



**MONGOLIA LAW**

December 17, 2021

State Palace, Ulaanbaatar city

## **ABOUT TRANSPARENCY OF PUBLIC INFORMATION**

/Updated/

### **CHAPTER ONE**

#### **COMMON GROUNDS**

##### **Article 1. Purpose of the law**

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1.1. The purpose of this law is to ensure citizens' right to search and receive information in accordance with the grounds and procedures specified in the law, to establish the legal basis of public information infrastructure, to conduct government activities electronically, to keep them open, transparent, and prompt, and to ensure public participation in government activities. is to create control.

##### **Article 2. Legislation on transparency of public information**

Print

2.1. Legislation on transparency of public information consists of the Constitution of Mongolia, the Law on Archives and Recordkeeping, this law and other legislative acts issued in accordance with these laws.

2.2. If the international agreement of Mongolia states otherwise than this law, the provisions of the international agreement shall be followed.

##### **Article 3. Scope of the law**

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3.1. This law does not regulate the relationship related to the disclosure of information designated as state secrets by law.

3.2. This law shall regulate relations other than those regulated by the said law, which are related to the public information infrastructure and the conduct of government activities in electronic form.

##### **Article 4. Definition of legal terms**

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4.1. The following terms used in this law shall be understood in the following meanings:

4.1.1 "information system" means software, hardware, databases, other components, and their sets for the purpose of collecting, processing, searching, sending, receiving, using and ensuring security of information;

4.1.2 "information network" means a set of software and hardware for sending, transmitting and receiving information between two or more users;

4.1.3 "owner of information" means the person specified in Article 4.1.5 of the Law on Protection of Personal Information and the legal entity defined by the information;

4.1.4 "use of information" means using, transmitting and familiarizing with information in other ways than collecting and processing information;

4.1.5 "data processing" means the activities of classifying, storing, analyzing, changing, deleting, and restoring information, and their sum;

4.1.6 "data collection" is the activity of obtaining, compiling and recording information;

4.1.7 "public information infrastructure" means the information system and information network used by the person in charge of public information to collect, process, use, and ensure security of information within the scope of its duties stipulated by law;

4.1.8 "public information" means the data collected, processed, and used by the person in charge of public information within the scope of his duties prescribed by law;

4.1.9 "electronic document" means information that can be created, processed, stored, sent and received using the information system.

#### **Article 5. Principles of Public Information Operation**

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5.1. In addition to the second part of Article One of the Constitution of Mongolia, the following principles shall be followed in the operation of public information:

5.1.1. respect the rights and legal interests of people and legal entities;

5.1.2. information should be transparent and open, unless otherwise specified by law;

5.1.3. provision of information and provision of services should be quick and easy;

5.1.4. information and services are clear, accurate and complete;

5.1.5. people and legal entities have equal rights in the activity of using public information;

5.1.6. the public information infrastructure should be interconnected and have a unified policy and planning;

5.1.7. The person in charge of public information shall not demand from people or legal entities the information that they have or that can be obtained or exchanged using public information infrastructure.

### **CHAPTER TWO**

#### **PUBLIC INFORMATION OFFICER, PUBLIC INFORMATION CATEGORY**

#### **Article 6. Responsible for public information**

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6.1. The following organization is responsible for public information /hereinafter referred to as "data responsible":

6.1.1. state organization;

6.1.2. private legal entity owned by the state or local government, with the participation of state or local government property;

6.1.3. a person performing certain functions of a government organization on the basis of law or contract;

6.1.4. public radio and television;

6.1.5. political party.

6.2. The data controller is responsible for collecting, processing and using public information, management, organization and security of information, and taking other necessary measures within the scope of his duties stipulated by the law.

#### **Article 7. Classification of public information**

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7.1. Public information is classified as open, restricted and closed.

7.2. Information specified by law to be transparent and open, or information not subject to restricted or closed information, shall be considered open information.

7.3. Official confidential information and information related to persons and legal entities, the disclosure and use of which are restricted by law, are considered restricted information.

7.4. Information that is prescribed to be closed by law or that is classified as a state secret is considered closed information.

7.5. The information provided by the law to be transparent and open shall not be classified as official secret.

7.6. Relations other than those regulated by the Law on State and Official Secrets related to state and official secrets related to closed and restricted information shall be regulated by this law.

7.7. In the use of public information, except as provided by law, the right and freedom of citizens to obtain information shall not be restricted, the activities of government organizations shall be transparent and open to the public, and persons and legal entities shall be able to freely obtain any information that is not restricted by law.

## **Article 8. Open information**

### **Print**

8.1. In order to keep government activities transparent and open, and to create public control over government activities, the data subject's functions, operational strategies, organization, human resources, budget, finance, procurement, services provided, and closed by law, information except those determined to be restricted shall be kept transparent and open.

8.2. The data controller shall keep the following information about its functions, operational strategy and organization transparent and open:

8.2.1. mission, operational strategic objectives, goals, priorities, measures taken within them, and their results;

8.2.2. function, structure, organization, address, location, contact phone number, postal address, social network address for communicating with the public and delivering information;

8.2.3. economic and social development indicators, activity reports, monitoring, evaluation, internal audit, financial control reports, acts, conclusions, official requirements, and recommendations of the information debtor's activities;

8.2.4. evaluation report on the consequences of law enforcement;

8.2.5. development policy and planning document implementation report;

8.2.6. laws, government decisions and other legal acts that are in force in our operations;

8.2.7. description of the position, the name of the official's father/mother, his/her name, official contact phone number, official e-mail address;

8.2.8. reports and news on the resolution of applications and complaints;

8.2.9. statistical information on the activities of the responsible branch, unless otherwise specified by law;

8.2.10. program of public events to be organized by the respondent.

