

BOSNIA AND HERZEGOVINA
MINISTRY OF SECURITY
SERVICE FOR FOREIGNERS' AFFAIRS

THE GUIDEBOOK
OF SERVICE FOR FOREIGNERS' AFFAIRS

FOR THE ACCESS TO INFORMATION

(This guidebook is charge-free)

Sarajevo, May 2010

Content:

1. INTRODUCTORY NOTES.....	page 3
2. WHICH KIND OF INFORMATION CAN BE OBTAINED	page 3
3. THE PROCEDURE OF ACCESS TO INFORMATION.....	page 3
4. DENYING ACCESS TO INFORMATION OF SERVICE FOR FOREIGNERS' AFFAIRS AND ESTABLISHING OF THE CATEGORIES OF THE EXCEPTIONS	page 5
5. THE PROTECTION OF RIGHTS IN CASE WHEN ACCESS TO INFORMATION IS NOT APPROVED	page 6
6. ACCESS TO PERSONAL INFORMATION	page 6
7. ENTRY INTO FORCE.....	page 6
8. ENCLOSURE.....	page 7
9. INDEX-REGISTER	page 8

1. INTRODUCTORY REMARKS

This guidebook was made in order to help the submitters of the request in acquiring the right of access to information according to the provisions of Law on freedom of access to information in Bosnia and Herzegovina (“Official Gazette of BiH”, No. 28/00 and 45/06 – Henceforth: ZOSPI). The guide book helps to find out more about how you can have access to information which are in possession and under control of the Service for Foreigners' Affairs of BiH (Henceforth: the Service).

This guidebook gives information about rights according to ZOSPI in the following way:

- contains simple instructions for making and submitting of the request,
 - informs the submitter of the requests about the time limits that the Service has to respect during the processing of the request for the access to information,
 - informs the submitter about the circumstances under which the request for access to certain information may be denied,
 - contains instructions for lodging of the complaint and time limits for lodging of the complaints against the decisions according to the ZOSPI,
 - directs to the authorized persons for information and contact phones that can be used to make easier the access to information and contains the list of information necessary for addressing the Service,
- contains the uniform form of the request for access to information,
- regulates the amount of costs of the multiplying of the requested information, and
- directs to the Index register of the Service for Foreigners' Affairs and the method of access to the Register.

This guidebook and form for the access to information, it is possible to get free of charge sample in the Service by the Public relation officer, or on website of the Service www.sps.gov.ba.

The users of the Guidebook of the Service for access to information may give recommendation and suggestions which would improve its next edition

2. WHAT KIND OF INFORMATION CAN BE OBTAINED?

ZOSPI in Bosnia and Herzegovina guarantees to every legal and physical person the access to information that is under the control of the Service.

Before a contact, it is recommended to consult the Index of register of the Service for Foreigners' Affairs.

As a rule, the Service will approve the access to information, except in the exceptional circumstances regulated by the ZOSPI. In case of the dilemma whether the Service possess the requested information and it is in the authority of the Service, the person for contact may be contacted and he/she is obliged to give instructions.

3. PROCEDURE OF THE ACCESS TO INFORMATION

3.1. Before submitting of the request for the access to information, it is necessary to try to obtain the requested information in an informal way

In the cases when there is a high level of certainty that the Service possesses the necessary information, and before submitting of the formal request for access to information, it is necessary to contact the contact person in order to try to obtain the necessary information in an informal way. If the information cannot be obtained in a simpler, informal way, in that case one should submit the formal request to the Service.

3.2. Address and information for the contact of the Service for Foreigners' Affairs

Address for the submitting of the formal request for access to information:

Address:

Service for Foreigners' Affairs

Pijačna br. 6

71000 Sarajevo

Phone: 033 772 950

Fax: 033 772 982

Web: www.sps.gov.ba

E-mail: info@sps.gov.ba

Public relation officer: Sanja Škuletić in the Cabinet of Director Service

3.3. Planning of the request for access to information

Before submitting of the formal request for the access to information, it is necessary to carefully plan and establish the information and files that are wished to be obtained, and predict the financial funds possibly needed for multiplying of the requested documents.

It is desirable to first establish whether the access to information in question is limited or forbidden.

3.4. Submitting of the request for access to information

After it has been carefully planned, the formal request for access to information on its form which is in the supplement of this guidebook is submitted to the Service. The request for access to information is addressed to the public relations person and can also be delivered in person with signature, over the writing office of the Service with the reception seal, by registered letter, by fax or e-mail. The delivering of the request should be done in the way that ensures the evidence of submitting – confirmation with the date of the submitting of the request.

The request is submitted in one of the official languages of Bosnia and Herzegovina. The request should clearly state what we want to know. It is necessary to state the name of the wanted document, the date of its appearance, the author, sender, or give any other piece of information that would help the Service find the documents that contain the wanted information. If the request is not submitted in the prescribed form and does not contain the data that can be used for identification of the requested information, the Service will, within eight days, inform the submitter of the request that his/her request cannot be processed due to the mentioned reasons.

