

# LAW OF MONGOLIA ON THE INFORMATION TRANSPARENCY AND RIGHT TO INFORMATION

June 16, 2011

Ulaanbaatar

## CHAPTER ONE GENERAL PROVISIONS

### **Article 1. The purpose of the law**

1.1. The purpose of this law is to regulate relations pertaining to ensuring transparency of the state, and rights of citizen, legal entities to seek and receive information.

### **Article 2. Legislation on the Information transparency and Right to information**

2.1. The Legislation on the Information transparency and right to information shall consist of the Constitution of Mongolia, Law on the State Secret, Law on Approval of the State classified information list, the Law on Privacy, this law and other legislative acts adopted pursuant to these laws.

2.2. If an international treaty to which Mongolia is a party is inconsistent with this law, then such provisions of the international treaty shall prevail.

### **Article 3. Scope of the law**

3.1. This law shall regulate relations with respect following organizations financed by the state and local budget:

3.1.1. Secretariat of the State Ikh Hural (Parliament);

3.1.2. Office of the President;

3.1.3. Government Cabinet;

3.1.4. Administrative office of the National Security Council;

3.1.5. State central administrative or other state administrative organizations;

- 3.1.6. Judiciary and prosecutor's offices of all instances;
  - 3.1.7. Institutions established by the State Ikh Hural with exception of the Government Cabinet;
  - 3.1.8. Administrative offices of local municipal and self-governing bodies, local government owned or partial ownership legal entities;
  - 3.1.9. State owned or partially owned legal entities;
  - 3.1.10. Non-governmental organizations executing the particular functions of the executive branch in accordance with the 19.1, of Mongolian Law on Government and
  - 3.1.11. Mongolian National Public Radio and Television organization.
- 3.2. This law shall not apply in ensuring transparency in operation of the armed forces, authority of border protection and intelligence organization.
- /This article was amended by the Law, of February 16, 2014/*
- 3.3. This Law shall not apply when receiving and resolving petition, comment, complaint and statements in pursuant to the article 4 of the Law on the resolution of Petition and complaints lodged by citizens to the state organizations and the public official.

#### **Article 4. Definition of terms**

- 4.1. The terms found in this law shall bear the following meanings:
  - 4.1.1. "citizen" means a citizen of Mongolia, foreign citizen lawfully residing in Mongolia, or stateless person lawfully residing in Mongolia;
  - 4.1.2. "website" means electronic document and information placed in the internet in public domain;
  - 4.1.3. "electronic document" means digital data that may be generated, transmitted, received and stored using computer, computer software and other similar type of tools;
  - 4.1.4. "digital signature" means digital data, a part of the electronic document, that is generated through the crypto graphical conversion of information using

digital signature personal key for the purpose of protecting digital document from forgery or modification;

4.1.5. "regular update " means a update of a certain information not less than once in 14 days;

4.1.6. "update each case " means a renewal of a certain information within 3 days in the event the information is amended or modified, or the information is changed in whole;

4.1.7. "placing information in an easily understandable manner" means providing complete conditions to acquaint with the information;

4.1.8. "expenses for information release" means expenses of photocopying, copying, and delivering through mail, and other required expenses for the purpose of releasing information to citizens and legal entities;

4.1.9. "repeated violation" means three or more violations of legislations on Information transparency and Right to information; and

4.1.10. "serious violation" means illegal concealment of information, forgery, tampering, and destruction of documents, and violation of citizen's right to information in other forms that has led or may have led to significant losses by the state, citizen, business entities and other organizations.

## **Article 5. Principles of the activities to ensure the Information transparency and Right to information**

5.1. The following principles shall apply in the activities to ensure the information transparency and right to information:

5.1.1. Rule of Law;

5.1.2. Respect for lawful interests of citizens and legal entities;

5.1.3. Openness of all information with exception of the state classified information in pursuant to the Law;

5.1.4. Independence;

5.1.5. Promptness of the information release activities.

## **CHAPTER TWO**

### **INFORMATION TRANSPARENCY**

#### **Article 6. Information transparency**

6.1. Information transparency shall have the following categories:

6.1.1. Operational transparency;

6.1.2. Human resource transparency;

6.1.3. Budget and financial transparency;

6.1.4. Transparency in the procurement of goods, works and services by the state and local government.

#### **Article 7. Operational transparency**

7.1. Unless otherwise provided in the laws, organization specified in the article 3.1 of this Law shall take the following measures to ensure its operational transparency:

7.1.1. to place the organizational mission, strategic objectives, priority areas and measures implemented to achieve those objectives and priorities, outcome, and organizational structures on its website or information board in an easily understandable manner and update regularly;

7.1.2. to place the full name, position, procedure and contact details of the officer in charge for public relations, public service and timetable to receive citizens on its website and information board in an easily understandable manner and update regularly;