8.3. The Data Controller shall keep the following information about its human resources transparent and open at all times:

8.3.1. information about job vacancies;

8.3.2. procedure for selection of officials and employees;

8.3.3. code of conduct for officials and employees;

8.3.4. procedures for monitoring and evaluating human resource strategy and its implementation;

8.3.5. measures taken in the field of ensuring transparency of human resources management;

8.3.6. the procedure for evaluating the work performance of the civil servant.

8.4. The person responsible for the information shall keep the following information about the budget, finance, and purchasing process transparent and open:

8.4.1. execution of the previous year's budget, current year's budget, next year's budget draft;

8.4.2. budget execution and half-year and full-year financial reports;

- 8.4.3. audit findings on financial statements;
  - 8.4.4. the amount of fees, fees, and regulatory service fees to be collected in accordance with the law;
  - 8.4.5. budget savings and overruns, explanations of their causes;
  - 8.4.6. the name of purchased goods, works and services with the value of five million MNT or more, the amount of financing, the name and address of the supplier;
  - 8.4.7 cash flow of income and expenses with the amount of five million MNT or more, excluding salary expenses, for each transaction, along with the content of the transaction and the name of the recipient;
  - 8.4.8. bonds, loans, debentures, guarantees, other similar financial instruments, public and private sector partnership agreements, concessions, budgets, property, assets, spending of money, debts and receivables;
  - 8.4.9. maintenance and implementation of the bank account, information on measures taken according to audit reports and recommendations;
  - 8.4.10. plans, reports, tender documents, procedures for the procurement of goods, works and services with state and local property funds, tender invitations, criteria for those interested in participating in the tender, brief information about successful and unsuccessful bidders, the grounds and reasons for the selected and unselected laws;
  - 8.4.11. reports and conclusions of evaluations and audits and other inspections of procurement;
  - 8.4.12. information on the provision of procurement expertise and methodical advice and instructions to the relevant person at the request of the information debtor and ordering organization;
  - 8.4.13. list of persons whose right to participate in procurement of goods, works, and services with state and local property assets is restricted;
  - 8.4.14. Information about loans and assistance contracts and agreements received by the government from foreign countries and international organizations;
  - 8.4.15. state budget, Social Insurance Fund budget revenue, expenditure, investment, and integrated budget indicators;
  - 8.4.16. Information on the use of government foreign loans and aid;
  - 8.4.17. Government external and internal debt information;
  - 8.4.18. state budget saving and overruns, explanations of their causes;
  - 8.4.19. monthly report on the implementation of the consolidated budget;
  - 8.4.20. budget performance and audited consolidated financial report;
  - 8.4.21. information on the government's internal securities issued to finance the budget deficit;
  - 8.4.22. list of concession items and amendments thereto;
  - 8.4.23. every time a concession contract is concluded, information other than confidential information of the concessionaire and his organization, information about concession items, work to be performed, and services to be provided;
  - 8.4.24. information on government foreign securities issued for the purpose of financing investment;
  - 8.4.25. research and calculation of integrated indicators of the state budget with macroeconomic indicators and other related indicators;
  - 8.4.26. financing, implementation, progress and results of projects and programs implemented with budget funds and foreign loans and assistance;
  - 8.4.27. research and analysis work ordered by the information debtor and its report;
  - 8.4.28. others prescribed by law.
- 8.5. The Data Controller shall always keep the following information transparent and open about the services provided within the scope of the law:
- 8.5.1. type of service, settlement procedure, period, documents to be prepared, their model, payment, fees, amount of fee for regulatory services, account information for payment;

8.5.2. Reasons and procedures for granting, extending, suspending, revoking, revoking permits, information about granted, extended, suspended, restored, revoked permits, name, address, branch, representative office, permit issued and permit validity period .

*/The word "special permit" from this provision, as well as the word "special" in the provision, were removed by the law dated June 17, 2022, and will be enforced from January 1, 2023./*

8.6. In addition to the provisions of Articles 8.2, 8.3, 8.4, and 8.5 of this law, the person responsible for information shall always keep the following information transparent and open:

8.6.1. draft laws and administrative norms that are being discussed and voted on by the public, their presentation, relevant studies, and opinions given by other organizations and citizens;

8.6.2. list of owned intellectual property rights;

8.6.3. information on the progress of decisions on urban and land organization planning and amendments;

8.6.4. information on the land owned by the respondent;

8.6.5. the name, address, rules, direction of activity of the state-owned or local-owned legal entity, state-owned or local-owned private legal entity, share of capital contributed by the authorized entity, profit and loss report, amount of taxes paid to the consolidated budget, dividends;

8.6.6. the structure and composition of the board of directors and supervisory board of the state-owned and local-owned, private legal entity with state-owned and local-owned participation, their members' and executive management's parents' names, their names, and their salaries , bonus amount, official e-mail address, requirements for the management of the legal entity, management selection procedure, selection dates, and information about the participants in the selection process;

8.6.7. the amount of taxes and capital contributed to the unified budget and the National Wealth Fund for the legal entity holding a special license to use mineral deposits of strategic importance;

8.6.8. information on the use, transfer and privatization of state and local property assets by individuals and legal entities, the use of budget funds and their decommissioning, and the income from decommissioning;

8.6.9. information on the assessment of environmental impact that may cause adverse effects and consequences to the environment during the activities, production, and services of people and legal entities, as well as measures to eliminate them, information on the impact on the environment by using subsoil resources;

8.6.10. Information about the activities, production, services, techniques and technologies used by the respondent, on the health of people, animals, and animals, and the impact they have on the environment;

8.6.11. conclusion of the state commission that approved the construction;

8.6.12. status of land use certificates, signed agreements, land use payments issued in specially protected areas;

