commission manages and has at its disposal are attached to this Guidebook. The guidebook with attachments will be delivered to the Ombudsman in Bosnia and Herzegovina, public libraries, as well as to every juridical library in Bosnia and Herzegovina.



APPLICATION FOR ACCESS TO INFORMATION

On the basis of the Law on freedom of access to information in Bosnia and Herzegovina I hereby request access to following information:

APPLICANT'S NAME AND LAST NAME: _____

ADDRESS: _____

NOTE:

Application to access personal information must be made and signed by natural person to whom the request is related or by a legal representative or a plenipotentiary. When submitting application for access to personal information a person must present an ID document with the photograph or evidence of legal representation or power of attorney.

APPLICANT'S SIGNATURE: _____

INDEX REGISTER 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. **Service for audit of financial management**
2. **Cabinet of the BiH Central Election Commission**
3. **Sector for legal affairs and implementation of the Law on conflict of interests in governmental institutions of BiH**
 - a) **Legal Affairs Department**
 - b) **Department for implementation of the Law on conflict of interests in governmental institutions of BiH**
4. **Sector for elections and information technologies**
 - a) **Elections Department**
 - b) **Department for information-communication technologies**
5. **Sector for financial and general affairs**
 - a) **Department for material-financial tasks**
 - b) **Department for operational and common tasks**

Service for audit of financial management is responsible for review and control of financial reports submitted by political parties in accordance with the BiH Election Law and Law on political party financing. The Service for audit of financial management (when conditions are met) submits final report and issues a receipt on conducted audit.

Cabinet of the BiH Central Election Commission conducts tasks with reference to the needs of the BiH Central Election Commission in preparation of documents, proposals, opinions concerning completion of the BiH Central Election Commission's program activities. The Cabinet prepares sessions of the BiH Central Election Commission, monitors administration of conclusions and in that regard the Cabinet informs the BiH Central Election Commission on the performance dynamics. The Cabinet conducts operational coordination of the work between the organization units-departments and other tasks.

Sector for legal affairs and implementation of the Law on conflict of interests in governmental institutions of BiH

1. **Legal Affairs Department** conducts tasks concerning: proposing and giving recommendations for enactment of laws, changes and addenda to the laws implemented by the BiH Central Election Commission, conducts preparation of working texts, drafts, proposals and adopted texts of procedures and rules for implementation of the laws, contracts, it provides legal expert opinions and explanations of the legal provisions and procedures, which are verified by the BiH Central Election Commission as needed. It also prepares proposals of normative acts of the Secretariat. It provides legal assistance to the departments of the Secretariat and conducts other tasks under its jurisdiction.
2. **Department for implementation of the Law on conflict of interests in governmental institutions of BiH** conducts tasks of drafting proposals of opinions, conclusions, decisions and other acts under competence of BiH Central Election Commission regarding implementation of the Law on conflict of interests in governmental institutions of BiH, Law on conflict of interests in governmental bodies of FBiH and Law on conflict of interests in

governmental institutions of Brčko District BiH. It also conducts tasks necessary for leading the procedure on determining conflict of interests, and prepares periodical reports on work of the BiH Central Election Commission in implementation of the laws.

Sector for elections and informational technologies

- 1. Department for elections** conducts tasks of implementation of the voters' registration procedure and organizes management of the process of registration, establishment and implementation of the registration by mail program, coordinates and monitors voters' registration process and voting by mail, prepares guidelines on identification, management and operation of the center for voters register, manages Central Voters Register, ensures accuracy of the data of the final voters register. It also ensures all technical aspects of election preparation, preparation of rules and procedures for implementation of the BiH Election Law, drafts budget for administration of the elections, ensures compliance of all technical preparations with the BiH Election Law, Election law of the entities, prepares working instructions for bodies that administer the elections, prepares dynamics and distribution of the ballots and the election material to responsible election commission, provides training for the members of the polling station committees, prepares reports for the general secretary on its activities concerning the organization and administration of the elections. Furthermore, plans procedure for the process of registering political entities, which register for the elections, prepares drafts of all forms used in the process of registering political entities, updates the list of people who cannot stand for an office, organizes distribution of the certificates to the elected officials, informs and educates voters on election process and elections, conducts tasks regarding implementation of election results.
- 2. Department for information-communication technologies** provides all services in the field of information technologies to all departments of the BiH Central Election Commission Secretariat for administration of elections and internal functioning of the Secretariat respectively, and also conducts all other tasks entrusted to the BiH Central Election Commission. That encompasses development of all needed software packages, organization of data entry and training of the beneficiaries, administration and update of database, providing information, preparation of reports, statistical analyses and maintenance of the web site. It is also responsible for the data security and protection of the network, installation and maintenance of software and hardware, and provides technical support to all employees of the Secretariat. The department studies the guidelines in development of information technologies, and follows on world trends in that field aimed at improvement of the activities.

Sector for financial and general affairs

- 1. Department for material-financial tasks** conducts followings tasks and activities: follows on execution of the financial plan and the budget, prepares periodical and annual statement of accounts, controls accuracy of financial documents and enters them into unified treasury system, conducts accounting checks, prepares reports on funds and their utilization according to positions, conducts computing of salaries, contributions, taxes, travel costs and other allowances; procures permanent means and equipment, office material and other expendable supplies, newspapers, official gazettes and other professional literature. The department also takes care of servicing and maintenance of technical appliances.
- 2. Department for operational and common tasks** conducts following tasks concerning: human resources policy, hiring of employees and termination of their contract, necessary records relevant for employment contracts, exercise of health and pension insurance rights, keeping records on Secretariat's stamps, coordination of work between the departments, the tasks of protocol, archive, warehouse, delivery, typing, transport of Secretariat's employees, procurement of goods and office material, as well as other general tasks which are common for the Secretariat.

2. TYPES OF INFORMATION

Hereinafter we mention only those departments of the BiH CEC's Secretariat that have certain types of information at their disposal:

Service for audit of financial management:

- Financial reports of political parties for the period starting three months before the day of filing application for verification to participate at the elections (Chapter 15 of the BiH Election Law),
- Financial reports of political entities for the period from the day of filing application for verification for the elections until the day of verification of the election results (Chapter 15 of the BiH Election Law),
- Financial report of political parties for each calendar year (Law on political party financing).
- Reports on conducted audit of political parties' financial reports.

Legal Affairs Department:

- Laws and bylaws whose implementation is under jurisdiction of the BiH Central Election Commission,
- Decisions enacted by the BiH Central Election Commission,

Department for implementation of the Law on conflict of interests in governmental institutions of BiH:

- Record on elected and appointed officials who were sanctioned by the BiH Central Election Commission for violation of the Law on conflict of interests in governmental institutions of BiH, Law on conflict of interests in governmental bodies of FBiH and Law on conflict of interests in governmental institutions of Brčko District BiH.

Department for elections:

- Central Voters Register,
- Register of municipal election commissions,
- Register of sanctioned members of bodies for administration of elections,
- Register of centers for voters' registration,
- Register of political entities that submit application for verification to participate in the elections and that participate in the elections.
- Property statements of elected officials,
- Results of administered elections.

Department for information-communication technologies

- Statistical data on voters,
- Statistical data on election results and other statistics.

Department for material-financial tasks:

- BiH Central Election Commission budget and execution of the budget,
- State of vault's funds, material means and specific-purpose program funds (elections).

Note: All above-mentioned pieces of information are mostly available to the public at the BiH Central Election Commission web site, www.izbori.ba.