7.1.3. to place the list of documents required for getting services on its website and information board in an easily understandable manner and update regularly;

7.1.4. to place the legislations, rules, procedures and the guidance on its website and information board in an easily understandable manner and update regularly;

7.1.5. to place any policy document or draft decision that establishes public norms on its website in an easily understandable manner not less than 30 days, to receive comments and proposals from the relevant governmental and non-governmental organization, professional experts, scholars and citizens, and to incorporate the proposals if deems grounded;

7.1.6. to take organizational measures to improve the means and methods of the services being rendered;

7.1.7. to place in and inform the name of the non-governmental organization, which executes the particular functions of the state organization in accordance with article 19.1 of the Law of Mongolia on Government, and the organization's address, web page, and direction of its activities through web page and information board in an easily understandable manner in the case of;

7.1.8. to place the name, address and field of activities of the license holder, and issuance and expiry date of license on its website in an easily understandable manner if such organization issues license for certain types of business activities or other activities, and update regularly;

7.1.9. to place information about the implementation, progress and status of the project and program funded by the state budget, the foreign loan and aid in the sector on its website, and update regularly;

7.1.10. other information specified in legislations.

## **Article 8. Transparency of the human resource**

8.1. Unless otherwise provided in the laws, organization specified in the article 3.1 of this Law shall take the following measures to ensure its transparency of the human resource:

8.1.1. to place job vacancy announcements on its website and information board in an easily understandable manner, update regularly, and announce through public press and media;

8.1.2. to place civil servants' code of ethics on the website or information board in an easily understandable manner, and update regularly;

8.1.3. to place evaluation and monitoring regulations and procedures of the human resources strategy and its implementation on the website in an easily understandable manner and update regularly;

8.1.4. to place or inform about the measures to ensure the transparency of the human resource management on its website in an easily understandable manner;

8.1.5. to place or inform about the measures to improve the performance evaluation of employees on its website in an easily understandable manner;

8.1.6. to inform any other information specified in laws and legislations.

## **Article 9. Transparency of the budget and finance**

9.1. Relation arising from the budget and financial transparency of the entity stated in the article 3.1 of this law shall be regulated by the Law on Transparency of accounting.

*//This article was amended by the Law, of January 16,2014/*

~~9.1.1./This article was repealed by the Law, of January 16,2014/~~

~~9.1.2./This article was repealed by the Law, of January 16,2014/~~

~~9.1.3./The article was repealed by the Law, of January 16,2014/~~

~~9.1.4./This article was repealed by the Law, of January 16,2014/~~

~~9.1.5./This article was repealed by the Law, of January 16,2014/~~

~~9.1.6./This article was repealed by the Law, of January 16,2014/~~

~~9.2./This article was repealed by the Law, of June 01,2014/~~

~~9.3 /This article was repealed by the Law, of June 01, 2014/.~~

**Article 10. Transparency in the procurement of goods, works and services by the state and local government financing**

10.1 Relation arising from transparency of the entity stated in the Article 3.1 of this law on purchasing goods, work and service and by the state and local property and stated shall be regulated by the Law on transparency of accounting.

*/This article was amended by the Law, of June 01, 2014/.*

~~10.1.1-10.1.8~~

*/These provisions were repealed by the Law, of June 01, 2014/.*

**CHAPTER THREE**

**PROCEDURE TO ACCESS AND TO PROVIDE WITH INFORMATION**

**Article 11. To receive information**

11.1. Citizens and legal entities shall be entitled to receive the following information except the information prohibited by law to publicly disclose for the purpose of ensuring human rights, freedom, national security, and organization's lawful interest from the organization specified in the article 3.1 of this Law;

11.1.1. All types of information, documents, agreements and contracts in possession of the organization;

11.1.2. Information related to the property in possession of the organization; and

11.1.3. Any other information related to the activities of the organization.

11.2. Any official of the organization, specified in the article 3.1 of this law, with mandate to receive a request for information from the citizen and legal entity is prohibited to make any other requirements not specified in this law.

11.3. The request for information by the citizen and legal entity shall meet the following requirements:

11.3.1. to provide information of his/her full name, address, e-mail address, telephone number, number of national ID or its equivalent and signature in case of a citizen,;

11.3.2. to provide name, address, e-mail address and the state registration number of the legal entity, and the signature of the competent person authorized to represent the legal entity, in case of a legal entity;

11.4. In case a citizen is unable to sign due to a reasonable excuse as specified in the provision 11.3.1 of this law, others may be authorized to sign on his/her behalf, and if citizens made joint request, all the citizens shall sign or their representative shall sign and attach evidencing document of his/her power to represent.