8.6.13. In accordance with Article 42 of the Law on Minerals, an agreement signed by a local administrative organization with a license holder on the issue of environmental protection, development of infrastructure related to the use of mines, establishment of factories, and increase of employment;

8.6.14. results of arbitration proceedings;

8.6.15. Results of dispute resolution proceedings in accordance with petitions, complaints, and requests submitted to the Constitutional Court of Mongolia;

8.6.16. political party rules, membership, assets, and information on donations to it;

8.6.17. Information about the obligations assumed by the multilateral international agreements signed by Mongolia, reports submitted, recommendations given to Mongolia, and information about the organization responsible for the implementation of the recommendations;

8.6.18. information on the price structure of legal monopoly entrepreneurs and the list of dominant entrepreneurs;

8.6.19. information about the ultimate owner and ultimate owner of the legal entity;

8.6.20. open data in databases where access and use are not restricted;

8.6.21. the name of the student's parent/mother, his/her name, country of study, name of the school, major, duration of study, the amount of training expenses financed by the information debtor, implementation of the contract;

8.6.22. other information stipulated to be open by law and international agreement.

8.7. 8.4.13, 8.4.14, 8.4.15, 8.4.16, 8.4.17, 8.4.18, 8.4.19, 8.4.20, 8.4.21, 8.4.22, 8.4.23, 8.4.24, 8.4.25, and 8.6.7 to the central state administrative organization in charge of finance and budget issues, information specified in 8.6.9, 8.6.12 of this law to the central state administrative organization in charge of environmental issues, and 8.6.14 of this law The information specified in the Supreme Court of Mongolia, the information specified in Article 8.6.15 of this law to the Constitutional Court of Mongolia, the information specified in Article 8.6.16 of this law to the political party, and the information specified in Article 8.6.17 of this law to the foreign affairs department The central state administrative body, the state administrative body responsible for competition issues, and the state administrative body responsible for state registration, the information specified in Article 8.6.19 of this law, shall be open respectively. keep it transparent.

8.8. The person responsible for the information shall use the website, bulletin board, and other means of information to provide the public with the information to be kept transparent and open as specified in Sections 8.2, 8.3, 8.4, 8.5, and 8.6 of this law.

8.9. Unless otherwise specified by the law, the data controller shall issue the reports, news, results, and statistical data specified in clauses 8.2, 8.3, 8.4, 8.5, and 8.6 of this law quarterly, semi-annually, and annually, and within the first month of the next quarter, semi-annually, or year, electronically posted on the page.

8.10. Monitoring, evaluation, internal audit, financial control reports, reports, reports, official requirements, recommendations, evaluation reports on the consequences of law enforcement, job vacancies, students at the expense of the data subject, etc. The data controller will upload the information on its website from time to time.

8.11. If changes are made to the information, within three working days after the changes are made, the changes will be reflected and the information will be updated.

8.12. Regardless of the use of other means of information, the person responsible for the information must operate the website and bulletin board and fully meet the conditions for viewing open information on the website.

8.13. In case of disseminating or clarifying open information, the source of the information shall be clearly indicated on the website.

8.14. Ensure the correctness of the information posted on the website and keep records.

8.15. Detailed relations related to keeping open and transparent information specified in Section 8.4 of this law shall be regulated by the Law on Glass Accounts.

8.16. The government shall approve the general procedure for maintaining an online page, uploading and publishing transparent and open information in electronic form, updating and monitoring as specified in Article 8.8 of this law.

8.17. A full-time body composed of representatives of the Anti-Corruption Agency, the National Human Rights Commission of Mongolia, the central state administrative organization in charge of e-development and communication, and non-governmental organizations responsible for organizing, evaluating and recommending the implementation of open information transparency. The non-governmental council will work under the central state administrative organization in charge of legal affairs.

8.18. The members of the Government in charge of legal, electronic development and communication issues shall jointly approve the composition and working procedures of the council specified in Article 8.17 of this law.

8.19. The Government shall approve the procedures for keeping open information transparent and establishing and evaluating transparency criteria.

#### **Article 9. Restricted information**

Print

9.1. Information pertaining to official secrets shall be used in accordance with the grounds and procedures specified in the Law on State and Official Secrets.

9.2. The following information applies to restricted information pertaining to persons and legal entities specified in Article 7.3 of this law:

9.2.1. unless otherwise provided by law, information collected in the process of investigation and resolution of crimes and violations, execution of court decisions;

9.2.2. information collected during the state inspection and until the decision becomes effective;

9.2.3. information that may endanger unique cultural heritage if kept open;

9.2.4. others prescribed by law.

9.3. Restricted information pertaining to persons and legal entities other than those specified in Sections 9.2.1 and 9.2.2 of this law shall be accessed, used, or forwarded to third parties on the grounds and procedures specified in the law, or with the consent of the owner of the information.

9.4. Without obtaining the permission of the owner of the information specified in Sections 9.2.1 and 9.2.2 of this law, the authorized person shall review, use, or pass it on to a third party in accordance with the grounds and procedures specified in the law.

9.5. Restricted information available to the data subject may be used by the owner of the information at any time.

9.6. When obtaining permission from the owner of the information, the following conditions shall be presented:

9.6.1. purpose of obtaining information;

9.6.2. if the recipient of the information is an individual, the name of the parent/mother, his/her own name, if the recipient is a legal entity, the name of the legal entity, contact address, and contact phone number;

9.6.3. the name, contact address and contact phone number of the person responsible for the information;

9.6.4. list of information to be obtained, form of obtaining information;

9.6.5. scope of information processing and use, storage period;

9.6.6. whether to disclose information;

9.6.7. whether to transmit the information to others;

9.6.8. form of cancellation of permission.