3.5. What to do when the Service does not possess the information

In the case when the Service does not possess the requested information, or it has no access to the requested information, it is obliged to, within the period of eight days after reception of the request, forward the request to the institution or legal person that can provide the requested information. The Service informs the submitter of the request about this action in written form.

3.6. Time limit for obtaining the information

Within the period of 15 days after the reception of the request, the Service is obliged to inform the submitter of the request whether the access to information for him/her has been approved or denied. In the cases of exceptions and necessity of examining the confidential commercial information and examining of the public interest, the time limit can be prolonged according to

ZOSPI. The submitter of the request must be informed about all actions and reasons for prolonging of the time limit.

3.7. Access to information

When the Service partially or completely approves the access to requested information, it informs the submitter of request by a decision. The decision regulates the possibility of personal access and insight into the information in the premises of the Service in the time suitable for the submitter of the request and the personnel of the Service, or the Service will, provided that the information is shorter than ten pages, deliver the information in written form to the submitter of the request.

According to the approved request, the Service informs the submitter of the request about the possibility to receive the photocopy of the requested information, and if the information is longer than ten pages, after the costs of multiplying is paid.

3.8. The costs of multiplying the information

According to the Law, the Service does not charge the fees for the submitting of the request or for the written information according to ZOSPI, while the costs of the multiplying pages of information are charged according to the Decision of the Council of Ministers on the costs of multiplying of the requested information, according to the Law on the freedom of access to information of BiH ("Official Gazette of BiH", No. 12/01), as follows:

- 0,50 KM for each page of the standard format,
- 10 KM per floppy disc for the electronic documentation.

The first ten pages of the multiplied material is free of charge, and for all other requested information with larger number of pages, the submitter of the request pays in advance. The payment due to the costs of multiplying information over 10 pages will be executed at the account of the Service number:

Trezor BiH, Razvojna banka 562-012-0000084782., according to the above mentioned amounts.

4. DENYING THE ACCESS TO INFORMATION OF THE SERVICE FOR FOREIGNERS' AFFAIRS AND ESTABLISHING OF THE EXCEPTIONS

ZOSPI gives right to request the access to any information that is under the control of the Service. Only in exceptional circumstances regulated by the ZOSPI, the Service will not approve the access to the requested information, i.e. in the cases of the following three categories of information:

The first category of the exceptions regards the functions of the Service as a public organ. Within this category, the exception may be established if the giving of information will cause significant damage for the legitimate goals of the following categories in Bosnia and Herzegovina:

- protection of the public security;
- interests of the defense and security;
- foreign policy;

- interests of the monetary policy;
- preventing crime and detection of crime, and
- protection of the procedure of making decisions of the public organ.

The second category of exceptions regards the cases when the request to access to information includes the confidential commercial interests of the third party, and providing of information may cause damage to the third party.

The third category of exception regards the justified protection of privacy of the third person

Regardless of the mentioned exceptions, the Service shall publish the information if it is justified by the public interest, under conditions and in the procedure prescribed in the article 9 of the ZOSPI.

5. PROTECTION OF RIGHT IN THE CASE WHEN THE ACCESS TO INFORMATION IS NOT APPROVED

If the Service, partially or completely, denies the access to the requested information, it informs about it the submitter by the decision within the period of 15 days from the day of reception of the request.

The decision will state the reasons for denial of the request for access to information, the legal bases for denial of the request, all material issues important for the decision, and instruct the submitter of the request about the right to lodge a complaint

In the mentioned case, the submitter of the request can:

- lodge an administrative complaint against the decision,
- in the case when the submitter of the request is not satisfied with the decision after the complaint, he/she can launch an administrative litigation in front of the Court of BiH and/or
- address the ombudsman of BiH in any phase of the procedure. -

The time limits for lodging of the complaints are precisely defined and strictly formal and if not respected, one risks losing the right to lodge a complaint

6. ACCESS TO PERSONAL INFORMATION

ZOSPI prescribes a special procedure for access to personal information, i.e. information about the private life. As an addition to the general requests connected to the requests for access to information, it is important to point out that the access to personal information may be requested only by the person to whom the information belong, who will sign the request and provide the valid identity document with a photo. The request may also be submitted by the legal representative, or authorized person of the person to whom the information belong. The legal representative and authorized person are obliged to provide valid evidence about the status of the legal representative or an authorized person, as well as the photocopy of the valid identity document with the photo of the person that he/she represents, and provide his/her own identity documents with photo. ZOSPI gives right which ensures that the personal information under control of the public organ are correct, current, complete, relevant for the legal use for which they have been stored, and that they are not in any way wrong.

After accessing to the personal information, one can ask for change, supplementing or giving comments, which is added to the personal information. The requests for change or supplement of the personal information are not limited with time.

If it establishes that the legal conditions about correctness, relevance for legal use for which it has been stored are not fulfilled, or it establishes that they are in any way wrong, the public organ may, by a decision, deny the requested change or supplement of the personal information. Such a decision also contains the instructions for legal remedy.

