

Council of Europe Access Info Group (AIG)

Report of the Republic of Latvia pursuant to Article 14, paragraph 1, of the Council of Europe Convention on Access to Official Documents (CETS No. 205)

Received by the Secretariat on 14 May 2026

I - GENERAL INFORMATION

This report of the Republic of Latvia on the legislative and other measures taken to give effect to the provisions of the Council of Europe Convention of 18 June 2009 on Access to Official Documents (CETS No. 205) ("Convention") has been prepared in accordance with Article 14 of the Convention, which provides that, within a period of one year following the entry into force of the Convention in respect of a Contracting Party, the latter shall transmit to the Group of Specialists – the Council of Europe Access Info Group (AIG) – a report containing full information on the legislative and other measures taken to give effect to the provisions of the Convention.

As the Convention entered into force for Latvia on 1 May 2025, the report is due by 1 May 2026. The report was prepared by the Ministry of Justice of the Republic of Latvia as the authority responsible for formulating, organising and coordinating¹ policy in the field of freedom of information and for coordinating the fulfilment of the commitments provided for in the Convention².

In acceding to the Convention, meetings and written exchanges of views³ have taken place for reasons of expediency⁴, mostly with public authorities (including all ministries, the State Chancellery, the Central Election Commission of Latvia, the Data State Inspectorate of Latvia, the Corruption Prevention and Combating Bureau, Latvijas Banka (central bank of Latvia), the Supreme Court of the Republic of Latvia, the Office of the Prosecutor of the Republic of Latvia, the Administration of the *Saeima*⁵ of the Republic of Latvia, the Office of the Ombudsman of the Republic of Latvia, the State Audit Office of the Republic of Latvia, the Chancellery of the President of the Republic of Latvia, the National Electronic Mass Media Council, the Public Electronic Mass Media Council, the Public Utilities Commission of Latvia, the Constitution Protection Bureau (State security institution), the Latvian Council of Sworn Advocates, Latvian Council of Sworn Notaries, Latvian Council of Sworn Bailiffs and the Latvian Association of Local and Regional Governments).

At the initiative of the State Chancellery, in cooperation with the Ministry of Justice, an ex-post evaluation of the impact of the Freedom of Information Law⁶ has been launched, with the aim of evaluating whether the law achieves its purpose and its impact on target groups.

The evaluation is being carried out on behalf of the State Chancellery by the research and analytical services provider limited liability company *CSE COE* in cooperation with the think tank *PROVIDUS*.

¹ Sub-paragraph 4.1.6 of the Cabinet Regulation No. 474 of 16 August 2017, By-laws of The Ministry of Justice. Available on the Internet in Latvian: <https://likumi.lv/ta/id/292913>; in English: <https://likumi.lv/ta/en/en/id/292913-by-laws-of-the-ministry-of-justice>.

² Section 2 of the law On the Council of Europe Convention on Access to Official documents. Available on the Internet in Latvian: <https://likumi.lv/ta/id/356144>; in English: <https://likumi.lv/ta/en/en/id/356144-on-the-council-of-europe-convention-on-access-to-official-documents>.

³ Information on the harmonisation of the draft law On the Council of Europe Convention on Access to Official documents (23-TA-3190). Available on the Internet: https://tapportals.mk.gov.lv/legal_acts/2d63493c-c912-4630-afa1-1ce9e068c61.

⁴ It was established from the outset that no additional measures were necessary to implement the provisions of the minimum standard of Convention.

⁵ The Parliament of the Republic of Latvia.

⁶ An ex-post evaluation of the impact of the Freedom of Information Law and Law on Submissions was commenced at the end of 2025 and takes place during the preparation of this report until the end of June 2026.

II - LEGISLATIVE AND OTHER MEASURES GIVING EFFECT TO THE PROVISIONS OF THE CONVENTION

Everyone's right of access to official documents in Latvia at constitutional level is guaranteed by the Constitution of the Republic of Latvia⁷, including Articles 90 (everyone has the right to know about his or her rights), 91 (principle of equality, prohibition of discrimination), 100 (everyone has the right to freedom of expression, which includes the right to freely obtain, retain and distribute information), 101 (every citizen of Latvia has the right to participate in State and local government activities (public participation) in the manner provided for by law), 104 (everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply), 115 (the State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions), and they are implemented by the Freedom of Information Law⁸, Law on Official Publications and Legal Information⁹, State Administration Structure Law¹⁰, Archives Law¹¹ and another special external regulatory framework.

Case-law¹² has also firmly established that one of the goals of the right to access information is to ensure the right of the public to monitor how the State (in a broader sense) performs the public functions entrusted to it and how it determines the taxpayer's use of the funds paid into the budget.

Summary of the compliance statement of the Convention's obligations and of the measures of Latvia (including the legal framework) implementing the Convention's obligations

The Convention commitment measure	Measures by Latvia to comply with the obligations of the Convention*
Article 1 - General provisions	Section 1, Clauses 1 and 4, Section 2, Paragraph two of the Freedom of Information Law.
Article 2 - Right of access to official documents	Articles 1, 89, 90, 91, 100, 101, 104, 115 of the Constitution of the Republic of Latvia.
Article 3 - Possible limitations to access to official documents	Articles 1, 89, 62, 91, 116, 100 of the Constitution of the Republic of Latvia, limitations (restrictions) of the Freedom of Information Law and other specific limitations specified in the cases provided for in special laws or laws, as well as specified in directly applicable European Union legal acts and international agreements binding on Latvia.
Article 4 - Requests for access to official documents	Section 10, Paragraph three, Section 11, Paragraphs two, three, five and six of the Freedom of Information Law.

⁷ The Constitution of the Republic of Latvia. Available on the Internet in Latvian: <https://likumi.lv/ta/id/57980>; in English: <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia>.

⁸ The Freedom of Information Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/50601>; in English: <https://likumi.lv/ta/en/en/id/50601-freedom-of-information-law>.

⁹ The Law on Official Publications and Legal Information. Available on the Internet in Latvian: <https://likumi.lv/ta/id/50601>; in English: <https://likumi.lv/ta/en/en/id/249322-law-on-official-publications-and-legal-information>.

¹⁰ The State Administration Structure Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/63545>; in English: <https://likumi.lv/ta/en/en/id/63545-state-administration-structure-law>.

¹¹ The Archives Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/205971>; in English: <https://likumi.lv/ta/en/en/id/205971-archives-law>.

¹² See Paragraph 7 and 12 of the judgment Administrative Affairs Department of the Senate of the Republic of Latvia of 18 April 2019 in Case No. A420169118, SKA-917/2019. Available on the Internet in Latvian: ECLI:LV:AT:2019:0418.A420169118.5.S or Paragraph 76 "b" of the judgment of the European Court of Human Rights of 12 July 2007 in Case No. 16657/03, A/s DIENA and Aivars Ozoliņš v. Latvia. Available on the Internet in Latvian: <https://www.at.gov.lv/lv/tiesu-prakse/ect-nolemumu-arhivs/ect-nolemumu-mekletajs>; in French: <https://hudoc.echr.coe.int/eng?i=001-78474>.

Article 5 - Processing of requests for access to official documents	Articles 1, 89, 91, 100, 104, 116 of the Constitution of the Republic of Latvia, Section 10 of the State Administration Structure Law, Section 2, Paragraph one, Section 11, Paragraph five, Section 11. ² , Paragraph three, Section 12, Paragraphs one, two and three, Section 14 of the Freedom of Information Law.
Article 6 - Forms of access to official documents	Section 10, Paragraph four, Section 11. ² , Paragraphs one and two, Section 12, Paragraph three of the Freedom of Information Law.
Article 7 - Charges for access to official documents	Section 13 of the Freedom of Information Law, Cabinet Regulation No. 940 of 21 November 2006, Regulations Regarding Paid Services for the Provision of Information ¹³ .
Article 8 - Review procedure	Article 1 of the Constitution of the Republic of Latvia, Section 15 of the Freedom of Information Law, Administrative Procedure Law ¹⁴ (including Paragraph one of Section 18, Paragraph one of Section 64, Sections 77. ¹ , 81, 124) etc. Review in accordance with the Law shall not be available in the case specified in Section 15, Paragraph three of the Freedom of Information Law, Section 7, Paragraph five and Section 11, Paragraph six of the law On Official Secret ¹⁵ . If the limitation of review is not determined by law, the person shall have access to the review procedure in accordance with the provisions of the special law, the Administrative Procedure Law or the Freedom of Information Law (including Section 15).
Article 9 - Complementary measures	State Administration Structure Law, Cabinet Regulation No. 445 of 14 July 2020, Procedures for Publishing Information on the Internet by Institutions ¹⁶ , Law on Official Publications and Legal Information ¹⁷ , Administrative Procedure Law (Chapter 9, Statement on One's Rights), Section 9 (recording of information) of the Freedom of Information Law, Section 29, Paragraph one of the Cabinet Structure Law ¹⁸ , Section 4 of the Archives Law, Cabinet Regulation No. 282 of 7 May 2024, Regulations Regarding Records and Archives Management ¹⁹ , Cabinet Regulation No. 822 of 19 December 2023, Regulations Regarding the Protection of Official Secrets and the Classified Information of the North Atlantic Treaty Organisation, European Union and Foreign Authorities ²⁰ .
Article 10 - Documents made public at the initiative of the public authorities	Section 10, Paragraphs one, two, 2. ¹ and 2. ² of the Freedom of Information Law, Section 10 of the State Administration Structure Law, Law on Official Publications and Legal Information, etc.

* For more information, see the relevant Articles of the Convention.

¹³ Cabinet Regulation No. 940 of 21 November 2006, Regulations regarding Paid Services for the Provision of Information Available on the Internet in Latvian: <https://likumi.lv/ta/id/148617>; in English: <https://likumi.lv/ta/en/en/id/148617-regulations-regarding-paid-services-for-the-provision-of-information>.

¹⁴ Administrative Procedure Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/55567>; in English: <https://likumi.lv/ta/en/en/id/55567-administrative-procedure-law>.

¹⁵ Law On Official Secret. Available on the Internet in Latvian: <https://likumi.lv/ta/id/41058>; in English: <https://likumi.lv/ta/en/en/id/41058-on-official-secret>.

¹⁶ Cabinet Regulation No. 445 of 14 July 2020, Procedures for Publishing Information on the Internet by Institutions. Available on the Internet in Latvian: <https://likumi.lv/ta/id/316109>; in English: <https://likumi.lv/ta/en/en/id/316109-procedures-for-publishing-information-on-the-internet-by-institutions>.

¹⁷ Law on Official Publications and Legal Information. Available on the Internet in Latvian: <https://likumi.lv/ta/id/249322>; in English: <https://likumi.lv/ta/en/en/id/249322-law-on-official-publications-and-legal-information>.

¹⁸ Cabinet Structure Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/175919>; in English: <https://likumi.lv/ta/en/en/id/175919-cabinet-structure-law>.

¹⁹ Cabinet Regulation No. 282 of 7 May 2024, Regulations Regarding Records and Archives Management. Available on the Internet in Latvian: <https://likumi.lv/ta/id/351808> (translation in English is being agreed upon).

²⁰ Cabinet Regulation No. 822 of 19 December 2023, Regulations Regarding the Protection of Official Secrets and the Classified Information of the North Atlantic Treaty Organisation, European Union and Foreign Authorities. Available on the Internet in Latvian: <https://likumi.lv/ta/id/348742>; in English: <https://likumi.lv/ta/en/en/id/348742-regulations-regarding-the-protection-of-official-secrets-and-the-classified-information-of-the-north-atlantic-treaty-organisation-european-union-and-foreign-authorities>.

Article 1 – General Provisions

1. The principles set out hereafter should be understood without prejudice to those domestic laws and regulations and to international treaties which recognise a wider right of access to official documents.

2. For the purposes of this Convention:

a. (i) "public authorities" means:

- 1. government and administration at national, regional and local level;*
- 2. legislative bodies and judicial authorities insofar as they perform administrative functions according to national law;*
- 3. natural or legal persons insofar as they exercise administrative authority.*

(ii) Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that the definition of "public authorities" also includes one or more of the following:

- 1. legislative bodies as regards their other activities;*
- 2. judicial authorities as regards their other activities;*
- 3. natural or legal persons insofar as they perform public functions or operate with public funds, according to national law.*

b. "official documents" means all information recorded in any form, drawn up or received and held by public authorities.

The provision of Article 1, Paragraph 1 of the Convention does not contain a specific measure, but recognizes Latvia's right to establish broader rights of access to official documents, including in accordance with other international agreements (international human rights instruments). This means that the Convention cannot be used by the State to disregard other international agreements or to reduce access already granted by the State to official documents.

The Convention was adopted by having regard to Article 19 of the Universal Declaration of Human Rights of the United Nations²¹, Articles 6, 8 and 10 of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms²², the United Nations Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 25 June 1998)²³ and the Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981²⁴ (ETS No. 108)²⁵. Latvia has acceded to the abovementioned international instruments. For example, the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms recognises

²¹ Latvia acceded to this Declaration on 4 May 1990 by adopting the Declaration of the Supreme Council of the Republic of Latvia of 4 May 1990, On the accession of the Republic of Latvia to International Instruments of Law on Human Rights. Available on the Internet in Latvian: <https://likumi.lv/ta/id/75668>.

²² Latvia acceded to the Convention on 27 June 1997 by adopting the law On the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and Protocols 1, 2, 4, 7 and 11 thereto. Available on the Internet in Latvian: <https://likumi.lv/ta/id/43857>.

²³ Reports of Latvia on the implementation of the Aarhus Convention 2005-2024. Available on the Internet in English: <https://www.varam.gov.lv/lv/dokumenti>; and United Nations Economic Commission for Europe (UNECE): in English <https://aarhusclearinghouse.unece.org/national-reports/reports>.

²⁴ Latvia acceded to the Convention on 5 April 2001 by adopting the law On the Council of Europe Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data. Available on the Internet in Latvian: <https://likumi.lv/ta/id/7040>.

²⁵ The Convention has been updated and balanced by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General data Protection Regulation).

the fundamental principle of disclosure of judgments, and the Aarhus Convention confers a broader right of access to environmental information. Therefore, more extensive access to official documents in accordance with other international documents is ensured in Latvia and the regulation applies to harmonization thereof, taking into account the hierarchy of legal force of external legal acts, methods for resolving conflicts and interpretation of competent courts (respectively the Constitutional Court of the Republic of Latvia, the European Court of Human Rights, the Court of Justice of the European Union).