9.7. The owner of the information may cancel the consent at any time, and the actions of the data subject before the cancellation of the consent are considered legal.

9.8. Section 9.7 of this law shall not apply to the disclosure of the non-confidential part of the tender to other participants based on the consent of the successful tenderer in order to ensure the transparency of the information responsible's procurement and tender selection process.

9.9. The owner of the information shall give and cancel his consent in writing.

9.10. If the owner of the information is a person specified in Articles 16, 17, 18, and 19 of the Civil Code, restricted information related to him will be provided based on the consent of his legal representative.

9.11. The person responsible for the information is obliged to prove that he has given or transmitted the restricted information related to a person or legal entity to others based on the consent of the owner of the information.

9.12. Government organizations and other persons specified by law shall not require the consent of the owner of the information if they use restricted information in accordance with the reasons and procedures specified in the law.

9.13. In accordance with Article 9.12 of this law, if the data controller provides or transmits the data to a third party, the data owner shall be notified in accordance with the procedure prescribed by law.

9.14. The data subject shall keep a record of requests for the use of restricted information, given to third parties, and transmission.

9.15. The person who requested the registration specified in Section 9.14 of this law, date, month, date, information to identify the owner of the information, form and confirmation of permission, date, month, date, date, month, and date of the electronic identifier, organization, official, the content of the information obtained, the purpose of the information obtained, the name of the person using the information, if the person is an individual, the name of the parent, if the person is a legal entity, the name of the legal person, the name of the parent, the name of the official, and the contact phone number, etc. information is provided.

9.16. The Government shall approve the procedures for delivering notices and keeping records specified in Sections 9.13 and 9.14 of this Law.

9.17. The owner of the information has the right to familiarize himself with the operations, information requested, and the following information:

9.17.1. the person who received the information;

9.17.2. the list of received information and form of received information;

9.17.3. Date, month and day of receiving information;

9.17.4. legal basis for obtaining the information.

9.18. The review request made in accordance with Article 9.17 of this law shall be resolved within five working days from the date of receipt by the data subject.

9.19. Sections 9.13, 9.17, and 9.18 of this law shall not apply if the restricted information is transferred to the competent authority within the scope of execution.

#### **Article 10. Closed information**

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10.1. Closed information includes the following information:

10.1.1. state secret information;

10.1.2. Information specified in Article 12.3 of the General State Registration Law;

10.1.3. other information provided by law.

10.2. Closed information shall be reviewed, used and disclosed in accordance with the grounds and procedures specified in the law.

10.3. Closed personal information shall be used in accordance with the purposes, conditions and procedures specified in the law with the consent of the owner of the information.

#### **Article 11. Deleting and making changes to public information**

Print



11.1. Public information collected, processed and used by the data subject shall be deleted on the following grounds:

11.1.1. at the request of the owner of the information, if the relevant information is not collected, processed and used in accordance with the grounds and procedures specified in the law;

11.1.2. The data controller is obliged to delete the data according to the law, the international agreement of Mongolia, and the valid court decision of the law;

11.1.3. others prescribed by law.

11.2. It is prohibited to delete public information except as specified in Article 11.1 of this law.

11.3. In the event that the information pertaining to him/her is incorrect, inaccurate or false, the owner of the information has the right to notify the person responsible for the information as soon as he or she knows, and to provide the relevant evidence to correct the information and make changes.

## **Article 12. Making public information open data**

Print

12.1. Without violating the rights and legal interests of people and legal entities and taking into account their demands and needs, open, restricted and closed information persons and legal entities in order to support the economy and business, develop research and analysis work, and increase the transparency and availability of information. Information related to state and official secrets can be processed to be non-identifiable and made open data.

12.2. The open data specified in Article 12.1 of this law shall be published by the data controller on its website and on the state's integrated open data system.

12.3. Open data can be used for a fee or without a fee, and the conditions for ease of access, copying, sorting, and search are defined.

12.4. The data subject regularly updates the open data it has developed.

12.5. The government shall approve the conditions and procedures for creating, publishing, and using open data from the data subject, the requirements for open data, and the operation procedures of the integrated state open data system, taking into account the proposal of the central state administrative organization in charge of electronic development and communications.

12.6. The government shall determine the list of open data and the period of publication of open data.

12.7. Open data specified in the law and in the list specified in Article 12.6 of this law shall be published free of charge.

12.8. If the open data is not included in the list specified in Article 12.6 of this law, or if the open data is requested before its publication, the person responsible for the information may provide the open data for a fee.

12.9. The Government shall approve the payment calculation method specified in Article 12.8 of this Law.

12.10. It is prohibited to publish open data in the following cases:

12.10.1. if it is possible to identify public and official secrets, persons and legal entities through the open data;

12.10.2. if the open data violates intellectual property rights;

12.10.3. if publishing the open data violates the rights and legal interests of people and legal entities;

12.10.4. others prescribed by law.

12.11. Complaints about open data affecting the rights and legal interests of people and legal entities shall be resolved by the data controller within 10 working days.

12.12. If a complaint is submitted on the grounds specified in Article 12.11 of this law, the data controller shall temporarily suspend access to the open data until the complaint is resolved.

12.13. If a person or a legal entity does not agree with the decision of the data controller, who has processed the complaint specified in Article 12.11 of this law, they may file a complaint with the court.

### **CHAPTER THREE**

#### **PROVISION OF RIGHT TO INFORMATION**

##### **Article 13. Obtaining information by persons and legal entities**

Print

13.1. Individuals and legal entities may request information or access information posted electronically, openly and transparently, without making a request.

13.2. Requests for open information shall be made verbally or in writing, and requests for restricted information shall be made in writing.