7. ENTRY INTO FORCE

This Guidebook shall enter into force on the date of enactment.

8. ENCLOSURE

8.1. Form of the request

Name and family name of the submitter of request

Phone/fax/e-mail

Date, _____

SERVICE FOR FOREIGNERS' AFFAIRS BIH
PIJAČNA 6.
71 000 SARAJEVO

RE: REQUEST FOR ACCESS TO INFORMATION

According to the Law on freedom of access to information in Bosnia and Herzegovina, I request the access to the following information:

(You should state what information you want, and describe it as precisely as possible)

Circle the wanted method of access to information:

a) direct insight

b) multiplying of the information

c) sending of the information to the home address

SIGNATURE OF THE SUBMITTER OF REQUEST

**BOSNIA AND HERZEGOVINA
MINISTRY OF SECURITY
SERVICE FOR FOREIGNERS' AFFAIRS**

INDEX REGISTER INFORMATION

**UNDER CONTROL OF
SERVICE FOR FOREIGNERS' AFFAIRS**

Sarajevo, May 2010

The submitter of request according to ZOSPI in BiH, may request all information by the domain of work of the Service for Foreigners' Affairs.

The Service for Foreigners' Affairs BiH possesses many information by the domain of its work, mostly in written form, in original or photocopy. The access to the information is described in detail in Guidebook of the Service for Foreigners' Affairs, and also the authorized public relation officer may explain it in detail.

The integral part of the Guidebook of the Service for submitters of the request according to the Law on the freedom of access to information in Bosnia and Herzegovina is also the Indeks register which further informs the submitter of request about the kind of information that she/he can obtain. This Indeks register contains the basic responsibilities of the Service for Foreigners' Affairs, and it possesses the appropriate information as well.

For data that are not mentioned in the Indeks register, you may obtain information by the authorized officers.

Service for Foreigners' Affairs is an administrative organization within Ministry of Security BiH (B&H), established by Law on Service for Foreigners' Affairs („Official Gazette of BiH“, No: 54/05 from 09/ 08/ 2005 and No. 36/08 from 16/04/2008), with its operative independence.

The Service is responsible for following tasks:

(1) Administrative tasks related to movement and stay of aliens in Bosnia and Herzegovina, regulated by the Law on Movement and Stay of Aliens and Asylum, as it follows:

- a) cancellation of visas to foreigners,
- b) issuing personal and travel documents to foreigners, or seizure of issued personal and travel documents,
- c) residence registration and residence change of foreign citizens,
- d) verification of guarantee letters and invitations,
- e) issuance of certificate on residence of foreigner ,
- f) related to submitted request for asylum in Bosnia and Herzegovina.

(2) Solving the administrative matters upon request for:

- a) approval of temporary stay or permanent stay in Bosnia and Herzegovina, or extension of temporary stay,
- b) cancellation of temporary stay or permanent stay,
- c) placing an alien under surveillance,
- d) expulsion of alien from country,
- e) enactment of conclusions on execution of decision on expulsion of an alien from country.

(3) Solving by paragraph (2) of this Article shall bring the Director of Service.

(4) Control of subjects and record of it prescribed by the Law on Movement and Stay of Aliens and Asylum and records by the scope of Service.

(5) Inspection tasks under implementation of the Law on Movement and Stay of Aliens and Asylum as it follows:

- a) control of residence, control of residence purpose, residence registration or change of residence place,
- b) surveillance over legal and natural persons due to the residence and employment of foreign citizens,
- c) submission of claims and requests for proceedings against legal and natural persons because of non-compliance with regulations which regulates issues of movement, residence and employment of aliens,
- d) submission of request for instituting proceedings because of abolition of approved stay, or abolition of stay on basis of submitted request for asylum or approved asylum ,as well the request for abolition of visa,

- e) keeping register on inspection control and findings,
- f) regular inspection surveillance, surveillance upon the warrant and request, or upon the disseminated claim,
- g) submission of request for calling research for persons and items,
- h) submission of request for conducting research of persons, items, vehicles and facilities, then placing an alien under surveillance,
- i) checks upon the warrant of the Ministry due to the entry, movement and stay of foreign citizens who are in proceeding of acquiring the BiH citizenship,
- j) executes the removal measure of an alien from country.

(6) Activities related to:

- a) tracking, gathering and processing data and information by the competency of Service,
- b) analysis of situation by competency of Service,
- c) undertaking necessary measures, and actions by the competency of Service, then proposal of measures because of advancement of total situation in domain of movement, stay and employment.

(7) Data processing and keeping record pursuant to the Law on Movement and Stay of Aliens and Asylum.

(8) Instituting proceedings for demanding the spent funds for the readmission of an alien.

(9) Other tasks prescribed by the Law on Movement and Stay of Aliens and Asylum, and other laws and regulations that regulate the rights, obligations, and other issues in relation to movement, stay and employment of aliens.