In implementing the scope of the Convention in accordance with Article 1, Paragraph 2 of the Convention, Latvia acceded to the narrow definition of **public authorities** in the Convention (Article 1, Paragraph 2, Sub-paragraph a, point i of the Convention) without extending the definition of *public authority* (Article 1, Paragraph 2, Sub-paragraph a, point ii of the Convention)²⁶. This is because the narrow definition of *public authority* in Article 1, Paragraph 2, Sub-paragraph a, point i of the Convention falls within the scope of the term *institution* in the Freedom of Information Law.

The term *institution* shall include:

- 1) a public entity, its authority or official, and
- 2) also a person who implements State administration tasks delegated thereto, provided that such person in the circulation of information is associated with the implementation of the relevant tasks.

In order to understand the content included in the term *institution*, we provide a brief insight into the public administration system of the Republic of Latvia and in particular in the context of understanding the words *public entity, its authority or official*. The original (main) public entity is the Republic of Latvia or the State. As the original legal person governed by public law, the Republic of Latvia is a legal axiom, the existence of which does not need to be substantiated. A public entity is a legal entity and operates with his or her body²⁷; institutions and the officials employed therein are organised in a specific hierarchical structure.

In the field of public administration, the State materialises institutionally in its bodies and institutions. The body of the Republic of Latvia in the field of State administration is the Cabinet (government). The Republic of Latvia also has other bodies, such as the *Saeima* (parliament), the President of Latvia and the Constitutional Court, acting on behalf of the Republic of Latvia. Like a body, an institution is not a legal person and acts on behalf of the public entity concerned in both public and private legal relationships. The institutions of the Republic of Latvia are referred to as direct administration institutions, but the aggregate of institutions of the Republic of Latvia is referred to as direct administration. All institutions of direct administration are arranged in a single hierarchical system in such a way that the subordination regarding them, directly or through another institution of direct administration, is implemented by the Cabinet. However, the Cabinet shall

²⁶ Latvia also provides access to official documents within the scope of the extended definition of *public authority* in accordance with the Freedom of Information Law, law On Judicial Power (see Chapter 3.¹, Availability of Information, regarding access to a court ruling and case files materials and case-law), Cabinet Regulation No. 123 of 10 February 2009, Regulations Regarding the Publication of Judicial Information on the Website and the Processing of Court Rulings before Issuing (available on the Internet in Latvian: <https://likumi.lv/ta/id/187832>) and procedural laws (e.g. Sections 54, 108.² of the Administrative Procedure Act, Sections 375, 375.¹, 450 of the Criminal Procedure Law (available on the Internet in Latvian: <https://likumi.lv/ta/id/107820> ; in English: <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law>), but the Convention's obligations, which also require reporting on their implementation, were made within a narrower scope of the term.

²⁷ The body of a public entity is an institution which is entitled to express the will directly on behalf of the relevant public entity and to decide the most important issues of the activities of the public entity. The body is the *head* of a public entity. The body is not a subject of law and is not a legal person.

implement subordination through a member of the Cabinet (Prime Minister or minister). The ministries are directly subordinate to the minister. Other direct administration institutions are subordinated to ministries. There are institutions subordinate to the Prime Minister (e.g. the State Chancellery). In order to ensure more effective implementation of certain tasks of the State administration, the Republic of Latvia also has derived public entities, such as local governments (body – city council), State-founded higher education institutions (several bodies – Constitutional Assembly, senate, rector and academic arbitration court), Latvijas Banka, etc., also operate through their bodies and institutions (the latter are referred to as indirect administration institutions, but the aggregate of these institutions – as indirect administration).

Capital companies of public entities (they are private individuals) are not included in the institutional system of State administration. There are direct administration institutions similar to State institutions (independent institutions), which are not subordinate to the Cabinet and which are not derived public entities (the Office of the Ombudsman of the Republic of Latvia, the Central Election Commission of Latvia (independently operating State institution with the rights of a legal person), institutions serving State bodies: Administration of the *Saeima* (Parliament), Chancellery of the President, Administration of the Supreme Court, Chancellery of the Constitutional Court. These institutions comply with the principles of State administration laid down in the State Administration Structure Law and act on behalf of the Republic of Latvia.

Words *authority* and *official* are used in the general sense, as these are not defined in more detail in the law and their scope is essentially filled in by the terminology of the State Administration Structure Law, which determines what an *authority* is, for example, an institution and the body of a public entity²⁸. On the other hand, *official*²⁹ also means a body of a public entity or a natural person who is authorised to take or prepare administrative decisions in general or in a particular case (this category also includes an official who is elected or appointed on the basis of political criteria, referred to as political official or an official who is a civil servant or an employee of an institution and who is appointed to an office or hired on the basis of professional criteria and referred to as an administrative official).

In view of the abovementioned, the term *institution* in the Freedom of Information Law includes the subjects of the law referred to in Article 1, Paragraph 2, Sub-paragraph a, point i of the Convention: government (in Latvia – the Cabinet) and administration at national, regional and local level (in Latvia – direct and derived administration, which includes local governments and their councils), legislative bodies (in Latvia – the *Saeima* and its administration) and judicial authorities, insofar as they perform administrative functions (in Latvia – State administration tasks) in accordance with the national legal acts, and natural or legal persons, insofar as they exercise administrative authority (in Latvia – private individuals exercising delegated State administration tasks).

The Convention defines the term *public authority* in more detail level than the term *institution* is defined in the Freedom of Information Law, but not more broadly, and did not necessitate an extension of the range of existing subjects of the law to which the obligation to provide access to official documents or information applies.

²⁸ Section 1, Clauses 3 and 4 of the State Administration Structure Law provide that institution is an authority which acts on behalf of a public entity and to which a competence in State administration is specified by a legal act, funds are allocated to implement its activities and which has its own personnel; body of a public entity – an institution or an official whose competence and right to directly express the legal will of a public entity are laid down in a basic legal instrument of the relevant public entity or a law governing the activities thereof.

²⁹ Section 1, Clauses 8, 9 and 10 of the State Administration Structure Law.

In order to implement the scope of the Convention, the Parties to the Convention must ensure in law and in practice that the right of access applies to all information which under Article 1, Paragraph 2, Sub-paragraph b of the Convention is considered as official documents. This relationship is implemented through the scope of the terms *information*, *documented information* and *circulation of information* in the Freedom of Information Law.

According to the Freedom of Information Law, *information* is data or compilations of data in any technically possible form of fixation, storage or transfer³⁰. The case-law explains that the term *data* in Latvian *ziņa*) is to be interpreted from a linguistic point of view, namely, that which is communicated, that which is learned³¹. The explanatory and synonymous dictionary³² explains that the word *data* (in Latvian *ziņa*) is synonymous with the word *information*. The Law applies to documented information, which is information the entry of which into the circulation of information can be identified³³. The circulation of information is the initiation, creation, compilation, collection, processing, use and destruction of information³⁴. It is clear from those provisions that the term *documented information* covers not only information recorded in a document in the classic sense of that word (for example, within the meaning of the Law on Legal Force of Documents³⁵). Already, within the meaning of the Freedom of Information Law, the term *documented information* is used in a very broad sense. As explained, for example, in the judgments of the Senate of the Supreme Court of the Republic of Latvia, also information recorded in a form and encoding specified by the controller of the information system (electronic data) may be regarded as documented information within the meaning of the Freedom of Information Law, provided that the entry of such information into the circulation of information of the institution (for example, in the amount of information created, compiled or processed by the institution) is possible to be identified³⁶. Also, the data held by the institution, which are recorded in some technical way, from which it can be ascertained when and from which IP addresses the data contained in the information systems under the responsibility of the Service are consulted, are information that the institution could identify (locate) and provide to the applicant³⁷.

The purpose of the Freedom of Information Law is to ensure public access to information which is at the disposal of an institution or which an institution has the obligation to create in conformity with its competence. The case-law³⁸ states that an employee of an institution may, on his or her own initiative, create and compile various information during the performance of his or her work duties, including in electronic format, which he or she

³⁰ Section 1, Clause 1 of the Freedom of Information Law.

³¹ Decision of the Action meeting of the Senate of the Supreme Court of the Republic of Latvia of 17 December 2012 in Case No. SKA-774/2012 (A420663210), Paragraph 9 with reference to the Senate decision of 25 January 2008 in Case No. SKA-127/2008 (A8077807), Paragraph 9, Decision of 17 September 2010 in Case No. SKA-886/2010 (A8121609), Point 6.

³² Tezaurs.lv explanation of the word in Latvian *ziņa* (in English the term *data*) is available on: <https://tezaurs.lv/zi/C5%86a>.

³³ Section 1, Clause 3 of the Freedom of Information Law.

³⁴ Section 1, Clause 2 of the Freedom of Information Law.

³⁵ Law on Legal Force of Documents. Available on the Internet in Latvian: <https://likumi.lv/ta/id/210205>; in English: <https://likumi.lv/ta/en/en/id/210205-law-on-legal-force-of-documents>.

³⁶ Paragraph 10 of the judgment of the Senate of the Supreme Court of the Republic of Latvia of 22 March 2017 in Case No. SKA-296/2017 (A420297015) (available on the Internet in Latvian: <https://gateway.elieta.lv/api/v1/PublicMaterialDownload/afd4ccc8-af42-4506-ad42-cee97932bf1d>), for comparison Paragraph 11 of the Senate judgment of 20 December 2019 in Case No. SKA-380/2019 (A420171517) (<https://elieta.lv/web/#/pakalpojumi/anonimizetie-nolemumi> search ECLI:LV:AT:2019:1220.A420171517.4.S).

³⁷ Ibid., Paragraph 10.

³⁸ Judgment of the Senate of the Supreme Court of the Republic of Latvia of 14 May 2021 in Case No. SKA-443/2021 (A420302718) (ECLI:LV:AT:2021:0514.A420302718.18.S).

is not required to disclose to the employer or other persons. The institution may take over such information created by the employee and begin to use it as information of the institution, but until this happens, it is not considered information that is at the disposal of the institution or that the institution is obliged to create within the limits of its competence.

We consider that the term and concept *information* are applicable in the same way within the meaning of the Convention and the Freedom of Information Law because they cover paper documents and other data in material form, data, documents. Similarly, the information contained in the concept of *drawn up, received and held by public authorities* of the Convention falls within the scope of the term *at the disposal of the institution or the obligation to create* of the Freedom of Information Law. The concept of *information recorded in any form* in the Convention is also consistent with the term *information* already explained in the Freedom of Information Law.

In view of the terminological aspects mentioned above, Latvian regulation exercises, through the prism of these terms, the right of access to all information considered as official documents (including those transferred in the archives³⁹) in accordance with Article 1, Paragraph 2, Sub-paragraph b of the Convention.

The Council of Europe Access Info Group's (AIG) opinion⁴⁰ on the definition of *official documents* under the Convention had not yet been issued at the time of accession to the Convention, so that, in the context of an initial assessment (including the concept of *drawn up*, the question of the relationship between the documents held by public authorities and their obligations as a condition for such documents to be regarded as official documents), Latvian legislation is consistent with this interpretation.

Article 2 – Right of access to official documents

1. *Each Party shall guarantee the right of everyone, without discrimination on any ground, to have access, on request, to official documents held by public authorities.*
2. *Each Party shall take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention.*
3. *These measures shall be taken at the latest at the time of entry into force of this Convention in respect of that Party.*

Latvia fulfils its obligations under the United Nations Universal Declaration of Human Rights of 10 December 1948 (e.g. Article 19), the United Nations International Covenant on Civil and Political Rights (Article 19, Paragraph 2), the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (Article 10, Paragraph 1), the Charter of Fundamental Rights of the European Union (Article 11) in the field of disclosure without discrimination.

As we said at the beginning of Part II, the right of everyone (including non-citizens) to access official documents in Latvia at constitutional level is guaranteed by the Constitution of the Republic of Latvia, including Article 90 (everyone has the right to know about his or her rights), 91 (principle of equality, prohibition of discrimination), 100

³⁹ Under the Archives Law.

⁴⁰ Council of Europe Access Info Group's (AIG) opinion on the definition of *Official documents* according to the Council of Europe Convention on Access to Official documents (CETS No. 205). Available on the Internet in English: <https://rm.coe.int/liste-documents-aig/1680ac55d0> .

(everyone has the right to freedom of expression, which includes the right to freely obtain, retain and distribute information), 101 (every citizen of Latvia has the right to participate in State and local government activities (public participation) in the manner provided for by law), 104 (everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply), 115 (the State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions) and they are implemented by the Freedom of Information Law, Law on Official Publications and Legal Information, State Administration Structure Law, Archives Law and other special external regulatory framework without discrimination.

Latvia already ensured the implementation of the provisions of the Convention on access to official documents on 24 October 2024 by adopting the law On the Council of Europe Convention on Access to Official Documents⁴¹, which means that the provisions of the Convention on access to official documents (including Article 2 of the Convention) were already fully implemented with the entry into force of the Convention for Latvia on 1 May 2025.

Latvia guarantees the right of access to official documents regardless of the use of the information received by applicants for access. Limitations to the use of official documents shall be laid down in accordance with Article 3 of the Convention (for example, Section 7 of the law On the Press and Other Mass Media⁴² provides for a series of information not for publication (including official documents), which is largely already legally protected by other special laws).

Accession to the Convention also corresponds to the priority objectives of the National Development Plan of Latvia for 2021-2027⁴³, the Sustainable Development Strategy of Latvia until 2030 and the Latvia's Sixth National Open Governance Action Plan 2026-2027.

The priorities of the National Development Plan of Latvia for 2021-2027 include the importance of the objective of a *united, secure and open society*, such as the availability and openness of information, the understanding of processes contributing to the delivery of their own business in decision-making, raising awareness that one can influence what is happening in the country. This can reduce alienation and illegal activities (tax evasion, corruption, etc.). It is important for citizens to be aware that the responsible services can be relied upon in different emergencies and, at the same time, to know what to do for themselves [388].

The Sustainable Development Strategy of Latvia until 2030 specifically emphasizes the availability of information for people with functional impairments and in the electronic environment. It provides the Activity 130 *Accessibility of environment and information for persons with functional impairments*, which specifies that, in order to create equal opportunities under the Convention on the Rights of Persons with Disabilities, the State is to take appropriate measures to enable persons with functional impairments to live independently and fully, on an equal footing with others, in all areas of life. These measures, which include the identification and elimination of obstacles and barriers to

⁴¹ Law On the Council of Europe Convention on Access to Official Documents. Available on the Internet in Latvian: <https://likumi.lv/ta/id/356144>; in English: <https://likumi.lv/ta/en/en/id/356144-on-the-council-of-europe-convention-on-access-to-official-documents>.