13.3 Requests made on paper or in electronic form according to the law shall be considered as written requests.

13.4. The following information shall be included in the written request:

13.4.1. if the applicant is an individual, the name of the parent/mother, his/her own name, if the applicant is a legal entity, the name of the legal entity;

13.4.2. address, postal address, and contact telephone number of the applicant's place of residence;

13.4.3. in case of obtaining limited information, the purpose of obtaining information and the consent of the owner of the information;

13.4.4. content of information and form of receiving information.

13.5. The request to be issued in paper form shall be signed by a person, and in the case of a legal entity, the person authorized to represent the legal entity shall sign and stamp and confirm it.

13.6. Requests submitted electronically by a person or legal entity can be identified and verified in accordance with the procedures specified in the law.

13.7. If the applicant is unable to sign the application for valid reasons, his legal representative shall sign on his behalf.

13.8. If the request is submitted jointly by citizens, all of them or their representatives shall sign and attach documents proving their right to represent.

13.9. It is forbidden to impose requirements other than those stipulated by law in the request.

##### **Article 14. Rights and obligations of the applicant**

Print

14.1. The applicant has the following rights to obtain information:

14.1.1. choose the form of receiving information;

14.1.2. when obtaining open information, do not explain the purpose and reason for obtaining information;

14.1.3. get additional explanations on issues related to information;

14.1.4. explain the content of the information;

14.1.5. to know official sources of information;

14.1.6. if it is believed that the right to receive information has been violated, file a complaint with the higher-level organization or official of the person responsible for the information, or, if there is no higher-level organization or official, to the court;

14.1.7. to make a request to the relevant data controller to make the information open data;

14.1.8. others prescribed by law.

14.2. If the applicant believes that his right to information has been violated, he may file a complaint with the National Human Rights Commission of Mongolia.

14.3. Persons and legal entities undertake the following obligations regarding obtaining information:

- 14.3.1. comply with the procedure for obtaining information provided by law;
- 14.3.2. not to violate the Constitution of Mongolia, other laws, the rights and legitimate interests of others when exercising the right to information;
- 14.3.3. the information to be obtained should be defined as possible;
- 14.3.4. others prescribed by law.

#### **Article 15. Registration and resolution of requests for information**

Print

15.1. The person responsible for information receives the request for information, keeps a record, reviews whether the requirements specified in Article 13 of this law are met, and makes one of the following decisions:

- 15.1.1. receive requests and provide information;
- 15.1.2. transfer the request to the relevant data controller;
- 15.1.3. to return the request.

15.2. The following shall be included in the register specified in Article 15.1 of this law:

- 15.2.1. name, contact phone number and address of the person or legal entity who submitted the request;
- 15.2.2. brief content of requested information;
- 15.2.3. the date, month, day and form of receiving the request and providing information;
- 15.2.4. if the request is returned, the reason and form of the return;
- 15.2.5. whether the information was provided in full or in part;
- 15.2.6. other necessary.

15.3. If the requirements set forth in Article 13 of this Law are not met, or if the request is re-applied on a previously answered issue, or if the information mentioned in the request is not available and the request cannot be forwarded to the relevant authority, the request may be returned and the reasons shall be clearly indicated.

15.4. The person responsible for the information shall provide complete, accurate, and clear information related to the activities of the organization to persons and legal entities based on their requests.

15.5. Information may be provided verbally, in writing, electronically, or in other forms that do not violate the law, and individuals and legal entities may be personally presented with the information if they wish.

15.6. Unless otherwise specified in the law, the person responsible for receiving the request shall provide the information within the following period:

- 15.6.1. Immediately after receiving the request for information that can be provided directly;
- 15.6.2 within five working days after receiving a request for information other than that specified in Article 15.6.1 of this law.

15.7. Taking into account the scope of the information and the time required to prepare the information, the time specified in Article 15.6 of this law may be extended by the authorized official of the person responsible for the information by up to 10 working days.

15.8. If the request is made jointly by citizens, the information will be given to the person authorized to represent them.

15.9. Records shall be kept reflecting information such as the date, time and date of the information provided, the name of the official who prepared the response, the form in which the information was provided, and whether the information was provided in full or in part.

15.10. When the requester is notified of the electronic link to the information that can be obtained from the electronic database, the request will be considered resolved.

#### **Article 16. Cost of information service**

Print

16.1. When obtaining information in paper form, a person or legal entity shall pay the expenses incurred in connection with providing information, unless otherwise provided by law.

16.2. The costs specified in Clause 16.1 of this Law shall not exceed the direct costs of copying and mailing related to providing the information.

16.3. Unless otherwise specified in the law, a person or legal entity shall not be obligated to pay the costs specified in Article 16.1 of this law for obtaining information in electronic form.

16.4. The amount of expenses specified in Article 16.1 of this law shall be determined by the data subject in accordance with this law, and the government shall approve the methodology for calculating expenses and the procedures for paying, discounting, and exempting expenses.

16.5. The expenses specified in Article 16.1 of this law shall not be collected in duplicate with other fees and charges specified in the law.

#### **Article 17. Obligations of the person responsible for providing information**

Print

17.1. Unless otherwise provided by law, the person responsible for information undertakes the following obligations to ensure the right of individuals and legal entities to obtain information:

17.1.1. publicize the meeting place and time schedule for receiving requests;

17.1.2. create conditions for people and legal entities to obtain information in accordance with the law;

17.1.3. to inform in advance about any decisions and activities affecting the rights and legal interests of people and legal entities;

17.1.4. to keep records of requests for information and the actions taken to resolve them;

17.1.5. resolve the request for information within the time specified in this law;

17.1.6. decide the request for information and give the answer in the form chosen by the requester;

17.1.7. if the information mentioned in the request is closed or restricted information that does not belong to the requester, without the permission of the owner of the information, or if the request does not meet the requirements stipulated by law, give a reasoned response in this regard;

17.1.8. annually report the report of the measures taken to ensure the fulfillment of this law to the higher authority;

17.1.9. to keep the information specified in Article 8 of this law transparent and open, to fully meet the conditions for viewing open information on the website, and to update the information from time to time;

17.1.10. According to the list of open data, publish open data that meet the relevant conditions and requirements in the unified state open data system within the period specified in Article 12.6 of this law, and update it from time to time;

17.1.11. others prescribed by law.