## **Article 12. Rights and obligations of the person who request information**

12.1. An information requesting party shall have the following rights in exercising his/her rights:

12.1.1. to be equal;

12.1.2. to choose the means to receive information;

12.1.3. shall not have obligation to explain the need and ground of requesting information;

12.1.4. to receive additional reference on issues related to information;

12.1.5. to have oral explanation made on the content of the information;

12.1.6. to know the official source of the information;

12.1.7. if deems his/her right to receive information is violated, to make complaint to the respective organization and official; and

12.1.8. any other rights specified in the laws.

12.2. An information requesting party shall have the following obligations when receiving information:

12.2.1. to comply with the procedure to receive information specified in the laws;

12.2.2. not to violate the Constitution of Mongolia, other laws, rights and lawful interests of others when exercising his/her right to receive information; and

12.2.3. to articulate the required information realistically.

### **Article 13. Review of the request**

13.1. An official who received the request from citizen and legal entity for information ("Request") shall examine the request as follows:

13.1.1. if the request meets the requirements specified in the article 11.3 of this Law;

13.1.2. to check the accuracy of the personal information related to the citizen and legal entity using Number of national ID or its equivalent document;

13.1.3. to check whether the required information is in the possession of the organization, if not to transfer the request to the relevant organization within 2 business days and inform the citizen and legal entity about the transfer; and

13.1.4. to check if there is a ground specified in the article 18 of this law.

13.2. The request shall be turn in on the following grounds in addition to the grounds specified in the article 18 of this Law:

13.2.1. a request fails to meet the requirements specified in the article 11.3 of this Law; and

13.2.2. information mentioned in the request is not in possession of the organization, and it deems impossible to transfer the request to relevant organization.

13.3. When turning in the request, the reason and ground shall be clearly specified.

### **Article 14. Release of information**

14.1. An organization specified in the article 3.1 of this Law is obliged to release information related to the activities of the organization, except the information prohibited publicly disclose as specified in the laws and legislations, to citizens and legal entities.

14.2. An organization specified in the article 3.1 of this Law shall establish facility to meet citizens, and a timetable to receive request and publicly inform of it.

14.3. An organization specified in the article 3.1 of this law is prohibited to illegally destroy information in its possession and infringe rights of citizen to exercise his/her right to receive information.

14.4. An organization specified in the provision 3.1.10 of this Law shall be obligated to release the following information in public domain:

14.4.1. information that reflects or indicates the existing or potential impact of the activities, manufacturing, servicing, equipment and technology used by the organization on the environment and health of the population;

1014.4.2. information specifying the harmful impact of all types of poisonous or radioactive substances, those are in the possession of the organization, which might damage the environment and health of the population, in the event the procedures of storage and protection is violated; and

14.4.3. Any other information which is to be publicly disclosed as required by laws.

14.5. An organization specified in the provision 3.1.10 of this Law is obliged to approve the list of its secrets and publicly inform of it.

14.6. Information may be provided orally, in written and electronically, and citizen and legal entity may examine the information in person.

14.7. A request whose response can be immediately provided shall be resolved and responded immediately.

14.8. Unless otherwise provided by laws, information shall be given within 7 business days to a citizen and legal entity who have made the request and if

the request is made jointly, the information shall be given to any one of the citizens on their behalf.

14.9. If deems necessary, period specified in the article 14.8 of this Law may be extended once by 7 days.

14.10. Date on which the request was responded, name of the official who prepared the response and the form of the information shall be noted in the record and stored.

### **Article 15. Receipt and release of information in electronic form**

15.1. A citizen and legal entity may request to receive information in an electronic form.

15.2. In the event the request is made to receive information in an electronic form, citizen and legal entity shall prepare electronic document and include digital signature, a number of its own national ID or equivalent document and send the information through e-mail.

15.3. In the event the information is provided to citizen and legal entity in electronic form, the respective official of the organization shall prepare electronic document including his/her digital signature and send the information through e-mail to the person who made the request.

15.4. When releasing information in electronic form, the procedures specified in the articles 11-14 of this Law shall be complied with.

### **Article 16. Service fee**

16.1. The service fee shall apply for citizens and legal entities receives information.

16.2. The amount of service fee specified in the article 16.1 of this Law shall be established by the management of the organization in commensurate with the expenses to be incurred in relation to the release of such information, and the calculation methodology and procedures for the payment of such fees, its discount and waiver shall be approved by the Government of Mongolia.

16.3. The service fees specified in article 16.1 of this Law shall not be imposed at the same time with other service fees.

16.4. The amount of service fees shall not exceed the direct expenses related to release of such information such as copying and delivery through mail.

### **Article 17. Making complaints, and reviewing and resolving complaints**

17.1. Complaint may be made on the action or inaction of the organization and official who have violated the rights of citizens and legal entities to receive information to higher level organization or official, the National commission for Human rights, or court.