⁴² Law On the Press and Other Mass Media. Available on the Internet in Latvian: <https://likumi.lv/ta/id/64879>; in English: <https://likumi.lv/ta/en/en/id/64879-on-the-press-and-other-mass-media>.

⁴³ National Development Plan of Latvia for 2021-2027. Available on the Internet in Latvian: <https://likumi.lv/wwwrite/LIKUMI/NAP/NAP2027.PDF>.

accessibility in buildings, roads, transport, and also other indoor and outdoor facilities – schools, housing, medical treatment institutions and workplaces. This includes information, communication and other services, including electronic services and emergency services. In order to meet the needs of persons with disabilities, the availability of universal design products, and also services, devices and objects requiring as little adaptation as possible and the lowest costs should be gradually ensured.

However, in order to ensure internal reach, Activity 287 provides for the creation of preconditions for the wider availability and use of information and communication technologies throughout the territory of the country, which will allow better implementation of the availability of services and information in the electronic environment, while reducing demand for transport and the impact of transport on the quality of the environment⁴⁴.

The goal of Latvia's Sixth National Open Governance Action Plan 2026-2027⁴⁵ is to promote openness in the work of public institutions and public participation in decision-making and democratic processes, enhancing the unifying role of values of openness and trust in the country and society.

Four commitments:

1. Reinvigorate the principles and values of open governance by promoting trust in public institutions as well as open and democratic governance.
2. Increase budget openness and public access to budgetary information.
3. Improve communication between State institutions and citizens and communicate more actively on issues of public importance.
4. Ensure greater public involvement in decision-making and strengthen civic participation in democratic processes, including the civic skills of children and young people.

Article 3 – Possible limitations to access to official documents

1. Each Party may limit the right of access to official documents. Limitations shall be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting:

- a) national security, defence and international relations;*
- b) public safety;*
- c) the prevention, investigation and prosecution of criminal activities;*
- d) disciplinary investigations;*
- e) inspection, control and supervision by public authorities;*
- f) privacy and other legitimate private interests;*
- g) commercial and other economic interests;*
- h) the economic, monetary and exchange rate policies of the State;*
- i) the equality of parties in court proceedings and the effective administration of justice;*
- j) environment; or*
- k) the deliberations within or between public authorities concerning the examination of a matter.*

⁴⁴ Sustainable Development Strategy of Latvia by 2030, pages 28 and 62. Available on the Internet in Latvian: <https://www.mk.gov.lv/lv/media/15129/download?attachment>.

⁴⁵ Cabinet Order No. 132 of 10 March 2026, On Latvia's Sixth National Open Governance Action Plan 2026-2027. Available on the Internet in Latvian: <https://likumi.lv/ta/id/367024>.

Concerned States may, at the time of signature or when depositing their instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that communication with the reigning Family and its Household or the Head of State shall also be included among the possible limitations.

2. Access to information contained in an official document may be refused if its disclosure would or would be likely to harm any of the interests mentioned in Paragraph 1, unless there is an overriding public interest in disclosure.

3. The Parties shall consider setting time limits beyond which the limitations mentioned in Paragraph 1 would no longer apply.

The Explanatory Report to the Convention clarifies that the list of limitations set out in Article 3, Paragraph 1 of the Convention is complete and the limitations apply to the content of the document and the nature of the information.

In the Latvian regulatory framework for the freedom of information, limitations on access to official documents according to the content of the document and nature of information have been determined in accordance with the existing international obligations already mentioned (see explanations provided for the measure of Article 2 of the Convention), which in their level of detail are consistent with the general aims of limitations that arise from the provisions of Article 116 of the Constitution of the Republic of Latvia, which stipulate that the rights of the person specified in Article 100 of the Constitution of the Republic of Latvia (including to freely receive and distribute information) may be limited in the cases provided for by law in order to protect:

- a) the rights of other people,
- b) the democratic structure of the State,
- c) public safety,
- d) welfare, and
- e) morals (ordinary limitation clause).

Whereas, the extraordinary limitation of fundamental rights takes place in accordance with Article 62 of the Constitution of the Republic of Latvia, which authorises the legislator, in accordance with the principles of a democratic state following the rule of law, to determine the limitation procedures that are necessary for the prevention of threats to the State and the protection of the constitutional structure. **This is entirely in line with that listed and defined in the Convention in a slightly more detailed manner.** At the same time, within the context of other international agreements, Article 89 of the Constitution of the Republic of Latvia provides that the State recognises and protects fundamental human rights in accordance with the Constitution, laws and international agreements binding on the Republic of Latvia. The purpose of the legislator was not to set the human rights norms included in the Constitution of the Republic of Latvia against the international human rights norms, but quite the opposite – to achieve the **mutual harmony between these norms**. Therefore, the provisions laid down in Section 17, Paragraph five of the Administrative Procedure Law are taken into account; where the Constitutional Court has interpreted the relevant legal norm in a judgment, an institution and a court shall apply this interpretation. At the same time, in cases where there are doubts of the content of the human rights norms included in the Constitution of the Republic of Latvia, they have to be interpreted, as far as possible, in accordance with the interpretation used in the practice of application of international human rights norms.

In this regard, the practice of the European Court of Human Rights, which is mandatory in accordance with the commitments undertaken by Latvia (Article 4 of the law On the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and Protocols 1, 2, 4, 7 and 11 Thereto) for the interpretation of the provisions of the Convention, and such practice shall also be used for the interpretation of the relevant norms of the Constitution of the Republic of Latvia⁴⁶. When applying the provisions of European Union law in accordance with Section 15, Paragraph four of the Administrative Procedure Law, an institution and a court has to consider the case law of the Court of Justice of the European Union.

The Constitutional Court has recognised in its practice that limitations on the relevant fundamental rights should be assessed in the context of the international obligations of Latvia, as the human rights norms binding on Latvia provide more specific criteria for limiting certain fundamental rights than the Constitution of the Republic of Latvia⁴⁷.

The Convention has been adopted by taking into account Article 19 of the Universal Declaration of Human Rights of the United Nations, Articles 6, 8 and 10 of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 25 June 1998) and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 (ETS No. 108), the possible limitation to access to official documents laid down by the Convention are therefore consistent with them and the interpretation of the Convention could not conflict with them.

Comparison of the harmony of legitimate aims of the possible limitations to access to official documents laid down in the Constitution of the Republic of Latvia and the Convention

The protected aims for access to official documents that are provided in Article 3 of the Convention correspond, by their nature, to the legitimate aims laid down in Article 116 of the Constitution of the Republic of Latvia. The difference is in the level of detail of regulations: the Constitution of the Republic of Latvia establishes a general constitutional framework, while the Convention specifies these aims in the field of access to official documents.

1. The aim of **protecting the rights of other people** includes the privacy and other legitimate personal interests referred to Article 3, Paragraph 1, Sub-paragraph f of the Convention, and also the commercial interests and other economic interests indicated in Sub-paragraph g, insofar as they protect the rights and legitimate interests of individuals.
2. **The aim of protecting the democratic structure of the State** includes the national security, defence and international relations referred to Article 3, Paragraph 1, Sub-paragraph a of the Convention, the inspections, control and supervision by public authorities referred to in Sub-paragraph e, and the deliberations within or between public authorities concerning the examination of a matter referred to in Sub-paragraph k. The

⁴⁶ Paragraph 5 of the conclusions of the judgment of the Constitutional Court of 30 August 2000, On the conformity of Section 5, Clauses 5 and 6 of the Law on the Election of the *Saeima* and Section 9, Clauses 5 and 6 of the Law on the Election of the City Council and Rural Territory Council with Articles 89 and 101 of the Constitution of the Republic of Latvia, Article 14 of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 25 of the International Covenant on Civil and political Rights. Available on the Internet in Latvian: <https://likumi.lv/ta/id/10294>.

⁴⁷ Paragraph 22 of the conclusions of the judgment of the Constitutional Court of 29 October 2003, On the conformity of Section 271 of the Criminal Law with Articles 91 and 100 of the Constitution of the Republic of Latvia. Available on the Internet in Latvian: <https://likumi.lv/ta/id/80518>.

common nature of these aims is to ensure the institutional stability of a democratic state, the efficient functioning of the administration and the unhindered fulfilment of the fundamental functions of the State.

3. **The aim of protecting public safety and morals** includes the public security referred to Article 3, Paragraph 1, Sub-paragraph b of the Convention, the prevention, investigation and prosecution of criminal activities referred to in Sub-paragraph c, the disciplinary investigations referred to in Sub-paragraph d, and also the equality of parties in court proceedings and the effective administration of justice referred to in Sub-paragraph i. The morals referred to separately in the Constitution of the Republic of Latvia are also included in this scope of these aims, as within the particular comparison it is to be viewed in conjunction with public safety and the protection of the common public interests based on the interest to be protected.

4. **The aim of welfare protection** includes the commercial interests and other economic interests referred to Article 3, Paragraph 1, Sub-paragraph g of the Convention, the national economic, monetary and exchange rate policies referred to in Sub-paragraph h, and also the environment referred to in Sub-paragraph j. These aims are intrinsically linked to the protection of the economic, social, financial and environmental interests of the State and public.

This shows that the legitimate aims set out in Article 116 of the Constitution of the Republic of Latvia and the protected aims set out in Article 3 of the Convention correspond in substance. They are specified in the Convention for the field of access to official documents, while in the Constitution of the Republic of Latvia they are expressed in broader constitutional categories. Consequently, the provisions of the Convention do not broaden the range of legitimate aims permitted by the Constitution of the Republic of Latvia and vice versa, but specify their application in a particular area of law.

Latvia's limitations to access to official documents

In Latvia, temporary and permanent limitations to access to official documents (applicable to the content of the document and nature of information) are laid down in several laws and other external legal acts (for example, Cabinet regulations).

The most relevant external legal acts are:

1. Freedom of Information Law (Paragraph two of Section 5),
2. National Security Law (e.g., Paragraph five of Section 22.² and Section 22.4)⁴⁸,
3. law On State Security Institutions (Paragraph one of Section 17)⁴⁹,
4. Operational Activities Law (Sections 24 and 24.1)⁵⁰,
5. law On Official Secret (Sections 5 and 9) and Cabinet regulations issued based on its authorisation⁵¹,
6. Geospatial Information Law (Section 27)⁵²,

⁴⁸ National Security Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/14011-national-security-law>.

⁴⁹ Law On State Security Institutions. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/57256-on-state-security-institutions>.

⁵⁰ Operational Activities Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/57573-operational-activities-law>.

⁵¹ Cabinet Regulation No. 822 of 19 December 2023, Regulations Regarding the Protection of Official Secrets and the Classified Information of the North Atlantic Treaty Organisation, European Union and Foreign Authorities. Available on the Internet in Latvian: <https://likumi.lv/ta/id/348742>; in English: <https://likumi.lv/ta/en/en/id/348742-regulations-regarding-the-protection-of-official-secrets-and-the-classified-information-of-the-north-atlantic-treaty-organisation-european-union-and-foreign-authorities>.

⁵² Geospatial Information Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/202999-geospatial-information-law>.

7. Environmental Protection Law (Paragraph four of Section 11)⁵³,
8. Archives Law (Paragraph two, Clause 3 of Section 13),
9. Local Government Law (Paragraph four of Section 27, Paragraph six of Section 38, Paragraph eight of Section 41, Paragraph five of Section 53)⁵⁴,
10. law On Judicial Power (Paragraphs three and five of Section 28.², Paragraph one of Section 28.³, Paragraphs six and seven of Section 28.⁶)⁵⁵,
11. Notariate Law (Section 79)⁵⁶,
12. Advocacy Law of the Republic of Latvia (Paragraph three, Clause 2 of Section 6, Paragraph three of Section 71)⁵⁷,
13. Law on Bailiffs (Paragraph one of Section 52)⁵⁸,
14. Administrative Procedure Law (Section 54),
15. Criminal Procedure Law (Paragraph one of Section 234, Paragraph one of Section 375, Paragraph six of Section 412, Paragraph four of Section 627)⁵⁹,
16. Civil Procedure Law (Paragraph three of Section 239)⁶⁰,
17. Personal Data Processing Law (Chapter VIII)⁶¹,
18. Law on the Processing of Personal Data of Natural Persons in Criminal Proceedings and Administrative Offence Proceedings⁶²,
19. Law on Submissions (Section 9)⁶³,
20. Law on the Rights of Patients (Section 10)⁶⁴,
21. Punishment Register Law (Section 3)⁶⁵,
22. Law on Latvijas Banka (Paragraph one of Section 74)⁶⁶,
23. Trade Secret Protection Law (Section 2, Paragraph two of Section 3)⁶⁷,
24. Labour Law (Paragraph five of Section 11, Section 83)⁶⁸,
25. Law On Taxes and Fees (Paragraph one, Clause 4 of Section 16, Sections 22 and 54)⁶⁹ etc.

⁵³ Environmental Protection Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/147917-environmental-protection-law> .

⁵⁴ Local Government Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/336956-local-government-law> .

⁵⁵ Law On Judicial Power. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/62847-on-judicial-power> .

⁵⁶ Notariate Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/59982-notariate-law> .

⁵⁷ Advocacy Law of the Republic of Latvia. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/59283-advocacy-law-of-the-republic-of-latvia> .

⁵⁸ Law on Bailiffs. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/68295-law-on-bailiffs> .

⁵⁹ Criminal Procedure Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law> .

⁶⁰ Civil Procedure Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/50500-civil-procedure-law> .

⁶¹ Personal Data Processing Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/300099-personal-data-processing-law> .

⁶² Law on the Processing of Personal Data of Natural Persons in Criminal Proceedings and Administrative Offence Proceedings. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/308278-on-the-processing-of-personal-data-of-natural-persons-in-criminal-proceedings-and-administrative-offence-proceedings> .

⁶³ Law on Submissions. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/164501-law-on-submissions> .

⁶⁴ Law on the Rights of Patients. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/203008-law-on-the-rights-of-patients> .

⁶⁵ Punishment Register Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/261384-punishment-register-law> .

⁶⁶ Law on Latvijas Banka. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/326575-law-on-latvijas-banka> .