17.2. It is prohibited to obstruct the person or legal entity responsible for information from exercising their right to obtain information.

## **CHAPTER FOUR**

### **PUBLIC INFORMATION INFRASTRUCTURE**

#### **Article 18. Public information infrastructure**

Print

18.1. Public information infrastructure consists of the main system, support system, information responsible system, information network and public database.

18.2. The main system, supporting system, and information responsible system specified in this law belong to the public information system.

18.3. The main system is a state information exchange system that enables the use and exchange of information by state organizations, individuals, and legal entities.

18.4. The support system is an independent information system with the purpose of ensuring the normal, reliable and safe operation of the main and information responsible systems.

18.5. The following systems are included in the support system:

18.5.1. identification and access system;

18.5.2. public key infrastructure;

18.5.3. shared system of correspondence exchange;

18.5.4. information exchange registration system;

18.5.5. notification delivery system;

18.5.6. integrated system of public services;

18.5.7. payment system;

18.5.8. others prescribed by law;

18.5.9. Other systems deemed necessary by the government.

18.6. The system of the data controller is in compliance with the communication and information technology direction and information security standards adopted by the government.

18.7. When connecting to the main or supporting system, the data subject, person or legal entity shall meet the conditions and requirements specified in Article 18.11 of this law and other laws.

18.8. The main system will be created by the central state administrative organization in charge of electronic development and communication issues by the decision of the Government, and will be responsible for organizing and monitoring the operation of the system.

18.9. The main system shall be used for electronic exchange of information between the parties responsible for the information and from the party responsible for the information with persons and legal entities.

18.10. The Government shall approve the procedure for regulating the operation of the main system, providing services using the system, and exchanging information.

18.11. The technical conditions, requirements, instructions and methods of the main system and supporting system shall be approved by the central state administrative organization in charge of electronic development and communication.

18.12. The main system will be placed in the territory of Mongolia.

18.13. When providing services to a person or legal entity, the person responsible for the information shall not request from the person or legal entity the information that can be obtained and exchanged through the main system specified in Article 18.3 of this law.

18.14. The information specified in Section 18.13 of this Law shall be downloaded and compiled by the data controller from the main system specified in Section 18.3 of this Law.

18.15. A legal entity other than the data subject may provide its services to people and legal entities by using the main and support systems, meeting the conditions and requirements specified in Article 18.11 of this law.

18.16. If the legal entity specified in Article 18.15 of this law provides services using the main and supporting systems, it shall sign a contract with the central state administrative organization in charge of electronic development and communication.

18.17. The Government shall approve the model of the contract, the method of calculating costs, and the procedure for concluding the contract specified in Article 18.16 of this law.

18.18. The public information infrastructure shall use the national time standard set by the competent authority.

#### **Article 19. Identification and access system**

Print

19.1. When providing services to individuals and legal entities in electronic form, the State shall identify the individuals and legal entities using electronic signatures and identification and login systems with methods and tools determined by the Government.

#### **Article 20. Public key infrastructure**

Print

20.1. Relations connected to public key infrastructure shall be regulated by the said law.

#### **Article 21. Central system of exchange of official documents**

Print

21.1. When sending and receiving official letters electronically other than official e-mail, the data subjects shall connect to and use the shared system of official letter exchange.

21.2. A person or legal entity may connect to and use the shared system for exchanging official letters when sending and receiving official letters electronically with the data subject in a form other than official e-mail.

#### **Article 22. Information exchange registration system**

Print

22.1. Information sent and received by the main system shall be recorded by the information exchange registration system, as well as the time of sending and receiving, the sender and recipient, the unique value indicating the content of the information and other information.

#### **Article 23. Notification delivery system**

Print

23.1. The person responsible for the information shall deliver notices electronically to persons and legal entities using the notice delivery system in the following cases:

23.1.1. closed and restricted information belonging to a person or legal entity was accessed by other persons;

23.1.2. information about the process and decisions of requests and complaints made to the respondent;

23.1.3. a reminder to people and legal entities about the need to receive public services;

23.1.4. regarding payment of taxes and fines;

23.1.5. The date of the referendum and election day.

23.2. The person responsible for the information may inform the person or legal entity about the notification that can be received and the form in which it can be received, except as specified in Article 23.1 of this law.

23.3. An e-mail address for a person with a civil registration number specified in Section 4.1.1 of the Law on Civil Registration and a legal entity with a legal entity's state registration number shall be created in the system for delivering notifications at the request of a person or legal entity.

23.4. Persons and legal entities may use e-mail addresses other than those specified in Article 23.3 of this Law on the basis of registration in the notification delivery system.

23.5. Clause 23.1.1 of this law shall not apply if the closed and restricted information is transmitted to the competent authority within the scope of execution.

#### **Article 24. Unified system of public services**

Print

24.1. The integrated state service system is a means of delivering public information, state and other services to people and legal entities in electronic form.

24.2. The person responsible for the information shall provide the services provided to individuals and legal entities in electronic form using the integrated state service system.

24.3. The government shall approve the model of reference and description to be provided by the data subject through the integrated system of public services.

24.4. An electronic document with a unique number issued by the unified system of state services is as valid as a paper document.