17.2. The relations related to the resolution and consideration of the complaints specified in the article 17.1 of this Law shall be regulated by the following laws:

17.2.1. Law on the resolution of application and complaint submitted by the citizens to state organization and official, Law on Administrative Procedure, and Law on Civil Procedure if the complaint is made to higher level organization or official;

17.2.2. Law on the National Commission for Human Rights of Mongolia if the complaint is made to National Commission for Human Rights;

17.2.3. Law on Administrative Procedure and Law on Civil Procedure if the complaint is filed to court.

## **CHAPTER FOUR PROHIBITIONS IN RELEASING CERTAIN TYPES OF INFORMATION TO CITIZENS AND LEGAL ENTITIES**

### **Article 18. Special circumstances**

18.1. In the following circumstances, it is prohibited to disclose the information to others:

18.1.1. if there are well-grounded reasons that the public release of the concerned information might be detrimental to the national security and public interest of Mongolia;

18.1.2. if the concerned information is related to matters under review by the Mongol Bank, the Financial Regulatory Commission, state administrative organizations in charge of competition or specialized inspection;

18.1.3. if it is necessary to protect the secrets of state, organization and individual during the process of inquiry, investigation and prosecution;

18.1.4. if the concerned information is related to the process of concluding international treaty or agreement; and

18.1.5. others specified in laws and legislations.

### **Article 19. Intellectual property protection**

19.1. It is prohibited to disclose intellectual property related information without the permission by the owner.

### **Article 20. Protection of privacy**

20.1. Unless otherwise provided by law, if individual has not agreed in written, it is prohibited to disclose his/her information except the information of his/her parents' name, first name, age, gender, profession, education, official position, work address and telephone number.

### **Article 21. Protection of organization's secret**

21.1. It is prohibited to disclose, without the written permission given by the respective official of the business entity (executive management or other persons to whom the authority is given to), secret information, technological solution, project, research document and other information related to required

machineries and equipment, whose disclosure might be detrimental to the lawful interest of the organization, or those taken under its confidentiality or protection for the purpose of protecting its market and advantage in the fair competition, or those related to the unique activities of the organizations and business entities specified in the article 3.2 of the Law on Organization's secret.

## **CHAPTER FIVE**

### **ORGANIZING AND SUPERVISING THE IMPLEMENTATION OF LEGISLATION**

#### **Article 22. Powers of the State administrative organization in charge of information technology issues**

22.1. State Administrative organization in charge of Information technology shall exercise the following powers with regard to ensuring information transparency and right to information:

22.1.1. to put information specified in the articles 7, 8.1, 9 and 10 of this Law into electronic form, create information base, distribute, use and prepare common regulation to ensure the reliability of their un-interrupted operation, storage and protection;

22.1.2. to organize training among state organizations and provide professional and methodological assistance on the issues of storing information into electronic form, creating information base, distribution, use, and ensuring the reliability of their un-interrupted operation, storage and protection; and

22.1.3. other powers provided by in laws and legislations.

22.2. The regulation specified in the provision 22.1.1 of this Law shall be approved by the Government.

### **Article 23. Record keeping**

23.1. An organization specified in the article 3.1 of this Law shall keep the record in order to ensure the possibility to monitor the implementation of the laws and legislations on information transparency and right to information, and the record shall reflect the following:

23.1.1. name and address of the citizens and legal entities those made the request;

23.1.2. time on which the request for information is received, reviewed and returned, and information is provided; and

23.1.3. others.

### **Article 24. Supervising the implementation of the legislations on Information transparency and right to information**

24.1. An organization and official specified in the article 3.1 of this Law shall organize the monitoring over the implementation of the legislation on the Information transparency and right to information within the powers specified in laws.

24.2. Measure to ensure the information transparency shall be reflected in the result based contract between the Chief of Budget manager and the General manager and it shall be considered as a one of the evaluation criteria points.

## **CHAPTER SIX MISCELLANEOUS**

### **Article 25. Liability for violations of legislations on information transparency and right to information**

25.1. Any one of the disciplinary liabilities, those are provided in the article 26 of the Law on Civil Service, shall be imposed on the civil servant, considering the characters of the violation, who violated the laws and legislations on the

Information transparency and right to information by the competent authority who appointed the civil servant.

25.2. A civil servant who repeatedly or seriously violated the right of the citizen and legal entity to receive information shall be dismissed from his job on the ground specified in the provision 25.1.1 of the Law on Civil Service by the competent official.

25.3. A judge shall fine the respective decision making person who violated the article 25.2 of this Law by tugrugs equal to five times the minimum labor wage.

CHAIRMAN OF THE STATE IKH HURAL  
OF MONGOLIA

DEMBEREL D.