⁶⁷ Trade Secret Protection Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/305532-trade-secret-protection-law> .

⁶⁸ Labour Law. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/26019-labour-law> .

⁶⁹ Law On Taxes and Fees. Available on the Internet in English: <https://likumi.lv/ta/en/en/id/33946-on-taxes-and-fees> .

Access to limited access information and classified information is provided in accordance with the Freedom of Information Law and special laws which fully conform to the requirements of the Convention.

The following types of limitations are found: the obligation to indicate the justification for requesting information and to indicate the purpose of use for individual information protected by law, the prohibition of access to information on a temporary or permanent basis, the use of information or use with the consent (authorisation) of certain subjects. The conditions for the retention periods of the information, after which the information is destroyed, should also be understood as an indirect limitation (thus, the information is not transferred to the archives of the institution and subsequently the State archives (National Archives of Latvia) where documents with archival value are transferred).

Harmony of the general limitations provided for in the Freedom of Information Law with the legitimate aims of the Convention and the Constitution of the Republic of Latvia

For a review of the proportionality of limitations to the right of access to official documents with the legitimate aims of possible limitations referred to in Article 3 of the Convention, we provide an analysis of the **general limitations provided for limited access information in the Freedom of Information Law**. We will be able to provide a more detailed overview after the conclusion of the ex-post evaluation of the Freedom of Information Law, under which it all limitations are planned to be identified and the legitimate aim or aims are to be clarified in the context of the Convention.

Limited access information⁷⁰ is such information as intended for a restricted group of persons in relation to the performance of their work or official duties and the disclosure or loss of which, due to the nature and contents of such information, hinders or may hinder the activities of the institution, or causes or may cause harm to the legal interests of persons.

Limited access information shall be the information:

- 1) which has been granted such status by law;
- 2) which is intended and specified for internal use by an institution;
- 3) which is a commercial secret, except for the case where a purchase contract has been entered into in accordance with the Public Procurement Law or other type of contract regarding actions with State or local government financial resources and property;
- 4) which concerns the private life of natural persons;
- 5) which is related to certifications, examinations, submitted projects (except for the projects the financing of which is expected to be a guarantee provided by the State), invitations to tender (except for the invitations to tender which are associated with procurement for State or local government needs or other type of contract regarding actions with State or local government funds and property) and other assessment processes of a similar nature;
- 6) which is the information of the North Atlantic Treaty Organisation or of the European Union that is designated as *NATO UNCLASSIFIED* or *LIMITE* respectively.

Below we provide an insight into the harmony between the legitimate aims of limited access information as a limitation of rights and the legitimate aims set out in Article 3 of the Convention and Article 116 of the Constitution of the Republic of Latvia:

⁷⁰ Section 5 of the Freedom of Information Law.

1) Information for which the status of limited access has been granted by law

The legitimate aim of this information must be determined by taking into account the interest protected by the relevant special law. This category should be interpreted in conjunction with the definition of limited access information. This is information the disclosure or loss of which, due to the nature and contents of such information, hinders or may hinder the activities of the institution, or causes or may cause harm to the legal interests of persons. Such a limitation may therefore, by its very nature, serve both the aims referred to in Article 3 of the Convention, relating to the effective functioning, inspection, control, investigation, administration of justice, State or public safety, and the protection of privacy, commercial, economic interests and the legitimate interests of other persons.

2) Information intended and specified for internal use by an institution

For information intended and specified for internal use by an institution, the purpose of the limitation stems from the need to prevent the institution from being impeded in the process of preparing cases and taking decisions. Section 6 of the Freedom of Information Law provides that information which is necessary to an institution for the preparation for resolution of matters shall be considered to be information for internal use of an institution and that limited access shall also apply to documents drawn up in connection with the institution's preparations for resolution of matters. Such a limitation protects institution's ability to freely prepare a decision, discuss possible solutions, assess risks and coordinate actions without undue external influence or disruption of the process. It is therefore most closely linked to Article 3, Paragraph 1, Sub-paragraph k of the Convention, for consultation on or between national authorities. Depending on the content of the case, it may also involve inspections, control and supervision, investigations, disciplinary investigations or effective administration of justice. Within the meaning of Article 116 of the Constitution of the Republic of Latvia, it mainly serves for the protection of the democratic structure of the State, but in some cases also for the protection of public safety, welfare or the rights of other people.

3) Information which is a commercial secret

The aim of the limitation arises from the necessity to prevent harm to the legitimate economic interests of the person, in particular the competitiveness of the merchant. Section 7, Paragraph one of the Freedom of Information Law provides that information which is associated with the implementation of State administration functions or tasks may not be considered to be a commercial secret. At the same time, Section 7, Paragraph two provides that information related to the performance of the functions or tasks of the State administration may not be regarded as a commercial secret.

Therefore, this limitation within the meaning of Article 3 of the Convention is most closely linked to the protection of commercial and other economic interests referred to in Article 3, Paragraph 1, Sub-paragraph g of the Convention. In some cases, it may also be related to other legitimate personal interests, national economic policy or equality of parties in legal proceedings. Within the meaning of Article 116 of the Constitution of the Republic of Latvia, this limitation shall be related to the protection of the rights and welfare of other persons.

At the same time, this limitation does not apply automatically because, in cases where information is related to the use of public funds or State and local government property, there is an increased public interest in the disclosure of information. Such an approach is also in line with the general principle of the Freedom of Information Law that information is available to the public in all cases where the law does not provide otherwise.

4) Information concerns the private life of a natural person

The aim of the limitation stems directly from the need to protect person's legitimate interests against unjustified invasion of privacy. Section 5, Paragraph two, Clause 4 of the Freedom of Information Law recognises such information as limited access information, while Section 8 provides that information concerning the private life of a natural person is protected by law.

This limitation within the meaning of Article 3 of the Convention is most closely linked to the protection of privacy and other legitimate personal interests referred to in Article 3, Paragraph 1, Sub-paragraph f of the Convention. In some cases, it may also be related to the prevention, investigation and prosecution of criminal activities, equality of parties in legal proceedings or public safety. Within the meaning of Article 116 of the Constitution of the Republic of Latvia, this limitation is primarily related to the protection of the rights of other persons, as Article 116 of the Constitution of the Republic of Latvia expressly envisages such an aim as one of the grounds for limiting fundamental rights.

5) Information which is related to certifications, examinations, submitted projects, invitations to tender and other assessment processes of a similar nature

The aim of the limitation stems both from the need to prevent the functioning of an institution from being burdened during the evaluation process and from the need to protect the legitimate interests of the parties to the proceedings. Exceptions are also provided in respect of projects or tenders related to State guarantee, public procurement or handling of State or local government funds and property.

Such a limitation protects the objectivity, equality, fairness and reliability of the assessment process. The impediment to the functioning of the institution may take the form of disrupting the assessment process, early disclosure of exams or tender information, undermining the independence of assessors or distorting the decision-making process. On the other hand, harm to the legitimate interests of individuals may take the form of unequal treatment of tenderers, reputational damage, disclosure of personal data or disclosure of ideas of commercially valuable projects.

For the purposes of Article 3 of the Convention, such a limitation may serve to protect consultation, verification and control processes, privacy, commercial interests and procedural equality. Those aims are consistent with Article 3, Paragraph 1, Sub-paragraphs k, e, f, g and i of the Convention respectively. Within the meaning of Article 116 of the Constitution of the Republic of Latvia, this limitation is related to the protection of the rights of other persons, the democratic structure of the State and welfare.

6) North Atlantic Treaty Organisation (NATO) or European Union information designated as *NATO UNCLASSIFIED* or *LIMITE*

The aim of the limitation arises from the necessity to prevent the impediment of the functioning of the institution and the international cooperation, and also to ensure compliance with international obligations of Latvia and the circulation of reliable information. Section 5, Paragraph two, Clause 7 of the Freedom of Information Law expressly provides that such NATO or European Union information is limited access information.

Such information may not be classified as an official secret, but it is intended for limited circulation between the institutions, Member States or international organisations concerned. Its unwarranted disclosure could lead to a loss of trust, make it harder for Latvia to participate in NATO or European Union processes, affect international cooperation or affect security, defence, foreign policy, sanctions, financial or other common policy issues.

Such a limitation within the meaning of Article 3 of the Convention is most closely linked to the protection of national security, defence and international relations referred to in Article 3, Paragraph 1, Sub-paragraph a of the Convention. Depending on its content, it may also involve public safety, inspections, control and supervision, the prevention of criminal activities or the protection of institutional consultations. Within the meaning of Article 116 of the Constitution of the Republic of Latvia, it mainly serves for the protection of the democratic structure of the State and public safety, but also in some cases for the protection of welfare.

Summary of the main legitimate aims of limited access information (by type) in accordance with the Convention and the Constitution of the Republic of Latvia

Limited information type	Interests to be protected	Main legitimate aims Article 3, Paragraph 1 of the Convention	Main legitimate aims of Article 116 of the Constitution of the Republic of Latvia
1) Information for which the status of limited access information has been determined by law	Depending on the specific special law, however, general aims of protection can be derived from Section 5, Paragraph one of the Freedom of Information Law: the institution's activities shall not be hindered and the legitimate interests of persons shall be protected.	Depending on the content of the special law, potentially Sub-paragraphs a to k; generally especially - k, e, c, d, i, a, b, f, g.	Depending on content: democratic structure of the State; public safety; rights of other persons; welfare; less morals.
2) For institution's internal use	In general, prevention of hindering the activities of an institution during the preparation of cases.	Sub-paragraphs k, e, c, d, i, separately – a, b.	Democratic structure of the State; public safety; welfare; rights of other persons.
3) Commercial secret	Protection of the legitimate economic interests of persons, in particular competitiveness.	Sub-paragraphs g, f, h, i.	Rights of other persons; welfare.
4) The private life of natural persons	Protection of the legitimate interests and privacy of individuals.	Sub-paragraph f, separately – c, i, b.	The rights of other persons; public safety or morals.
5) Certifications, examinations, submitted projects, invitations to tender and other assessment processes of a similar nature	Both the prevention of hindering the activities of an institution and the protection of the legitimate interests of the parties to the proceedings.	Sub-paragraphs k, f, g, e, i.	The rights of other persons; the democratic structure of the State; welfare.
6) NATO UNCLASSIFIED and EU LIMITE	In general, prevention of the hindering of the activities of an institution and international cooperation; in some cases, the protection of the legitimate interests of persons or institutions.	Sub-paragraphs a, b, k, e, c, separately – g, h.	Democratic structure of the State; public safety; welfare.

It can therefore be concluded that two aims of protection derive from the definition of the Section 5, Paragraph one of the Freedom of Information Law: **the protection of the efficiency and integrity of the activities of an institution** and **the protection of the legitimate interests of individuals**. These two aims, in turn, are linked to the aims listed in detail in Article 3 of the Convention and to the general aims of Article 116 of the Constitution of the Republic of Latvia – most often the protection of the democratic structure of the State, public safety, welfare and the rights of other persons.

Harmony of limitations with other international obligations

The Article 29, Paragraph 2 of the **Universal Declaration of Human Rights** of the United Nations (UDHR)⁷¹, which contains general principles for the limitation of human rights and therefore also covers the openness of information, provides that, in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. Similar conditions for restricting disclosure are also included in Article 19, Paragraph 3 of the United Nations **International Covenant on Civil and Political Rights** (ICCPR)⁷², which lays down the ordinary clause that the exercise of the rights provided for in Paragraph 2 of this Article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) for respect of the rights and reputations of others; (b) for the protection of national security or public order (lat. *ordre public*, fr. *l'ordre public*), or of public health or morals (fr. *la moralité publiques*). On the other hand, the extraordinary (exceptional) clause in Article 4 of this Covenant provides that, during an exceptional situation which threatens the existence of the people and which has been formally proclaimed, States Parties to the Covenant may derogate from their obligations under the Covenant (with exceptions), in so far as the seriousness of the situation so requires, provided that such derogation is not contrary to other obligations of international law of those States and does not involve discrimination based solely on race, colour, sex, language, religion or social origin. Such derogation shall be notified without delay to the other Parties to this Covenant of the provisions which it has derogated from and of the reasons for doing so. The date on which such derogation will be terminated by that State should also be notified in the same way.

Similar ordinary conditions can also be found in the Article 10, Paragraph 2 of the Council of Europe **Convention for the Protection of Human Rights and Fundamental Freedoms** (ECHR)⁷³, which provides that, since the exercise of those freedoms entails obligations and responsibilities, it may be subject to formalities, conditions, restrictions or penalties provided for by law and necessary in a democratic society in order to protect the interests of territorial integrity or public security (eng. *public safety*, FR. *la sûreté publique*) of national security (eng. *national security*), prevent disorder or crime, protect health or morality, protect the reputation or rights of others, prevent the disclosure of

⁷¹ The Universal Declaration of Human Rights of the United Nations (UDHR). Available on the Internet in English: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> .

⁷² The United Nations International Covenant on Civil and Political Rights (ICCPR). Available on the Internet in English: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> .

⁷³ Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Available on the Internet in English: https://www.echr.coe.int/documents/d/echr/convention_ENG .

confidential information or preserve the authority and impartiality of the court. On the other hand, the extraordinary clause in Article 15 provides that, in the event of war or any other extraordinary public situation endangering the life of a nation, a Party may take measures derogating from its obligations (with exceptions) under this Convention to the extent inevitably required by the exceptional nature of the situation, provided that those measures are not contrary to its other obligations under international law. In the event of such derogation, the State shall inform of the measures taken and the reasons for their adoption and of the termination of those measures and the return to full compliance with the conditions.

Article 2, Paragraph 1 of the **Charter of Fundamental Rights** of the European Union (CFREU)⁷⁴ provides that any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest⁷⁵ recognised by the Union or the need to protect the rights and freedoms of others. The Explanatory Memorandum to the Charter states that this clause is based on the findings of the Court of Justice of the European Union⁷⁶.

The common preconditions for these, the possible limitations of Article 116 of the Constitution of the Republic of Latvia and the Convention are legality (this includes compliance with the principles of legal certainty⁷⁷ and legitimate expectations⁷⁸) and necessary for the achievement of certain aims.

Latvia is a democratic state following the rule of law, so possible limitations must be necessary in a democratic society⁷⁹. In order to determine whether a limitation to fundamental rights is necessary in a democratic society, it is necessary to examine whether the limitation is socially necessary, whether it meets that need and is

⁷⁴ Charter of Fundamental Rights of the European Union (CFREU). Available on the Internet in English: https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng.

