



**SCREENING CHAPTER 27  
ENVIRONMENT**

**AGENDA ITEM: ACCESS TO ENVIRONMENTAL  
INFORMATION**

**Country Session: The Republic of TURKEY  
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## CONTENT

- Right of Access to Information
- Obligation to Provide Information
- Charges for Providing Information
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- Procedure for Objection
- Restrictions on the Right of Access to Information
- Establishment of Information Units
- Dissemination of Information



## RIGHT OF ACCESS TO INFORMATION

- Constitution
  - Article 40: Protection of basic rights and freedom
  - Article 56: Environmental protection
  - Article 74: Right of petition
  
- Law No.4982 on the Right of Access to Information as amended by the Law No.5432 (LRAI)
  
- By-law on Rules and Procedures for the Implementation of the Law on Right of Access to Information, (LIRAI)
  
- Law No.4778 on the Use of the Right of Petition



## **RIGHT OF ACCESS TO INFORMATION (CONT'D)**

### **Law on the Right of Access to Information**

#### **Objective**

To regulate the procedure and the basis of the right of access to information according to the principles of equality, impartiality and openness that are the necessities of a democratic and transparent government

#### **Scope**

Every kind of data that is held by public institutions



## RIGHT OF ACCESS TO INFORMATION (CONT'D)

### Definitions

#### **“public institutions”** (LRAI-Article 2)

The Law is applied to the activities of the public institutions and the professional organizations qualified as public institutions

LRAI regulates to access to all kinds of information.

#### **“information”** (LRAI-Article 3-c)

“every kind of data within the scope of this law and registered in the records of the institutions”

Environmental information is defined in the Environmental Law.



## RIGHT OF ACCESS TO INFORMATION (CONT'D)

### Definitions

#### ***“environmental information”*** (Law on Environment)

“every kind of information or data that is available in written, verbal or visual form related with the the presence of water, air, soil, flora and fauna, the activities and the taken administrative and technical measures that are adversely affecting or possible to affect water, air, soil, flora and fauna”



## RIGHT OF ACCESS TO INFORMATION (CONT'D)

### LRAI - ARTICLE 4

- Everyone has the right of access to information
- Foreigners residing in Turkey (if information is related to them)
- Foreign legal entities (if information is related to the field of their activities)

(on the basis of the principle of reciprocity)

The rights and the obligations under the international conventions are reserved.



## OBLIGATION TO PROVIDE INFORMATION

### LRAI-ARTICLE 5

Public institutions are required to take necessary administrative and technical measures to provide information to the applicants effectively, quickly and correctly.

Public institutions may refuse the request, if it contains information that is restricted by the Law.





## OBLIGATION TO PROVIDE INFORMATION (CONT'D)

### LRAI

Public institutions may redirect or partially meet the request, if the information;

- present in an institution other than the applied one, the request is sent to relevant institution and the applicant is notified accordingly.
- published or disclosed to public, then the applicant is informed on how, when and where the information is published or disclosed.
- contains restricted information partly, then the information is made available in part where it is possible to separate out any information falling within the scope of restrictions.



## CHARGES FOR PROVIDING INFORMATION

### BY-LAW ON LIRAI - ARTICLE 22

- First 10 pages free (even no mailing charge)
- Charges for supplying information is determined by the Ministry of Finance
- Charges for providing information is determined according to the General Communiqué on Access to Information published by the Ministry of Finance



## DEADLINE FOR PROVIDING INFORMATION

### LRAI-ARTICLE 11

- 15 working days from the request
- 30 working days in exceptional cases (if coordination required)

If the information request is refused, the reasons and the objection mechanism against the decision is notified to the applicant



## PROCEDURE FOR OBJECTION

LRAI has set up an independent body (Board of Review of the Access to Information) so as to respond to the objections in a shorter time and to be prejudice to right to file case.

The Board reviews the administrative decisions of the public institutions within the scope of right of access to information.

The applicant may object to the Board within 15 days, before objection to judicial review. The Board shall give the decision within 30 days.

Every action and transaction of the administration is subject to judicial review as guaranteed by the Constitution.



## RESTRICTIONS ON THE RIGHT OF ACCESS TO INFORMATION

For the conditions listed in LRAI, the information and documents related to the following subjects are out of the scope of this Law:

- transactions that are not subject to the judicial review
- information and documents pertaining
  - State secrets
  - Economical interest of the State
  - State intelligence
  - Administrative investigation
  - Judicial investigation and prosecution



## RESTRICTIONS ON THE RIGHT OF ACCESS TO INFORMATION (CONT'D)

- information and documents pertaining to
  - privacy of the individuals
  - privacy of the communication
  - trade secrets
  - intellectual property
  - internal regulations of institutions

The context of the restrictions given in the Law in general form is made clear with the decisions of the Board of Review of Access to Information.

Technical studies are underway to determine the criteria regarding the limitations listed in LRAI.



## ESTABLISHMENT OF INFORMATION UNITS

### BY-LAW ON LIRAI-ARTICLE 8

To ensure effective implementation of the Law and timely response, public institutions shall

- establish Information Units, or
  - assign an authority for access to information
- MoEF has established the relevant unit on April, 2004



## DISSEMINATION OF INFORMATION

### BY-LAW ON LIRAI-ARTICLE 6

Public is informed on the following subjects using IT;

- information and filing systems
- decisions, projects, annual activity reports
- related legislation (laws, regulations, etc.)

Public authorities have to reorganize web sites and e-mail systems accordingly.





## DISSEMINATION OF INFORMATION (CONT'D)

### BY-LAW ON LIRAI - ARTICLE 7

Public authorities may make information available to public on web pages. The information may include:

- information or documents on administrative structure
- information related with the services provided
- procedures related to decision making, providing services and making policies
- basic information and data that form the bases for decisions and their grounds that affect public, policies, etc.
- statistical data, research reports, papers, etc.



## DISSEMINATION OF INFORMATION (CONT'D)

Preparation of environmental inventory and Reports on State of Environment is among the responsibilities of MoEF.

- Reports on SoE
  - at provincial level since 1993
  - at national level (1996, 2004)
- Environmental Information System established in the context of Capacity Building in the Field of Environment for Turkey, 2002.  
( [www.cevrebil.gov.tr](http://www.cevrebil.gov.tr))
- Project proposal on Turkish Environmental Information Exchange Network for 2006 Pre-accession Financial Programme



*Thank you for your attention*