#### **Article 25. Payment system**

Print

25.1. Relationships connected with the payment system shall be regulated by the said law.

**Article 26. Integrated state information network**

Print

26.1. Relations connected to the unified state information network shall be regulated by the said law.

**Article 27. Public database**

Print

27.1. The public database has the following types:

27.1.1. basic database;

27.1.2. various databases;

27.1.3. organizational database.

27.2. The basic database shall be established by the organization authorized by law in accordance with the law, and the database shall be the primary source.

27.3. The database specified in Article 6, 7, and 8 of the General Law on State Registration and Article 9 of the Law on Geodesy and Cartography applies to the basic database.

27.4. Create a specialized database based on the information of the basic database, or within the scope of the duties assumed by the law.

27.5. The database of the organization does not include the basic or specialized database, but the database for the internal operations of the data subject.

27.6. It is prohibited to create a database in duplicate with the basic or specialized database.

27.7. Basic and specialized databases will be placed in the territory of Mongolia.

27.8. Every new electronic creation, restructuring, or decommissioning of basic and specialized databases shall be registered with the central state administrative organization in charge of electronic development and communications.

27.9. The Government shall approve the conditions and registration procedures for the creation, structural changes, and decommissioning of basic and specialized databases in electronic form.

27.10. The public database to be created in electronic form shall have a unified classification, code and description.

27.11. Unless otherwise specified in the law, the unified classification, code, and description specified in Article 27.10 of this law shall be approved by the central state administrative organization in charge of electronic development and communication issues together with the relevant data controller.

**CHAPTER FIVE**

**GOVERNMENT ELECTRONIC ACTIVITIES**

**Article 28. General planning of public information infrastructure**

Print

28.1. The Government shall approve the general planning of public information infrastructure.

28.2. The information responsible shall draw up and implement the public information infrastructure planning of the organization in accordance with the general planning specified in Article 28.1 of this law.

28.3. The Government shall approve the general procedure for planning public information infrastructure.

**Article 29. Establishment of public information system**

Print

29.1. Before creating a public information system, the responsible party shall issue recommendations and conclusions on the following issues by the central state administrative organization in charge of electronic development and communications:

29.1.1. interconnection between public information systems;

29.1.2. economic efficiency of the public information system;

29.1.3. compatibility of the technology to be used and suitability for human use;

29.1.4. safety and reliability solutions;

29.1.5. other necessary issues.

29.2. The strategic plan and public information infrastructure projects, programs and measures specified in Article 34.1.2 of this law shall be consistent with the general planning set forth in Article 28.1 of this law and the guidelines set forth in Article 32.1.10 of this law.

29.3. The procedure for issuing recommendations and conclusions for activities specified in Articles 29.1 and 29.2 of this law shall be approved by the Cabinet member in charge of electronic development and communications.

### **Article 30. Execution of electronic documents**

Print

30.1. Unless otherwise specified by law, the data controller shall rely on electronic documents when processing, transmitting, receiving, storing, protecting and using documents.

30.2. State organizations and officials shall use the official e-mail and the support system specified in Articles 21, 23, and 24 of this law when communicating electronically within the scope of their duties specified in the law.

30.3. Documents not executed electronically can be converted into electronic documents.

30.4. Electronic document management shall be governed by the procedure specified in Article 34.2 of the Law on Archives and Official Management.

30.5. Unless otherwise provided by law, electronic documents are valid in the same way as paper documents.

## **CHAPTER SIX**

### **PUBLIC INFORMATION INFRASTRUCTURE AND GOVERNMENT ELECTRONIC OPERATIONS SYSTEM**

### **Article 31. Powers of the Government regarding public information infrastructure and government electronic operations**

Print

31.1. The Government shall exercise the following powers regarding the public information infrastructure and the electronic activities of the state:

31.1.1. To create public information infrastructure and open data, to determine the funds required for the implementation of government electronic activities in the annual budget, to provide equipment and machinery, to innovate products, services, and technology, to approve and implement human resource development projects and programs ;

31.1.2. Approve a procedure for keeping a unified record of electronic projects, programs, and measures related to public information infrastructure and government electronic activities;

31.1.3. others prescribed by law.

### **Article 32. Functions of the central state administrative organization in charge of electronic development and communications**

Print

32.1. The central state administrative organization in charge of electronic development and telecommunications shall perform the following functions:

32.1.1. to develop the public information infrastructure, government electronic activities, open data policy, general planning draft of public information infrastructure;



- 32.1.2. to ensure the implementation of laws and regulations on public information infrastructure, government electronic activities, open data, decisions of the Government and other authorized organizations;
  - 32.1.3. to approve and implement rules, regulations, instructions, and methods as authorized by law regarding public information infrastructure and government electronic operations;
  - 32.1.4. take measures to improve the operation of the main system and support system;
  - 32.1.5. to develop proposals for improving the legal framework for public information infrastructure and government electronic activities;
  - 32.1.6. to develop cooperation with public information system organizations of many countries, regions and foreign countries;
  - 32.1.7. maintain a unified record of electronic projects, programs, and measures related to public information infrastructure and government electronic activities;
  - 32.1.8. make recommendations and conclusions to the public information system to be implemented by the data subject in accordance with Article 29 of this law;
  - 32.1.9. monitor the implementation of general planning of public information infrastructure;
  - 32.1.10. approving the guidelines for the public information infrastructure and technology used in the development of open data, and monitoring its implementation;
  - 32.1.11. maintain basic and specialized databases and open data records;
  - 32.1.12. Approve the structure and personnel of the national data center within the framework of rules, strategies, operational plans and approved budget;
  - 32.1.13. to provide professional and methodological management to the units and officials responsible for the public information system and electronic operations of the information debtor;
  - 32.1.14. organizing the implementation of procedures, instructions and methods related to the main system and support system;
  - 32.1.15. to be responsible for the main system, supporting system, and integrated state open data system;
  - 32.1.16. to provide the person responsible for the information with professional and methodological guidance on the creation of open data;
  - 32.1.17. to develop conditions, requirements and standards of open data and have them approved by the competent authority;
  - 32.1.18. publicizing public information infrastructure, government electronic activities, open data, organizing events and trainings to raise awareness of civil communications and information technology;
  - 32.1.19. developing a draft procedure for maintaining an online page, uploading, publishing, updating and monitoring transparent and open information in electronic form as specified in Article 8.16 of this law;
  - 32.1.20. others prescribed by law.
- 32.2. The functions specified in Sections 32.1.4, 32.1.13, 32.1.14, 32.1.15, 32.1.16, and 32.1.18 of this Law may be performed by other persons in accordance with the relevant legislation.