⁷⁵ The reference to objectives of general interest recognised by the European Union refers both to the objectives referred to in Article 3 of the Treaty on European Union and to other interests defended by certain provisions of the Treaties, such as Article 4(1) of the Treaty on European Union, Article 35(3), Article 36 and Article 346 of the Treaty on the Functioning of the European Union. Explanations concerning the Charter of Fundamental Rights. Available on the Internet in English: [https://eur-lex.europa.eu/legal-content/LV/TXT/HTML/?uri=CELEX:32007X1214\(01\)](https://eur-lex.europa.eu/legal-content/LV/TXT/HTML/?uri=CELEX:32007X1214(01)).

⁷⁶ Explanations concerning the Charter of Fundamental Rights. Available on the Internet in English: [https://eur-lex.europa.eu/legal-content/LV/TXT/HTML/?uri=CELEX:32007X1214\(01\)](https://eur-lex.europa.eu/legal-content/LV/TXT/HTML/?uri=CELEX:32007X1214(01)).

⁷⁷ Legal acts must be clear and precise, and allow the holders of rights to anticipate the application of the legal act. The principle of legal certainty requires the exercise of official authority to ensure that a person is informed in good time of legal acts which may affect his or her rights or obligations. Respect for legal certainty in the limitation of rights means that the limitation of rights must be legally established and the addressee must be known or foreseeable in good time. It also means that legislation cannot be retroactive (retroactivity only in exceptional cases) because it cannot be predictable in that case.

⁷⁸ The right to a legitimate expectation exists where, in particular, in claiming it, the institution has created legitimate expectations.

⁷⁹ Paragraph 5 of the conclusions of the judgment of the Constitutional Court of 30 August 2000, On the conformity of Section 5, Clauses 5 and 6 of the Law on the Election of the *Saeima* and Section 9, Clauses 5 and 6 of the Law of the Election of the City Council and Parish Council with Article 89 and 101 of the Constitution of the Republic of Latvia, Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 25 of the International Covenant on Civil and Political Rights. Available on the Internet in Latvian: <https://likumi.lv/ta/id/10294>

proportionate to it⁸⁰. This principle is also enshrined in Section 12 of the Administrative Procedure Law⁸¹.

The State must ensure that the system of limitations to freedom of information is predictable, aimed at protecting democratic values and ensuring the transparency of information. Opposing this would amount to an internationally recognised breach of minimum disclosure requirements. **Latvia has not imposed limitations to access to official documents, the aim of which is not specified in Article 3, Paragraph 1 of the Convention.**

When determining the possible limitations to access to official documents, the principle of legal equality, which also provides for balancing of interests, **including the determination of criteria for refusal** (harm to certain interests) and **priority interests** (including overriding public interests) (mainly arising from Articles 1, 89 and 91 of the Constitution of the Republic of Latvia and international and European Union human rights documents binding on Latvia), which correspond commitment measure of Article 3, Paragraph 2 of the Convention, is complied with in Latvian legal acts.

Latvia has made the observations referred to in Article 3, Paragraph 3 of the Convention and the legal framework lays down general and specific time limits and conditions for which access to official documents is no longer subject to limitations.

The status of limited access in accordance with Section 5, Paragraphs four and five of the Freedom of Information Law shall be determined for a time period not exceeding one year. The author of the information or the head of the institution may decide to set a new time limit. The aforementioned⁸² does not apply to cases when the status of limited access to information has been determined by law in accordance with Section 5, Paragraph two, Clause 1 of the Freedom of Information Law and other conditions for deregulation may be specified in the law.

Section 6, Paragraph three of the Freedom of Information Law provides that the status of limited access information may be applied to information for internal use of an institution during the process of preparation of cases only up to the time when the institution takes the decision on the particular case. Section 7, Paragraph five of the Freedom of Information Law provides that information on the commercial secret shall be restricted access information until the merchant has notified an institution of termination of commercial secret status or when the information concerned has become generally accessible to third parties.

Section 13 of the Archives Law provides that, when determining restrictions on the accessibility and use of archive documents, in certain cases limitations shall be imposed 30 years after the creation of documents or death of a person (for the protection of privacy), but if the date of death cannot be determined, then accessibility shall be limited to 110 years after the birth of the person to whom the document applies. If neither can be established, access to the document shall be limited to 75 years after the creation of the document.

⁸⁰ Judgment of the Constitutional Court of 26 January 2005, On the Criminal Law of the Republic of Latvia Section 253.², Paragraph one included the norm "use of narcotic and psychotropic substances without the prescription of a doctor" the conformity with Article 96 of the Constitution of the Republic of Latvia. Available on the Internet in Latvian: <https://likumi.lv/ta/id/100395>.

⁸¹ An institution and a court has to, when applying the legal provisions, consider whether an administrative act or actual actions adversely affecting an individual are necessary in a democratic society in order to protect the right people, democratic structure of the State, public safety, welfare or morals.

⁸² Section 5, Paragraph two, Clause 1 of the Freedom of Information Law provides that information for which such status has been granted by law shall be regarded as restricted access information.

Section 8 of the law On Official Secret provides that, for restricted information, secrecy shall be specified for three years, for confidential information – for five years, for secret information – for ten years, for top secret information - for twenty years, but for data on persons involved in the performance of operational activities and persons who are involved in special procedural protection – for seventy-five years⁸³. Before the end of the secrecy term of the relevant information, the authority which classified it shall decide on the determination of a new secrecy term or declassification of the information. If the secrecy term specified by the law has expired or the relevant information as an official secret has lost its significance before the specified term, the secrecy for this information shall be cancelled and it shall become available to the public.

Article 4 – Requests for access to official documents

- 1. An applicant for an official document shall not be obliged to give reasons for having access to the official document.*
- 2. Parties may give applicants the right to remain anonymous except when disclosure of identity is essential in order to process the request.*
- 3. Formalities for requests shall not exceed what is essential in order to process the request.*

Latvia basically implements the measure provided for in Article 4, Paragraph 1 of the Convention under Section 10, Paragraph three of the Freedom of Information Law which stipulates that the applicant does not have to specifically justify his or her interest in generally accessible information⁸⁴, and he or she may not be denied it because such information does not apply to the applicant.

Furthermore, the measure specified in Article 4, Paragraph 2 of the Convention provides Latvia with the discretion to give or not to give the applicant the right to remain anonymous. The Convention also allows for the anonymity to be waived if the disclosure of identity is essential in order to process the request.

In Latvia, an applicant for information must indicate the necessary personal data so that the application could be registered, the requested information could be delivered or the person could be identified in the review procedure (Section 11, Paragraphs two and three of the Freedom of Information Law) in accordance with the Freedom of Information Law or the Administrative Procedure Law. In some cases, the applicant has the right to remain anonymous, but in such a case it will be difficult for the person to prove that his or her application specifically has been, for example, refused in part or in full, or that incomplete information has been provided (in case of full anonymity it would be impossible to exercise the right to contestation and appeal). Although Section 11, Paragraph five of the Freedom of Information Law provides institutions with the right to refuse to execute a request if the request has not been properly prepared (personal data are not indicated and the application has been signed), in cases of minor importance (it does not matter to whom the information is provided and the disclosure of information does not even pose a hypothetical risk of causing any harm) such rights are not exercised. Persons are informed of the right to submit an anonymous request under general procedures,

⁸³ Information which is an official secret shall be classified according to the significance thereof as top secret, secret and confidential information, and information for official use. Law On Official Secret Section 3, Paragraph one.

⁸⁴ Generally accessible information is information other than classified as limited access information. Section 4 of Freedom of Information Law.

ensuring access to the national legal acts in the official gazette *Latvijas Vēstnesis* (Vestnesis.lv) and on the website of the codified legal acts likumi.lv.

In accordance with Section 11, Paragraph six of the Freedom of Information Law, correspondence between an institution and the applicant for information and information on the person is regarded as limited access information.

However, it should be concurrently stressed that Latvia in certain respects currently provides broader rights of access to official documents than is required by the minimum standards of the Convention. In particular, a number of official documents or information can be obtained by anyone without a request, directly (thus anonymously), also free of charge, for example, in the official gazette *Latvijas Vēstnesis*, the official websites of public entities, public registers, specialised websites and elsewhere. State administration and officials shall also explain topical official documents of interest to the general public or binding official documents to the general public and, where necessary, ensure the possibility to adapt them to the necessary formats (so that you can listen the audio or read easily if the information is intended for the relevant target group of the public).

As regards requests, only the necessary formalities have been specified in Latvia, and they do not exceed what is necessary for processing the request.

Latvia regularly assesses conformity to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)⁸⁵ both in the development of a new regulatory framework and in the review of the existing framework and applies the principles of personal data protection (including the principle of data minimisation). Latvia promotes the *zero bureaucracy* approach⁸⁶ and good governance⁸⁷.

As already indicated at the beginning of the review, an ex-post evaluation⁸⁸ of the Freedom of Information Law is currently being organised in order to evaluate whether this law achieves its purpose and what impact it has on target groups. We will inform you of the results of the ex-post evaluation in the following reporting periods.

To date, formalities at legislative level were evaluated when material development processes took place and, for example, twelve amendments to the Freedom of Information Law (adopted in 1998) have been introduced since 2002.

⁸⁵General Data Protection Regulation. Available on the Internet in English: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02016R0679-20160504>.

⁸⁶*Nulles birokrātijas princips – administratīvā sloga pieauguma apturēšanai*, available on the Internet in Latvian: <https://www.mk.gov.lv/lv/jaunums/nulles-birokratijas-princips-administrativa-sloga-pieauguma-apturesanai-0>; Informative Report *Par "nulles birokrātijas" pieejas ieviešanu tiesību aktu izstrādes procesā*, available on the Internet in Latvian: <https://tap.mk.gov.lv/lv/mk/tap/?pid=40476165&mode=mk&date=2019-08-20>.

⁸⁷ Section 10 of the State Administration Structure Law.

⁸⁸ An ex-post evaluation of the Freedom of Information Law and the Law on Submissions was commenced at the end of 2025 and takes place during the preparation of this report until the end of June 2026.

Chronological summary of the most significant changes in the provisions of the Freedom of Information Law so far

The last amendments to the Freedom of Information Law⁸⁹ were intended to create a clear framework and security requirements for restricted information, which resulted in the inclusion of information with this status in the system of official secrets.

The subsequent amendments of **2022** and **2015** ensured⁹⁰ the adoption of Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast) (high-value datasets, dynamic data) and Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (re-use, open data, information charges) and principles for determining the status of limited access (including information on trade secret).

In **2009**, it⁹¹ was found that the supervision of the law carried out by the Data State Inspectorate, the activities of which are more oriented towards the protection of personal data, is ineffective and unnecessary, and that the control mechanism for monitoring the enforcement of the law is laid down in Section 15 of the Freedom of Information Law, which provides for the control of the decisions and actions of an institution by stipulating that an administrative act issued by an institution regarding refusal to provide information or to execute the request for information, and also the actual actions expressed as non-provision or undue provision of the information may be contested or appealed in accordance with the procedures laid down in the Administrative Procedure Law, and such refusal shall be sufficient. Cases regarding an administrative act issued by an institution regarding refusal to provide information or the actual actions expressed as non-provision of information are characterised by relatively simple factual and legal circumstances. Moreover, these cases are largely unrelated to material limitations of person's interests. These cases are, by their nature, relatively straightforward and generally do not cause serious harm or threats to the interests of the individual or the public. Consequently, it was found in 2009 that the examination of such cases by all three court instances was useless and contrary to the principle of the effectiveness of proceedings. Therefore, the changes introduced in 2009 provided for making the administrative procedure more simple and effective, moving from appealing refusals in three instances of administrative courts to two and thus contributing to the simplification of administrative procedure. The changes were also aimed at more effective implementation of the purposes of the Administrative Procedure Law by facilitating the examination of administrative cases within a reasonable time period, thus enhancing public trust in the judicial system and in the government as a whole. In addition, the possibility to request information electronically was introduced, a specific time limit for the provision of an answer⁹² was specified, and institutions were authorised to determine the procedures for registering requests for information, which are expressed orally, and such requests, which have been submitted electronically and have not been signed with an electronic signature in accordance with the procedures specified in legal acts. A condition was also introduced that, if the information requested from an institution is

⁸⁹ Law of 20 April 2023, Amendments to the Freedom of Information Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/341430>

⁹⁰ Law of 19 May 2022, Amendments to the Freedom of Information Law (available on the Internet in Latvian: <https://likumi.lv/ta/id/332835>), and Law of 3 September 2015, Amendments to the Freedom of Information Law (available on the Internet in Latvian: <https://likumi.lv/ta/id/276655>)

⁹¹ Law of 12 June 2009, Amendment to the Freedom of Information Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/193686>

⁹² An institution shall reply to the applicant within 10 days if the information is requested only by electronic means and does not require further processing, i.e., faster than in response to a *paper* request which has to be provided within 15 days.

available free of charge on the Internet, the institution may refuse to issue the requested information, indicating the address of the website where the relevant information is available, except when the applicant has indicated that due to his legal status, state of health or other justified circumstances information cannot be obtained on the Internet. If a text of a law or Cabinet regulation has been requested from an institution, the institution may refuse to issue it, indicating when and in which number of the official gazette *Latvijas Vēstnesis* information has been published, and also the website where the relevant legal act is available. The conditions for the fee for the provision of information were clarified.

The changes introduced in **2006**⁹³ were intended for the determination of the status of NATO information *NATO UNCLASSIFIED* and European Union information *LIMITE*, the status of commercial secret; in the context of limited resources, such changes provided for the abandonment of the mandatory publication of the records of generally available information on the website of the institution, retaining the right of the person to become acquainted with the list of limited access information of the institution. The issues regarding the liability for unauthorised disclosure of information were clarified by additionally providing for criminal liability (in the context of Sections 200 and 329 of the Criminal Law).

Changes made in **2005**⁹⁴ were intended to fully implement the provisions of Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (define re-use, institution and specify the purpose of the law, providing that it is to ensure that the public has access to information which is in the possession of the institution or which the institution has the obligation to create within the limits of its competence, clarify the understanding of the commercial secret, specify the requirements for the recording of information).

It should be stressed that, also on a day-to-day basis, State administration institutions constantly check and improve the quality of the services provided to the public and implement the obligation to simplify and improve procedures for the benefit of private individuals in accordance with the principles of State administration laid down in Section 10 of the State Administration Structure Law.

