

Provision of information pursuant to Act No. 106/1999 Coll. by municipalities

Abstract

The diploma thesis examines a specific issue of the practical application of Act No. 106/1999 Coll. on Freedom of Access to Information, as amended, during the provision of information upon request by municipalities. The author's professional experience motivated her to conduct a comprehensive analysis of this issue, as she identified the critical institutes of substantive and procedural law related to passive disclosure of information, which often poses difficulties for municipalities to interpret unambiguously. As a result, there are inconsistencies in the decision-making practice of individual municipalities, which, according to the author, constitute the group of mandatory subjects most frequently subject to requests for information.

The thesis aims to provide a detailed academic analysis of selected instruments based on interpreting adjacent legal norms and rich case law using the relevant academic literature. Particular emphasis is placed on the importance of the amendments to the Information Act introduced by Act No. 111/2019 Coll. and Act No. 241/2022 Coll., which have contributed to the legal anchoring of certain conclusions and mechanisms defined by case law to ensure more effective enforcement of the right to access to information.

The introductory part of the thesis deals with the essential background of the right of access to information and research of the relevant legislation. Its central part discusses the specific issue of the right of access to information under the Information Act, which is usually considered in relation to other legislation establishing the right to information (particularly the Municipal Act and the Administrative Code). The text focuses on the status of municipalities and their authorities, as well as the status of applicants for information, including privileged ones, the specifics of information requests, selected types of information, and procedural means of protection for applicants and persons concerned. The thesis concludes with an assessment of the means of enforcing the right of access to information and the consequences of municipalities' non-compliance.

In particular, the thesis has shown that in the last few years, the courts have, in many respects, deviated from the decisions they have taken in the past. This trend can be observed in the approach to privileged applicants for information and in the attitude towards the subsidiary use of the Freedom of Information Act in providing information to municipal representatives.

Such acts underline the importance of knowledge of current case law for correctly applying the Act.

Klíčová slova: [the right to access to information, the provision of information upon request, municipalities]