

Pursuant to Article 11 of the Law on Free Access to Information («Official Gazette of the Republic of Montenegro», № 44/12), the National Security Agency hereby issues

## **G U I D E**

### **TO ACCESS INFORMATION POSSESSED BY THE NATIONAL SECURITY AGENCY**

#### **I Basic information**

**The National Security Agency Headquarters is in Podgorica, Bulevar revolucije br. 1; tel. (+382) 20 402 705; fax: (+382) 20 402 853,**

**Website:** [www.anb.me](http://www.anb.me)

#### **II Types of information possessed by the National Security Agency**

The Law on the National Security Agency, («Official Gazette of the Republic of Montenegro», № 28/05 and «Official Gazette of Montenegro», № 86/09 and 20/11), stipulates that the National Security Agency shall perform security activities aimed at the protection of the constitutional order, independence, sovereignty, territorial integrity and security of Montenegro, human rights and freedoms guaranteed by the Constitution, as well as other duties of interest for the national security.

Pursuant to the vested competencies, the Agency holds the following information:

- information on directed against the independence, sovereignty, territorial integrity, security and constitutional order of Montenegro;
- information of significance for defence interests of Montenegro and fulfilment of strategic security aims and interests;
- information on activities directed at conducting the acts of terrorism;
- information on activities directed at conducting the acts of organized crime;
- information on serious crimes against humanity and other values protected by the international law;
- information on activities of intelligence officers of other states, of importance for the national security;

- information on potential threats to economic interests of Montenegro;
- information on threats to international security;
- information on other possible threats against national security;
- information on the counterintelligence protection of the Parliament of Montenegro, the Government of Montenegro, the President of Montenegro and other state authorities, ministries and state administration bodies, which include data of importance for the security of specific persons and working places in these institutions, as well as facilities, equipment and premises used by them;
- information from the passive documentary archives of the former security services;
- information pertaining to legal, human resources, housing-investment, material-financial and general affairs within the National Security Agency.

### **The right to the information access**

The Law on Free Access to Information stipulates that the right to access information possessed by state authorities shall be given to any national and foreign, legal and physical person, with no obligation to specify reasons or to explain interest in requesting information (Article 3).

### **Restrictions to the right of access to information**

Pursuant to Article 14 of the Law on Free Access to Information, the access to information or a part of information shall be restricted if it is in interest of the following:

- 1) protection of privacy from disclosure of information defined by the Law which stipulates protection of personal data;
- 2) national security, defense, foreign, monetary and economic policy of Montenegro, in accordance with legislation which defines secrecy of data designated with a level of classification;
- 3) prevention of investigation and prosecution of perpetrators of crimes, for the purpose of protection from a disclosure of information;
- 4) performance of official duty;
- 5) protection of commercial and other economic interests from disclosure of information related to the protection of competition and corporate secret pertaining to the right to intellectual property;

Interests from this Article shall be deemed significantly endangered should the damage inflicted by disclosure of information largely exceed the public interest for the information disclosure, except in case there is a predominant public interest stipulated by Article 17 of the Law on Free Access to Information.

### **III Initiation of the procedure**

The procedure is to be initiated on an oral request or submission of a written application of the individual requesting an access to information.

The oral request is submitted in person into a statement.

The written application may be submitted:

- to the Agency in person,

by mail to the Agency's address: Bulevar revolucije br. 1, Podgorica

- **electronically, to the e-mail address:** [irena.jovovic](mailto:irena.jovovic)

### **IV Content of the request**

The application shall include:

1. title of a requested information or data based on which it may be identified;
2. preferred modus in which the information access is to be made;
3. data on the applicant (first and last name, and the address of person, or name and the address of legal entity) i.e. his/her agent, representative or proxy.

### **V Modus to exercise the right of access to information**

The right to access information is exercisable:

- by direct insight into the original information or its copy within the official premises of the Agency,
- by making a transcription or scanning of information by the side of applicant within the official premises of the Agency,
- by delivering a copy of information to the applicant, directly or by mail or via e-mail.

### **VI Application processing and legal protection**

Application for the access to information shall be deliberated upon with decision by which access to a requested information or to a part of it shall be allowed, or the request shall be denied.

The request shall be deliberated upon within 15 days time limit as of the date of submission of a valid request.

Exceptionally, when deemed necessary for the protection of life or freedom of a person, the request shall be deliberated upon within 48 hours time limit.

15 days time limit to deliberate upon and deliver a decision shall be extended the most with another 8 days provided that the volume of requested information is extensive, when request for access is related to information containing data designated with a level of classification, or its trace necessitates a search through a large number of records.

The access to information shall be provided within 3 working days after the decision approving access to information is delivered, that is within 5 days starting from day of delivering an evidence on payment of the procedure costs, if requested by the decision. Applicant for access to information or other individual interested in it may file an appeal against the decision on submitted request, via the National Security Agency, to the Agency for Protection of Personal Data and Access to Information.

Exceptionally, an appeal may not be submitted against the decision on access to information containing data designated with a level of classification, whereby only an administrative proceeding may be instituted.

## **VII The costs of the procedure**

### **The access to information is exempted from paying the stamp duties.**

The costs of the procedure shall be borne by applicant, related to the actual expenditure arisen from copying, scanning and delivery of the requested information.

## **VIII Authorized and responsible persons**

The authorized person for processing applications to access information is Irena Jovović, tel. (+382) 20 402 – 721; e-mail: irena.jovovic@ anb.me

Persons responsible for passing decisions are Boro Vucinic, Director of the National Security Agency and Sanja Raičević, Head of Legal, Economic and General Affairs Department of the National Security Agency, tel. (+382) 20 402 – 775.

## **IX Publication of the Guide**

As of the date of its adoption, the present Guide shall supersede the provisions of the Guide to access information possessed by the National Security Agency, N<sup>o</sup> 250/13-01-2721/12 dated March 15th 2013.

The Guide is posted on the National Security Agency website: [www.anb.me](http://www.anb.me) and bulletin board of the information system of the Agency.

**D I R E C T O R,**

**Boro Vučinić**

**Number: 250/14-10-12400/2**

**Podgorica, October 28th, 2014.**