Article 5 – Processing of requests for access to official documents

- 1. The public authority shall help the applicant, as far as reasonably possible, to identify the requested official document.*
- 2. A request for access to an official document shall be dealt with by any public authority holding the document. If the public authority does not hold the requested official document or if it is not authorised to process that request, it shall, wherever possible, refer the application or the applicant to the competent public authority.*
- 3. Requests for access to official documents shall be dealt with on an equal basis.*
- 4. A request for access to an official document shall be dealt with promptly. The decision shall be reached, communicated and executed as soon as possible or within a reasonable time limit which has been specified beforehand.*
- 5. A request for access to an official document may be refused:*
 - (i) if, despite the assistance from the public authority, the request remains too vague to allow the official document to be identified; or*
 - (ii) if the request is manifestly unreasonable.*

⁹³Law of 5 October 2006, Amendments to the Freedom of Information Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/145629>.

⁹⁴Law of 22 December 2005, Amendments to the Freedom of Information Law. Available on the Internet in Latvian: <https://likumi.lv/ta/id/124958>.

6. A public authority refusing access to an official document wholly or in part shall give the reasons for the refusal. The applicant has the right to receive on request a written justification from this public authority for the refusal.

The measures of Article 5 of the Convention are mostly implemented by Articles 1, 89, 91, 100, 104, and 116 of the Constitution of the Republic of Latvia, Section 10 of the State Administration Structure Law, Section 2, Paragraph one, Section 11, Paragraph five, Section 11.², Paragraph three, Section 12, Paragraphs one, two and three, Section 14 of the Freedom of Information Law.

Latvia's measures conform to the provisions of the Convention, which require, insofar as possible, to ensure assistance in the identification of an official document, govern the examination or transfer of the request to the institution which has the document in its possession, the equal examination of the request and justifiable rejections of access to official documents.

In Latvia, insofar as possible, State institutions assist the applicant in identifying the requested official document, as the principles of State administration stipulated by Section 10 of the State Administration Structure Law include the functioning of the State administration in the public interest. The public interest also includes proportionate respect for the rights and legal interests of the individual. The State administration complies with the principle of good administration in its activities. This includes openness towards private individuals and the public, data protection, the conduct of fair procedures within a reasonable time and other provisions aimed at ensuring that the State administration respects the rights and legal interests of private individuals. The State administration is organized so that it would as convenient and accessible as possible for private individuals.

In accordance with Section 2, Paragraph one of the Freedom of Information Law, an institution shall issue information which is at its disposal and which it has a duty to create. A person may submit his or her application to any institution (including when the competent institution is not known) and the institution will, as far as possible, clarify the competent institution within the framework of the cooperation. The channel of the State Chancellery, the Ministry of Justice or other ministries as experts of inter-sectoral or sector-specific competence is often used for this purpose. If the requested information is not at the disposal of the institution, the institution provides, in accordance with Section 12, Paragraphs two and three of the Freedom of Information Law, a statement on the location of the information and, if known to the institution, indicate the procedures under which the information is available, and also if the information requested from the institution is available on the Internet free of charge, the institution may refuse to issue the requested information, indicating the address of the website where the relevant information is available, except when the applicant has indicated that his or her legal status, state of health or other reasonable circumstances prevent him or her from obtaining information on the Internet. If a text of a law or Cabinet regulation has been requested from an institution, the institution may refuse to issue it, indicating when and in which number of the official gazette *Latvijas Vēstnesis* information has been published, and also the website where the relevant legal act is available.

Latvia shall ensure equality in the examination of requests in accordance with the provisions laid down in the Constitution of the Republic of Latvia (Articles 1, 89, 91, 100,

104, 116), and it also arises from the human rights included in international human rights documents – the right to equal treatment and the prohibition of discrimination⁹⁵.

Section 10, Paragraph three of the Freedom of Information Law provides that generally accessible information shall be provided to anyone who wishes to receive it, taking into account equality of persons in obtaining information. Requests **shall not be distinguished** according to the nature of the request or the status of the requester.

In order to ensure implementation of the measure of Article 5, Paragraph 4 of the Convention, Latvian laws (for example, Section 14 of the Freedom of Information Law) provide maximum time limits within which an institution must provide information. On the other hand, the principles of public law provide that the time limits for examining a request may not be delayed and requests for information are examined in accordance with the principle of equality. The person is informed if the information requires additional processing (intermediate response). Reasonable interpretation of the text of the Convention should not lead to the conclusion that an institution must examine a request for information immediately and now. As stated in the Explanatory Report to the Convention, it goes without saying that the fact of imposing a maximum time limit should not encourage public authorities to wait until that time limit has been reached before releasing the requested document. The faster the document is made available, the more the spirit of the Convention is respected. Section 14 of the Freedom of Information Law regarding the time limits for the provision of information prescribes that an institution which has received the request for information shall perform one of the following activities:

1) within **seven days** (in person and refusals):

- a) provide an answer when the requested information may be consulted at an institution (in person) if the request for information is disproportionately large or the provision of information outside the institution is not possible due to the conditions for storage of information (Paragraph four of Section 11.²);
- b) in the case referred to in Sub-paragraph (a), draw up a refusal to execute the request for information or a certain condition thereof if, after receipt of the notification from the institution on the possible manner of issuing the information, the applicant for the information informs the institution in writing that he or she does not agree with the offered manner of issuing the information (Paragraph four of Section 12);
- c) if the requested information is not at the disposal of the institution, issue a statement on the location of the information and on the procedures for accessing the information if they are known to the institution (Paragraph two of Section 12);
- d) if the information which is requested from the institution is available free of charge on the Internet, refuse to issue the requested information, indicating the address of the website where the relevant information is available⁹⁶ (Paragraph three of Section 12);

2) answer to the applicant within **10 days** if the information is requested to be provided only in electronic form and it requires no additional processing;

⁹⁵Articles 1 and 7 of the Universal Declaration of Human Rights of the United Nations, Article 26 of the United Nations International Covenant on Civil and Political Rights, Article 14 of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, Articles 20 to 26 of the Charter of Fundamental Rights of the European Union.

⁹⁶ The provision of information shall not be refused if the applicant has indicated that due to his or her legal status, state of health or other justified circumstances the obtain information cannot be obtained on the Internet.

3) answer to the applicant within **15 days** if the information requires no additional processing (time limit for providing information in electronic form is shorter, see the previous sub-paragraph);

4) answer to the applicant within **30 days** if information requires additional processing (any), and notify the applicant thereof not later than within 15 days (interim answer).

These measures show that the requirements of Article 5 of the Convention for the processing of a request for information promptly, as soon as possible and within a reasonable time limit specified beforehand.

In Latvia, an institution may refuse a request for information if, after clarification activities, it is not clear how to deliver information or if, after taking all possible actions, it is not clear what information the person requests (Section 11, Paragraph five of the Freedom of Information Law). An institution may also refuse to execute a request for information if the conditions for execution are not commensurate with the resources at the disposal of the institution, namely, the execution of the request for information threatens the work of the institution or the rights of other persons (Section 11.², Paragraph three of the Freedom of Information Law) (limitations to the rights of persons have been imposed in accordance with Article 116 of the Constitution of the Republic of Latvia and Article 3, Paragraph 1 of the Convention).

If an institution refuses to provide the information requested in writing, it shall, in accordance with Section 12, Paragraph one of the Freedom of Information Law, indicate in its written refusal on what grounds the request has been refused in whole or in part, and where and within what time period the refusal may be contested or appealed. Refusal is an administrative act and must be justified in accordance with Section 67 of the Administrative Procedure Law.

Article 6 – Forms of access to official documents

1. When access to an official document is granted, the applicant has the right to choose whether to inspect the original or a copy, or to receive a copy of it in any available form or format of his or her choice unless the preference expressed is unreasonable.

2. If a limitation applies to some of the information in an official document, the public authority should nevertheless grant access to the remainder of the information it contains. Any omissions should be clearly indicated. However, if the partial version of the document is misleading or meaningless, or if it poses a manifestly unreasonable burden for the authority to release the remainder of the document, such access may be refused.

3. The public authority may give access to an official document by referring the applicant to easily accessible alternative sources.

According to Section 11.², Paragraphs one and two of the Freedom of Information Law, the requested information shall be issued orally, in writing, or, if possible, by using electronic means of communication. Limited access information shall be issued in writing. When issuing the requested information, an institution shall as far as possible take into account the manner of receiving the information indicated by the applicant, especially taking care of persons with visual or hearing impairments.

Section 10, Paragraph four of the Freedom of Information Law provides that, if the entirety of the requested information also includes limited access information, an institution shall provide only that part of information which is generally accessible. The part of the information which includes limited access information shall be provided

following the special procedures laid down in the Freedom of Information Law. The external legal act does not specify uniform procedures for the redaction (anonymisation) of information. Special regulations are provided for the anonymisation of court rulings – Cabinet Regulation No. 123 of 10 February 2009, Regulations Regarding the Publication of Judicial Information on the Website and the Processing of Court Rulings before Their Issuance⁹⁷. Paragraph 12 of this Regulation provides that, when a ruling is drawn up for publication, data enabling the identification of a natural person shall be deleted by replacing it with an appropriate indication:

1. the given name and surname of the person – with a freely chosen capital letter of the Latvian alphabet (the letter substituting the given name and surname of the person shall be chosen so that the persons referred to in the ruling may be distinguished from each other);
2. personal identification number – with the words "personal identification number";
3. the address of the place of residence – with the word "place of residence";
4. the address of the immovable property – with the word "address";
5. the cadastre number of the immovable property – with the words "cadastre number";
6. the State registration number of a car – with the words "registration number";
7. the account number with the credit institution – with the words "account number".

Such an approach to the anonymisation of information as the good practice is also applied by institutions when issuing information protected by law in order to allow a person to become acquainted with generally accessible information if, after anonymisation, the information is still clear and easily understandable, otherwise the institution need not, if this creates a heavy burden, issue such information, which coincides with the approach of Article 6, Paragraph 2 of the Convention.

Within the scope of the measure of Article 6, Paragraph 3 of the Convention, Section 12, Paragraph three of the Freedom of Information Law provides that, if the information requested from the institution, is available free of charge on the Internet, the institution may refuse to issue the requested information, indicating the address of the website where the relevant information is available, except when the requester has indicated that due to his or her legal status, state of health or other justified circumstances information cannot be obtained from the Internet. If the text of a law or Cabinet regulation has been requested from an institution, the institution may refuse to issue it, indicating when and in which number of the official gazette *Latvijas Vēstnesis* information has been published, and also the website where the relevant legal act is available.

Article 7 – Charges for access to official documents

- 1. Inspection of official documents on the premises of a public authority shall be free of charge. This does not prevent Parties from laying down charges for services in this respect provided by archives and museums.*
- 2. A fee may be charged to the applicant for a copy of the official document, which should be reasonable and not exceed the actual costs of reproduction and delivery of the document. Tariffs of charges shall be published.*

General rules regarding the fee for the provision of information are laid down in Section 13 of the Freedom of Information Law. Concurrently, Section 13, Paragraph one of the Freedom of Information Law provides that generally accessible information which does not require any additional processing shall be provided free of charge.

⁹⁷ Cabinet Regulation No. 123 of 10 February 2009, Regulations Regarding the Publication of Judicial Information on the Website and the Processing of Court Rulings before Their Issuance. Available on the Internet in Latvian: <https://likumi.lv/ta/id/187832>.

The term *inspection of official documents on the premises of a public authority* of the Convention does not correspond to the term *provision of generally accessible information* used in the Freedom of Information Law. The term *generally accessible information* is narrower than the term *official document* (it also includes limited access information, etc.). Whereas the term *provision of information* is a broader term and includes *inspection on the premises of a public authority*. The regulatory scope of the Freedom of Information Law leaves out the right specified in the Convention to inspect limited access information and possibly other specially protected documents, which are unlikely to be made available for inspection without prior processing (which is for a fee) or cannot be made available at all, on the premises of the public authority free of charge. Therefore, based on the aforementioned, Article 13 of the Freedom of Information Law conforms to the requirements of Article 7 of the Convention.

There are a number of external legal acts providing a fee for the provision of information, but it is calculated in accordance with Section 5, Paragraph 12.¹ of the Law on Budget and Financial Management which stipulates that, when determining the price of a paid service, the condition that payment for a service may not exceed the costs related to the provision of the service shall be complied with and in addition also the provisions of Section 13, Paragraph two of the Freedom of Information Law providing that the fee for the provision of information may not exceed the costs of creation and processing (for example, collection, production, reproduction, dissemination). When issuing legal acts regarding paid services for the issuing of information, it shall be taken into account that the fee may not include other expenses which have been incurred while resolving legal or political issues related to the provision of an answer to a request for information, and also the expenses of information searching. If the information for re-use is issued from a library, the National Archives of Latvia or a museum collection, the fee for the provision of information may also include the costs for preservation and acquisition of rights.

In accordance with Section 12, Paragraph eight of the Archives Law, the **public records** stored in the National Archives of Latvia, the archives of an authority and in the accredited private archives shall be available for use in the premises of the archive accessible for a person free of charge. If a person can get acquainted with the archival records only by using special equipment of the archives (audiovisual, cinematographic and sound records), a fee may **be charged** for the use of such records on the premises of the archives the amount of which shall be determined by the Cabinet. Prices for the provision of information from the National Archives of Latvia have been determined in accordance with Section 12, Paragraph eight of the Archives Law in Cabinet Regulation No. 857 of 17 September 2013, Price List of Public Paid Services of the National Archives of Latvia.⁹⁸

Whereas, Section 13.¹, Paragraph seven of the Law on Museums⁹⁹ provides that the e-services provided by the museum (including information provision services) shall be available online for free or for a charge according to the price list approved by the museum, the prices of which need to be calculated according to the calculation methodology specified previously in the Freedom of Information Law and the Law on Budget and Financial Management.

⁹⁸ Cabinet Regulation No. 857 of 17 September 2013, Price List of Public Paid Services of the National Archives of Latvia. Available on the Internet in Latvian: <https://likumi.lv/ta/id/259999>.

⁹⁹ Law on Museums. Available on the Internet in Latvian: <https://likumi.lv/ta/id/124955>; in English: <https://likumi.lv/ta/en/en/id/124955-law-on-museums>.

