

Supervisory authority of schools and educational establishments under the Freedom of Information Act

Abstract

The thesis focuses on the determination of the superior authority of schools and educational institutions according to Act No. 106/1999 Coll., on free access to information, as amended (hereinafter referred to as the "Information Act"). The author of the thesis analyses the issue from the point of view of theory, but also from the point of view of practice.

The content of the first chapter of the theoretical part of the thesis is an analysis of the determination of superior authorities according to the regulation of the Information Act and Act No. 500/2004 Coll., Administrative Procedure Code, as amended. The second chapter of the theoretical part focuses on the definition of the concept of schools and educational establishments, legal entities performing their activities and the concept of a mandatory subject according to the Information Act. The third chapter of the theoretical part is devoted to the categorisation of individual schools and educational establishments, which the author categorises according to the differences in the procedures for determining the superior authority and according to the administrative authority that has been designated as the superior authority of the obligatory subjects under the Information Act. The author also presents in this chapter the competing methods of designation that have led to the designation of a different superior authority of certain schools and educational establishments, with an analysis of the correctness or incorrectness of such a procedure. The theoretical part of the thesis concludes with a summary of the designation of superior authorities and a brief analysis of the issue of incorrect designation of the superior authority of the obliged entity.

The theoretical part of the thesis is devoted to the determination of the superior body of the obligatory subjects, for which the author has selected grammar schools, taking into account their total number and their representation in all regions of the Czech Republic. The practical part of the thesis is divided according to the individual regions in which the examined compulsory subjects are located, especially with regard to the considerable diversity of procedures for determining the superior body of compulsory subjects. In the practical part, the author quotes and analyses individual decisions of administrative authorities that he has obtained during his practice in this area, presents relevant opinions of administrative authorities, central administrative authorities and presents the proceedings on the competence action before the Supreme Administrative Court. At the end of the practical part of the thesis, the author summarises the current situation with regard to the determination of the superior authority by the obliged entity itself and with regard to the resulting determination of the superior authority of the obliged entity under the Information Act.

Keywords: right to information; the superior authority of the obliged entity; schools and educational establishments