



SECRETARIAT

Commissioner of the Verkhovna Rada of Ukraine on human rights

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NGO "SAVE DNIPRO"
Gennady Kirichenko

Dear Mr. Gennadiy!

We inform you of your appeal dated 05/29/2023 to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine regarding the alleged violation by the Borys Sreznevsky Central Geophysical Observatory (hereinafter - the Observatory) of the requirements of the laws of Ukraine "On Citizen Appeals", "On Information".

As can be seen from the application materials, on 11.05.2023 you applied to the Observatory with a request for information regarding the provision of primary measurement data from atmospheric air monitoring stations in the city of Kyiv for the period specified by you.

In the Observatory's letter dated 05/19/2023, you were informed that the procedure for accessing the requested information is regulated by the legislation on the National Archives Fund, with which you do not agree and claim a violation of the right to information, the requirements of the laws of Ukraine "On Citizen Appeals", "On Information".

In this regard, we clarify that the Law of Ukraine "On Appeals of Citizens" regulates the issue of the practical implementation by citizens of Ukraine of the right granted to them by the Constitution of Ukraine to submit to state authorities, associations of citizens, in accordance with their statutes, proposals for improving their activities, to expose shortcomings in work, to challenge the actions of officials, state and public bodies. The law provides Ukrainian citizens with opportunities to participate in the management of state and public affairs, to influence the improvement of the work of state authorities and local governments, enterprises, institutions, and organizations regardless of ownership, to defend their rights and legitimate interests and restore them in case of violation.

Thus, the aforementioned Law does not regulate the procedure for access to information. The procedure for exercising and ensuring everyone's right to access information held by subjects of authority, other managers of public information and information of public interest is defined in the Law of Ukraine "On Access to Public Information".

At the same time, this Law does not apply to relations, in particular in the field of appeals by citizens, which are regulated by a special law (part two of Article 2 of the



of the Law).

Relations related to the formation, accounting, storage and use of the National Archival Fund, and other basic archival matters are regulated by the Law of Ukraine "On the National Archival Fund and Archival Institutions" (hereinafter - the Law). Part five of Article 22 of the Law states that access to information held by archival institutions and not contained in archival documents is carried out in accordance with the Law of Ukraine "On Access to Public Information".

An archival document in the understanding of the first paragraph of the first part of Article 1 of the Law is a document, regardless of its type, the type of material carrier of information, the place, time of creation and place of storage and the form of ownership of it, which has ceased to perform the functions for which it was created, but is stored or subject to preservation due to its significance for a person, society or state or value for the owner also as an object of movable property.

According to the fourth part of Article 15 of the Law, citizens of Ukraine have the right to use documents of the National Archive Fund or their copies based on a personal statement and an identity document.

According to Article 19 of the Law, the procedure for using documents of the National Archive Fund belonging to the state and territorial communities is determined by the Ministry of Justice of Ukraine, taking into account the specifics defined by the Law of Ukraine "On Access to Archives of Repressive Bodies of the Communist Totalitarian Regime 1917-1991".

In particular, the Regulation on the Sectoral State Archive of hydrometeorological observation materials of the State Emergency Service of Ukraine was approved by the order of the Ministry of Justice of Ukraine, the Ministry of Internal Affairs of Ukraine dated November 3, 2016 No. 3164/5/1153.

Thus, from the contents of the Observatory's letter dated 05/19/2023, it can be seen that the requested information was transferred to the Branch State Archive of hydrometeorological observation materials of the State Emergency Service of Ukraine for storage, and you were also informed about the procedure for obtaining the requested information.

Thus, the Observatory has not established any violations of the requirements of the laws of Ukraine "On Citizen Appeals", "On Access to Public Information", and there are no grounds for taking response measures.

In case of disagreement with the given answer, you have the right to appeal it in accordance with the procedure defined by Article 16 of the Law of Ukraine "On Appeals of Citizens".

Sincerely

Director of the Monitoring Department compliance with information rights

Andrii PANKOV

Natalia Ryabchenko 0509679802



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Секретаріат Уповноваженого Верховної Ради України з прав
людини
№707.8/К/720.7/23/23/45.3 від 14.06.2023
КЕП: Панков А. А. 14.06.2023 08:59
368DC35ECECB2DC1040000008E990100E1180400