Additionally, we explain that Section 13, Paragraphs three and four of the Freedom of Information Law and Cabinet Regulation No. 940 of 21 November 2006, Regulations Regarding Paid Services for the Provision of Information, issued on the basis thereof, prescribe a fee for the issuance of information from the archives of the institution, preparation and issuance of information from the databases of the institution and the making and issuance of a copy or duplicate of the documented information, if the amount of the relevant information exceeds 20 pages (Clause 3). The context of Section 13, Paragraph one of the Freedom of Information Law and Sub-paragraph 3.3 of the aforementioned Regulation provide that a smaller amount of information (issuance of a copy of 20 pages or a duplicate) is free of charge, unless a fee is determined by an external legal act. Those regulations provide for reliefs and exemptions. Exemptions from the fee are available for a range of vulnerable groups (disabled persons, pensioners whose amount of pension does not exceed the minimum wage, low-income private individuals, protection of the rights of a child and restoration of a document lost as a result of accidents and illegal actions, etc. (Paragraph 5). Relief (50 %) is available for repressed persons, guardians and trustees. However, institutions may assess and determine individual reliefs and reduce fees in other cases (Paragraph 8). Service fees include the cost of copying, obtaining information from a computer - printing, writing on a disc, scanning, copying and making a duplicate, if the amount exceeds 20 pages, preparation of a document with additional processing of a document from the archives of the institution – certification of copies, document processing, or duplicate from existing databases.

This Cabinet Regulation has not been revised for a long time in line with existing costs which have increased, so the costs related to the provision of the service can certainly not be exceeded. Thus, the fee does not exceed the cost of reproduction and does not provide for a delivery fee (unless provided for in the price list of the paid services of the institution).

External legal acts and general administrative acts under which the price lists of public paid services are approved are announced and notified in the official gazette *Latvijas Vēstnesis* (vestnesis.lv).

Article 8 – Review procedure

1. An applicant whose request for an official document has been denied, expressly or impliedly, whether in part or in full, shall have access to a review procedure before a court or another independent and impartial body established by law.

2. An applicant shall always have access to an expeditious and inexpensive review procedure, involving either reconsideration by a public authority or review in accordance with paragraph 1.

The general review procedure under Article 8 of the Convention is provided for in Section 15 of the Freedom of Information Law.

An administrative act issued by an institution regarding the refusal to provide information or to execute a request for information, and also actual actions expressed as non-provision or undue provision of the information, may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law. A judgment of the District Administrative Court may be appealed under cassation procedures to the Department of the Administrative Cases of the Senate of the Supreme Court.

A review is not available, for example, in the following statutory cases:

- 1) Section 15, Paragraph three of the Freedom of Information Law: if a request for information is received in electronic form and is not signed with electronic signature in accordance with the procedures laid down in the laws and regulations, the applicant thereof is not entitled to request the provision of the information through a court¹⁰⁰;
- 2) Section 7, Paragraph five of the law On Official Secret: the decision of the director of the Constitution Protection Bureau to refuse to issue a facility security clearance or to cancel it in relation to the right to use the classified information of foreign countries, international organisations and their bodies shall be final and not subject to appeal;
- 3) Section 11, Paragraph six of the law On Official Secret: the decision of the director of the Constitution Protection Bureau on access to the classified information of foreign countries, international organisations and their bodies shall be final and may not be appealed.

The abovementioned limitations of rights have been determined in accordance with Article 3, Paragraph 1 of the Convention, as the limitation is specifically prescribed by law, necessary in a democratic society, proportionate and has a legitimate aim, and it is also determined in conformity with Article 116 of the Constitution of the Republic of Latvia.

The Convention allows to limit access to information if the limitations apply to the content of the document and the nature of the information. It can therefore be concluded that specific conditions for contesting and appeal may be laid down, considering the content of the document and the nature of the information. Therefore, we believe that the abovementioned limitations have been determined in accordance with the requirements of the Convention and Constitution of the Republic of Latvia.

The abovementioned review limitations are exceptional and apply only to specific cases expressly provided for by law. They do not affect the general review procedure under Section 15, Paragraph one of the Freedom of Information Law according to which refusals to provide information and also the actual actions expressed as non-provision or undue provision of the information may be contested and appealed in accordance with the Administrative Procedure Law.

Section 15, Paragraph three of the Freedom of Information Law applies only to such requests for information submitted electronically which have not been signed with an electronic signature in accordance with the procedures laid down in legal acts. This limitation does not restrict access to information as such. It ensures legal certainty in the review procedure, especially that the applicant is identifiable and that there is a clear procedural link between the request, the refusal or actual actions, and the person seeking judicial protection. This is also relevant in the modern digital environment where requests may be generated and submitted by automated means. The limitation is proportionate as the person may submit the request again in the form prescribed by law.

This limitation corresponds to the legitimate aim referred to in Article 3, Paragraph 1, Sub-paragraph f of the Convention, namely to protect private life and other legitimate private interests, and Article 3, Paragraph 1, Sub-paragraph i of the Convention, namely

¹⁰⁰ See judgment of the Department of the Administrative Cases of the Senate of the Supreme Court of the Republic of Latvia of 27 November 2013 in case No. A420676211, case archive No. SKA-312/2013, available on the Internet in Latvian: <https://www.at.gov.lv/lv/tiesu-prakse/judikaturas-nolemumu-arhivs/administrativo-lietu-departaments/klasifikators-pec-lietu-kategorijam/tiesibas-uz-informaciju-un-uz-atbildi-pec-butibas>.

to protect the equality of parties in court proceedings and the proper functioning of justice. It is also consistent with Article 4, Paragraph 3 of the Convention.

The limitations provided for in Section 7, Paragraph five, and Section 11, Paragraph six of the law On Official Secret apply only to decisions concerning facility security clearance or access to classified information of foreign countries, international organisations and their bodies. They are connected with information of a specific nature and a special access authorisation regime and therefore pursue the legitimate aims referred to in Article 3, Paragraph 1, Sub-paragraph a of the Convention – national security, defence and international relations.

Therefore, the abovementioned limitations do not constitute a general exclusion of the review procedure in matters concerning access to official documents. If the limitation on review is not determined by law, the review procedure is available to persons in accordance with the provisions of the special law, the Administrative Procedure Law or the Freedom of Information Law (including Section 15).

Latvia shall implement the aforementioned obligation in accordance with Section 18, Paragraph one (administrative proceedings in an institution are free of charge for private persons, unless prescribed otherwise by the law), Section 64, Paragraph one (time limit for issuing administrative acts), Section 77.¹ (right of the institution to set aside the contested administrative act issued by it), Section 81 (decision on the contested administrative act), Section 124 (State fee for the application to court) of the Administrative Procedure Law.

We will be able to report on the length of the review procedure after the ex-post evaluation of the impact of the Freedom of Information Law.

Article 9 – Complementary measures

The Parties shall inform the public about its right of access to official documents and how that right may be exercised. They shall also take appropriate measures to:

- a) educate public authorities in their duties and obligations with respect to the implementation of this right;*
- b) provide information on the matters or activities for which they are responsible;*
- c) manage their documents efficiently so that they are easily accessible; and*
- d) apply clear and established rules for the preservation and destruction of their documents.*

In principle, continuous additional measures fall under the implementation of the State Administration Structure Law and Cabinet Regulation No. 445 of 14 July 2020, Procedures for Publishing Information on the Internet by Institutions, Law on Official Publications and Legal Information and the Administrative Procedure Law (Chapter 9, Statement on One's Rights). The aforementioned Cabinet Regulation also allows for the publication of certain unidentified information on official websites, thus a unified solution is considered in raising the importance of this right – to request each authority subject to the Convention to create a section "Requests for information" in the official website of the authority and define the information to be published. Its usefulness could become apparent in the ex-post evaluation of the Freedom of Information Law if very varying and uneven practices are established.

Training on the availability of State information in the State administration takes place within institutions and for many years has continuously taken place in the Latvian School of Public Administration. For example, the Latvian School of Public Administration organized for a fee on-site training *Problems with the Application of the Freedom of Information Law (Senate Practice)* (4 academic hours) in 2024 and 2025, and trainings are planned also for 2026. In 2024, 14 employees of State administration institutions participated in the training, while in 2025, 12 employees of State administration institutions participated. The types and extent of training required in the future will also be identified as part of the ex-post evaluation of the Freedom of Information Law. In addition, institutions also have their own training plans, literature in matters of freedom of information is available (books, periodicals (LV portal (lvportals.lv), the journal *Jurista Vārds* (juristavards.lv))¹⁰¹, Ombudsman provides educational activities, and compilations of case law.

Thus, for example, the public was informed of accession to the Convention when it was decided on by the Cabinet, the *Saeima* and at the level of the ministry. Key publications:

1) ***The government supports Latvia's accession to the Convention which ensures public access to official documents*** (available in Latvian: <https://www.tm.gov.lv/lv/jaunums/valdiba-atbalsta-latvijas-pievienosanos-konvencijai-kas-nodrosina-sabiedribai-piekluvi-oficialiem-dokumentiem>);

2) ***Latvia joins the Council of Europe Convention which ensures public access to official documents*** (<https://www.tm.gov.lv/lv/jaunums/latvija-pievienojas-ep-konvencijai-kas-nodrosina-sabiedribai-piekluvi-oficialiem-dokumentiem#:~:text=Tre%C5%A1dien%C2%2017.apr%C4%ABl%C4%AB%C2%20tieslietu%C2%20ministre%C2%20Inese%C2%20L%C4%ABbi%C5%86a%2DEgnere%20Strasb%C5%ABr%C4%81%C2%20Eiropas%20Padomes%20Konvencijai%20par%20piek%C4%BCuvi%20ofici%C4%81liem%20dokumentiem>);

3) ***data from the Register of Draft Legal Acts*** ([https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/webAll?SearchView&Query=\[NumberTxt\]=609&SearchMax=0&SearchOrder=4](https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/webAll?SearchView&Query=[NumberTxt]=609&SearchMax=0&SearchOrder=4)) and ***audio recordings and unedited text of the transcript of the meeting of 14th Saeima of 24 October 2024*** (https://www.saeima.lv/lv/live/2024_10_24-090000);

¹⁰¹ See, for example, 1. Briede J., Danovskis E., Kovaļevska A. *Administratīvās tiesības. Mācību grāmata*. Second edition. Rīga: Tiesu namu aģentūra, 2021. ISBN 978-9934-508-86-8. A section dedicated to the openness and transparency of public administration.

2. Austere L. *Pētījums. Informācijas pieejamība valsts un pašvaldību iestādēs*. Rīga, 2003// Sabiedrība par atklātību – Delna. Available on the Internet in Latvian: https://delna.lv/wp-content/uploads/2011/04/Petijumi_9.pdf;

3. Zībārte I. *Informācijas pieejamība Eiropas Savienībā un Latvijā // Latvija un Eiropas Savienība*, 1999, No. 13;

4. Study: *Informācijas pieejamība Latvijā: Tiesību aktu izvērtējums*. Mits M. (leg.ed.) 2000. Available on the Internet in Latvian: <https://providus.lv/petijumi/informacijas-pieejamiba-latvija-tiesibu-aktu-izvertejums/>;

5. Briede J. *Valsts pārvaldes rīcībā esošas ierobežotas pieejamības informācijas izpaušana sabiedrības interesēs*. Jurista Vārds, 27.10.2015, No. 42 (894), pp. 10-13. Available on the Internet in Latvian: <https://juristavards.lv/zurnals/267461-valsts-parvaldes-riciba-esosas-ierobezotas-pieejamibas-informacijas-izpaušana-sabiedribas-intereses/>;

6. Jarinovska K. *Informācijas atklātība kā cilvēka pamatbrīvība (I-IV)*. Jurista Vārds, 20.10.2009 No. 42 (585) (available on the Internet in Latvian: <https://juristavards.lv/zurnals/199185-informacijas-atklataba-ka-cilveka-pamatbriviba-i/>); 08.12.2009 No. 49 (592) (available on the Internet in Latvian: <https://juristavards.lv/zurnals/201523-informacijas-atklataba-ka-cilveka-pamatbriviba-ii/>); 05.01.2010 No. 1 (569) (available on the Internet in Latvian: <https://juristavards.lv/zurnals/203127-informacijas-atklataba-ka-cilveka-pamatbriviba-iii/>); 23.02.2010 No. 8 (603) (available on the Internet in Latvian: <https://juristavards.lv/zurnals/205509-informacijas-atklataba-ka-cilveka-pamatbriviba-iv/>).

4) **Explanation: *The right of access to official documents of State institutions*** (available in Latvian: <https://lvportals.lv/skaidrojumi/370199-tiesibas-pieklut-valsts-iestazu-oficialajiem-dokumenti-2024>);

5) **Nra.lv: *Latvia accedes to the Convention on Public Access to Official Documents*** (available in Latvian: <https://nra.lv/latvija/448760-latvija-pievienojas-konvencijai-par-sabiedribas-piekluvi-oficialiem-dokumenti-htm>);

6) **the Council of Europe: *Entry into force of the Tromsø Convention in respect of Latvia***; <https://www.coe.int/en/web/access-to-official-documents/-/entry-into-force-of-the-troms%C3%B8-convention-in-respect-of-latvia>.

The State provides information on the matters or activities for which it is responsible in accordance with a number of legal acts, for example, Section 9 of the Freedom of Information Law, Section 29, Paragraph one of the Cabinet Structure Law, Cabinet Regulation No. 445 of 14 July 2020, Procedures for Publishing Information on the Internet by Institutions, etc.

The State has determined appropriate clear and generally accepted regulations for the storage and destruction of its documents, for example Section 9, Paragraph one, Section 10, Paragraphs one, 1.², two and 2.² of the Freedom of Information Law. These processes are implemented in accordance with a number of legal acts, for example the Archives Law (Section 4), Cabinet Regulation No. 282 of 7 May 2024, Regulations Regarding the Management of Documents and Archives, Cabinet Regulation No. 822 of 19 December 2023, Regulations Regarding the Protection of Official Secrets and the Classified Information of the North Atlantic Treaty Organisation, European Union and Foreign Authorities (before 1 January 2024, Cabinet Regulation No. 21 of 6 January 2004, Regulations Regarding the Protection of Official Secrets and the Classified Information of the North Atlantic Treaty Organisation, European Union and Foreign Authorities).