### **Article 33. National data center**

#### **Print**

- 33.1. The National Data Center will work under the central state administrative organization in charge of electronic development and communications.
- 33.2. Basic and specialized databases and their resources will be stored in the National Data Center.
- 33.3. Organizational database resources may be stored in the National Data Center.
- 33.4. The system of the data receiver can be placed in the National Data Center.
- 33.5. The National Data Center shall perform the following functions:

- 33.5.1. create a connection to exchange information through the main system;
  - 33.5.2. develop technical conditions and requirements for the information system of legal entities related to the main system;
  - 33.5.3. create, store, and protect operating records of the main and supporting systems, and provide information to relevant organizations;
  - 33.5.4. others prescribed by law.
- 33.6. Within the scope of its functions stipulated by the law, the data controller may establish a data center that meets the requirements of the standard, and shall coordinate its activities with the National Data Center.

#### **Article 34. Responsibilities of the data subject regarding public information infrastructure** Print

- 34.1. The information responsible has the following responsibilities regarding public information infrastructure:
- 34.1.1. ensuring continuous and normal operation of the information system connected to the main system and support system;
  - 34.1.2. to have a strategic plan for the transfer of branch and organizational activities and services to electronic form and the introduction of advanced technologies;
  - 34.1.3. to be responsible for the registration, storage and protection of actions performed in the information system in charge;
  - 34.1.4. to be responsible for the creation, modification, storage, protection, and security of databases created within the scope of functions and activities;
  - 34.1.5. create conditions for electronic use of the responsible database by people and legal entities;
  - 34.1.6. uploading open data in a readable form in the information system, making it possible for people and legal entities to use it, and connecting it to the unified state open data system;
  - 34.1.7. connect the responsible information system to the public information infrastructure by meeting the conditions and requirements specified in Article 18.11 of this law;
  - 34.1.8. to provide services related to their functions to people and legal entities in electronic form and using public information infrastructure;
  - 34.1.9. register in accordance with Article 27.8 of this law every time a new database is created electronically, structural changes are made, or it is decommissioned;
  - 34.1.10. unless otherwise provided by law, approval of the procedure related to the use of the data controller's system and the creation and use of the organization's database, as well as internal security;
  - 34.1.11. to ensure the implementation of laws and decisions made by the Government and other authorized organizations on public information infrastructure at the level of affiliated organizations.

### **CHAPTER SEVEN**

#### **PERSONAL AND LEGAL RIGHTS AND OBLIGATIONS REGARDING PUBLIC INFORMATION INFRASTRUCTURE AND GOVERNMENT ELECTRONIC FUNCTIONS**

#### **Article 35. Rights and obligations of individuals and legal entities regarding public information infrastructure and government electronic operations** Print

- 35.1. Persons and legal entities have the following rights regarding public information infrastructure and government electronic operations:
- 35.1.1. get to know, copy and transmit personal information in the public database;
  - 35.1.2. to choose the form of receiving notifications, to reject notifications in whole or in part, except as specified in Article 23.1 of this law;

35.1.3. to receive services provided by the government in electronic form and using public information infrastructure.

35.2. In relation to public information infrastructure and government electronic activities, individuals and legal entities have the following responsibilities:

35.2.1. use restricted information based on the consent of the owner of the information;

35.2.2 not to transmit or disclose restricted information obtained in accordance with the law without the consent of the owner of the information;

35.2.3. not to disclose to others the confidentiality of login names, passwords, other security methods and tools used in the public information infrastructure;

35.2.4. not to attack public information infrastructure and confidential or protected systems and information, not to create malfunctions, not to access other people's rights or passwords;

35.2.5. In case of loss, loss, misappropriation of the login name, password, or confidentiality of other security devices used in the public information infrastructure, used by an unauthorized person, believed to be known by a third party, or accessed without his/her permission, the public information system shall be immediately notified to the person in charge. .

## **CHAPTER EIGHT**

### **OTHER THINGS**

#### **Article 36. Responsibilities for violators**

Print

36.1. If the act of an official who violates this law is not criminal, he shall be held liable as provided in the Law on Civil Service or the Law on Labor.

36.2. Any person or legal entity who violates this law shall be held liable as provided for in the Criminal Law or the Law on Violations.

#### **Article 37. Arrangements during the transition period**

Print

37.1. Before complying with this law, legal entities providing services using public information systems shall take measures to meet the requirements of this law within the period determined by the central state administrative organization in charge of electronic development and communications.

37.2. The person specified in Clause 37.1 of this law shall submit a request to conclude a new contract to the central state administrative organization in charge of electronic development and communication issues by January 1, 2023, and conclude the contract.

#### **Article 38. Entry into force of the law**

Print

38.1. This law shall be enforced from May 1, 2022.

G. ZANDANSHATAR, CHAIRMAN OF CONGRESS OF MONGOLIA