We would like to highlight the Archives Law as a significant regulatory framework; its purpose is to ensure the creation, acquisition, appraisal, preservation, accessibility and use of the national documentary heritage by implementing appropriate management of records and archives (including official documents). In accordance with Section 4 of the Archives Law, an institution has the obligation to manage records and archives and, within the framework scope of this obligation, to ensure the documentation of its activities, i.e., the creation of genuine, plausible and integrated evidence of activities, according to the functions and tasks specified for the relevant institution and the accessibility and use of records, including the issuing of statements, copies of records, extracts, and duplicates to persons on the basis of all records at the disposal of the institution/authority in accordance with the procedures specified in laws and regulations. That is, the activities of the institution must be documented (in the broadest sense) (for example, at such a level that would create an understanding of who is responsible for what or that would enable the public to create an idea of how effective are the activities of the institution, also based on substance). If there is public interest, activities must be documented and recording, accessibility and storage must be ensured for information. Accordingly, the activities of the institution must be documented, and the information must be recorded and preserved, taking into account the public interest.

Article 10 – Documents made public at the initiative of the public authorities

At its own initiative and where appropriate, a public authority shall take the necessary measures to make public official documents which it holds in the interest of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest.

In Latvia, the **obligation for institutions to publish documents on their own initiative arises** mainly from Section 10, Paragraphs one, two, 2.¹ and 2.² of the Freedom of Information Law and the principles of State administration laid down in Section 10 of the State Administration Structure Law, including the principle that the State administration has the obligation to inform the public of its activities. Furthermore, such publication obligation is also stipulated by the Law on Official Publications and Legal Information.

Thus, in certain respects, Latvia currently **provides more extensive rights of access to official documents than required by the minimum standards of the Convention** (the Convention also provides for an optimal standard which Latvia is also approaching). In particular, there are a number of official documents or information that anyone can obtain without a request, directly, free of charge, for example in the official gazette *Latvijas Vēstnesis* (vestnesis.lv) and on the website of codified legal acts likumi.lv, official websites of public entities¹⁰², public registers, specialised websites and elsewhere (for example, stands in nature on natural objects, museums).

Small insight into the general practice: **Cabinet Regulation No. 445 of 14 July 2020, Procedures for Publishing Information on the Internet by Institutions**, provides that an institution shall **proactively publish** on its official website generally available information for which it has competence. At a minimum, information on the institution, contact information, news, field of operation, services, publications and reports, public participation, budget, properties and information in easy-to-read language must be provided. This information is published on the Internet without any individual request; limited access information, official secrets and information prohibited from being published by legal acts is not published.

The aforementioned regulations stipulate that **access to the following information is provided proactively**:

1) **information on the institution and contacts**: a description of the institution, information on the legal acts governing its operation, schematic description of its structure, information on subordinate institutions and links to their websites, and also public statements are published on the website of the institution. Concurrently, contact information and official details of the institution, contacts of its officials and employees, and also information on the location, ways to get to it and access to the institution ensured to persons with special needs is published;

2) **news**: an institution publishes information on current news in a user-friendly form;

3) **field of operation**: information on or references to sectoral lines of action, functions, operation and the most significant tasks of the institution, policy planning documents and management documents of authorities, and also information on the implementation of

¹⁰² Cabinet Regulation No. 445 of 14 July 2020, Procedures for Publishing Information on the Internet by Institutions. Available on the Internet in Latvian: <https://likumi.lv/ta/id/316109>; in English: <https://likumi.lv/ta/en/en/id/316109-procedures-for-publishing-information-on-the-internet-by-institutions>.

strategic documents, international cooperation, public consultations on the EU law and public participation is published;

4) **services:** information on the services provided by the institution, their descriptions or links to them, and also information on the unified customer service centres of the State and local governments is published, where applicable to the particular institution;

5) **publications and reports:** publications prepared by the institution, such as research, statistical information and informative materials, or references thereto are published;

6) **public participation:** information on co-operation with non-governmental organisations, cooperation partners, cooperation principles, contact persons, and also advisory institutions, working groups, advisory councils and councils supervising projects is published;

7) **budget:** budget information and also information on the remuneration determined for and disbursed to officials and employees in accordance with special legal acts is published;

8) **property:** information on the immovable property rented and leased by the institution, on the immovable property intended to be rented or leased, and also on the movable property of the State that is not necessary to ensure the operation of the institution is published;

9) **information in easy-to-read language:** in a separate section "Easy to Read", a brief description of the institution and other information necessary for clients of the institution in easy-to-read language is published.

Concurrently, these regulations **provide for facilitating access to information on websites (in particular for people with visual, perceptual, cognitive deficiencies or other functional impairments)**, as they require for:

- the content to be made perceivable and understandable;
- websites and applications to be technically made accessible;
- the provision of "easy-to-read" content;
- the publication of information on physical accessibility;
- the provision of a mechanism for support, feedback and complaints;
- the publication of an accessibility statement and, where necessary, provide alternative access to content.

The official website of **the Cabinet** [mk.gov.lv](https://www.mk.gov.lv)¹⁰³ provides content not only from the Cabinet, but also content from the Prime Minister and the State Chancellery. It contains information on the work of the government, the policy of state administration, and the practical means of communication with the institution. In summary, the following content is available on this website:

1) **on the government:** composition, powers and functions of the Cabinet, declaration by the government, meetings of the Cabinet, their agendas and minutes, live broadcasts, meetings of State Secretaries, thematic committees, declassified documents, awards and history;

¹⁰³ The official website of the Government of the Republic of Latvia – the Cabinet in the English language version <https://www.mk.gov.lv/en>, full content can be browsed in Latvian using machine translation.

2) **on the Prime Minister:** the current Prime Minister, calendar, news, functions, office, speeches and information on former Prime Ministers;

3) **on the State Chancellery and State administration policy:** development planning, red tape reduction, reforms, good and open governance, human resources development, remuneration and employees, public participation policy, strategic communication, crisis management centre, EU funds and projects;

4) **practical information:** contact information of the institution and employees, units, application for a meeting of the Cabinet, application of passes, accreditation of the media, acceptance of submissions and visitors, whistleblowing contact point;

5) **news:** news, event calendar, quick links to vacancies, procurements, projects, photos and videos, and also the possibility to apply for the receipt of news by e-mail;

6) **accessibility and use tools:** search, language options, "Easy to Read", sign language, increasing of the font, contrast, visual tools, privacy policy, accessibility, and page map.

Another significant website for official documents is the website of the public portal for draft legal acts or the **DLA portal**, which is a state system where information on draft legal acts to be passed through the government and the related decision-making process is publicly available. It aims to make the drafting and harmonization of legal acts more transparent and more easily traceable by the public. This website contains:

- 1) draft legal acts;
- 2) meetings of the Cabinet;
- 3) meetings of State Secretaries¹⁰⁴;
- 4) archive of meeting recordings;
- 5) reports not to be examined at meetings;
- 6) public participation section;
- 7) tasks given to ministries;
- 8) declassified documents;
- 9) the possibility to apply for the receipt of news by e-mail.

The official documents provided by **the Saeima (the Parliament)** can be viewed on the official website [saeima.lv](https://www.saeima.lv) by choosing English¹⁰⁵. Among the most important public information is the information of plenary sittings (interactive) – video streams, agendas, requests and questions of the members of the *Saeima* to the Cabinet and replies to those requests and questions, database of parliamentary documents, current draft laws, statistics on parliamentary documents and explanations in the section "Procedure for adopting laws". The database of parliamentary documents contains the progress of the examination of documents and their electronic texts. The website also provides information on plenary agendas, work materials, proposed draft laws, minutes and audio recordings of the meetings of the committees of the *Saeima*.

¹⁰⁴ Draft legal acts and other matters related to the work of the government shall be examined on which no agreement has been reached during the agreement process, which have not been updated in accordance with the previous decisions, and also specific draft national positions, draft official opinions for international organisations and other issues topical to the state administration in order to achieve inter-institutional agreement or to establish that no agreement has been reached at this level before advancing to the Cabinet.

¹⁰⁵ The English version of the official website of the Parliament of the Republic of Latvia - the *Saeima* <https://www.saeima.lv/en>, full content can be browsed in Latvian using machine translation.

An example for the proactive publication of official documents at the **local government level** is the official website of Rīga City Government [riga.lv](https://www.riga.lv), which provides information on the local government and Rīga City Council, including on the management of the council, councilors, committees, administration, budget, procurements, legal acts and draft binding regulations, publications, vacancies, whistleblowing, data protection, projects, international cooperation, and also the services provided by the city and topical societal issues. The website also offers audiovisual content, especially in the form of video recordings and livestreams, such as recordings of the meetings of the Rīga City Council, recordings and livestreams of committee meetings, and also other video materials, for example, video recordings of civil protection seminars.¹⁰⁶

On the website of the official gazette *Latvijas Vēstnesis* vestnesis.lv, external legal acts are available, including binding regulations of local governments, other legal acts and official notices, and also archive. Information published in the official gazette on this website is **an official publication** and is publicly credible and binding.

The website likumi.lv is a site for the legal acts of the Republic of Latvia where **laws, Cabinet regulations, binding regulations of local governments, international agreements, policy planning documents and other types of legal acts are available in codified (also consolidated) form**, and which also provides search function, thematic topics, latest data, and data on the entry into force of documents. The codified legal acts published on likumi.lv are informative, and in case of conflicts the official publication in the official gazette *Latvijas Vēstnesis* should be applied.

There is also **the archive of the case-law rulings** of the Supreme Court – case-law rulings of the Senate are available (in Latvian) at at.gov.lv/lv/tiesu-prakse/judikaturas-nolemumu-arhivs, and anonymised judgments of Latvian courts and decisions of the Prosecutor's Office are available in the section *Anonymised Rulings* of the e-case portal elieta.lv/web/guest/nolemumi (anonymised judgments of Latvian courts that have entered into effect and have been given after 1 September 2013, and also anonymised final rulings of prosecutors in criminal proceedings that have been made after 1 January 2023 are published on the portal).

In Latvia, public access to the information and e-services provided by the State is ensured in the single State and local government services portal **Latvija.lv** which ensures remote access to such services in one place and thus facilitates communication with the State administration.

Latvia implements the regulations for **open data, metadata, high-value data sets and dynamic data** laid down in the Freedom of Information Law by providing that an institution shall, upon its own initiative, provide accessibility to generally accessible information posted on the Internet in the form of open data together with information metadata, provided that this is useful. The law also defines open data, metadata, high-value datasets and dynamic data, thus strengthening the core content of these legal concepts.

Cabinet Regulation No. 445 of 14 July 2020, Procedures for Publishing Information on the Internet by Institutions, stipulates more detailed implementation procedures by providing separate procedures for the publication of the list of high-value datasets, defining the formats of high-value data and metadata and procedures for their dissemination, and also procedures for the dissemination of dynamic data. The

¹⁰⁶ The English language version of the official website of Rīga City Government <https://www.riga.lv/en>, full content can be browsed in Latvian using machine translation.

Regulation provides that an institution shall publish the open data at its disposal in machine readable form together with metadata or only the metadata of a dataset on the Open Data Portal of Latvia data.gov.lv, while dynamic data shall be made available for re-use via a suitable API and, where relevant, as a bulk download; they should, in principle, be published after collection.

Regulations of Latvia provide even stricter requirements for high-value datasets: they must be made available free of charge, in machine readable format, together with metadata, via an API, and, where relevant, with a bulk download option. Concurrently, regulations for practical implementation stipulate that ministries shall develop guidelines for publishing data in the Open Data Portal, and the portal itself must contain separate sections *Guidelines* and *Legal Acts*. Thus, Latvia has regulated this area not only at the level of the law, but also with detailed implementing regulations and centralised publishing infrastructure.

The requirements of the Law for the publication of high-value datasets and dynamic data also **apply to capital companies controlled by a public entity**¹⁰⁷, insofar as they provide public services, but do not apply to information related to their activities performed in free competition or outside the field of the provision of public services¹⁰⁸.

The clarification of external legal acts and complex public documents in Latvia is ensured with several complementary measures: annotations, summaries and explanations are attached to the documents; search function and thematical organization of information is ensured, including on the portal Latvija.lv; sections of frequently asked questions are published; information is disseminated on the websites, social networks and other communication channels of institutions; accessibility of digital information is ensured for persons with functional impairments; and the public is engaged in discussion, consultations and other forms of participation.

In Latvia, the public access to information is also ensured **by virtual assistants or AI chatbots** introduced in the public administration, for example, on the portal Latvija.lv and on the websites of State institutions, which provide automated support to individuals in finding information and e-services.

Such solutions do not replace an official decision of the institution or an authentic explanation of a legal act, but serve as a user-friendly information tool for communication with the public administration.

For example, the portal Latvija.lv features a virtual *assistant Ēriks* whose job is to help you find e-services and provide answers about life situations and procedures for the receipt of services. The *UNA* of the Enterprise Register was introduced as the first virtual assistant for public administration in Latvia. In public administration, such assistants are also developed more broadly on the basis of the platform Hugo.lv and are introduced on websites of many institutions.

The conclusion is that the proactive availability of official documents and public information in Latvia is implemented in several ways. First, institutions publish, on their own initiative, generally accessible information on their websites, including information

¹⁰⁷ Section 1, Paragraph one, Clause 4 of the Law on Governance of Capital Shares of Public Entity and Management of Capital Companies Thereof provides that a capital company controlled by a public entity is a capital company in which one or several public entities have a direct decisive influence. Available on the Internet: in Latvian <https://likumi.lv/ta/id/2699074>; in English: <https://likumi.lv/ta/en/en/id/269907-law-on-governance-of-capital-shares-of-public-entity-and-management-of-capital-companies-thereof>.

¹⁰⁸ Section 2, Paragraphs 3.¹ and five of the Freedom of Information Law.

on the institution, its operation, services, budget, reports and opportunities for public participation. Second, legal acts, draft legal acts, official publications and decision-making processes are published on the websites of institutions and in specialised State information systems, for example, on the website of the Cabinet mk.gov.lv, on the website of the *Saeima* saeima.lv, on the DLA portal, in the official gazette *Latvijas Vēstnesis* and on the website likumi.lv. Third, information is provided in a structured and technically re-usable form, including as open data, dynamic data and high-value datasets on the Open Data Portal. Fourth, proactivity is demonstrated through explaining information and facilitating access – by providing annotations, summaries, search tools, thematical organisation, plain language, accessibility solutions, e-services and virtual assistants. Thus, proactive publication in Latvia covers not only the formal placement of documents on the Internet, but also their practical accessibility, understandability, availability and usability by the public.