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Brazil -- Access to Information law (Lei no. 10.650, de 16 de Abril de 2003)

LAW No. 10.650, of April 16, 2003

Regulates public access to data and information detained by organizations and entities part of the Brazilian National Environmental System (SISNAMA)

The President of the Brazilian Republic makes public that the National Congress has decreed and the President has sanctioned the following law:

Article 1 - This law regulates public access to data and information detained by entities part of the Brazilian National Environmental System, created by Law No. 6.938, of April 31, 1981.

Art. 2 - The organizations and entities of the public administration part of SISNAMA are obliged to permit public access to documents, procedures and any type of administrative documentation that deal with environmental matters and to disclose any environmental information under its guard in written, visual, audio or electronic format, specially those related to:

I - environmental quality;

II - policies, plans and programs that may cause environmental impact;

III - results of monitoring and auditing of pollution control systems and polluting activities as well as data referring to plans and actions related to recuperation of degraded areas

IV - accidents, risk situations or environmental emergencies;

V- gas and liquid emissions and solid waste generation;

VI - toxic and hazardous substances;

VII - biodiversity;

VIII - genetic modified organisms.

§ 1° Any individual, with no need to prove his/her specific interests, will have access to the information he/she may request which is described in this law, upon written request, in which he/she will commit not to use the information obtained for any commercial purpose, under risk of being penalized for violation of civil, criminal, copyrights or industrial property rights, and must disclose the origin of the information any time he/she will make use of the same.

§ 2° Commercial, industrial and financial secrets should be protected, as well as those related to the internal communications of governmental organizations and entities.

§ 3° In order to protect the secrets referred to in § 2 above, legal

entities or individuals should communicate the public administration about the privileged characteristics of the information, in writing and upon justification.

§ 4° In case any individual should request to have access to any administrative procedure, he/she will be allowed to have access to the material during working hours, in the same building where the document may be found, and in the presence of the public servant in charge of supervising the documentation.

§ 5° Thirty days after filing the request, the information should be disclosed or the documentation presented to the solicitant by the public authority, according to this article.

Art. 3° In order to guarantee the application of this law, the public authorities may demand the disclosure of any type of information from private entities, according to a specific system that should be created by all governmental entities part of SISNAMA, about the actual and potential environmental impacts of the private entities activities, regardless of the existence or need to establish any administrative procedure.

Art. 4° The public entities of SISNAMA shall publish in the official gazette and make easily accessible to the public in areas within their premises, lists and reports containing the following information:

I - licensing requests, permits and requests for renewal of permits;

II - requests and licenses for suppression of vegetation;

III - fines and penalties;

IV - agreements for the adjustment of environmental conduct;

V - recurrence of environmental violations;

VI - administrative appeals and their decisions;

VII - filling of environmental impact assessments and results of their analysis.

Sole paragraph: The reports containing the data described in this article should be made public thirty days after being issued.

Art. 5° The refusal for disclosure of information or to give access to documents and procedures should be justified, and shall be subject to administrative appeal within fifteen days counted as of the publication of the decision through the issuance of a registered correspondence or by publication in the official gazette.

Art. 6° VETO

Art. 7° VETO

Art. 8º The organizations part of SISNAMA shall publish annual reports related to water and air quality, according to regulamentation, and to other environmental elements.

Art. 9º The information to be disclosed according to this law shall be subject to payment of revenues pertaining to the cost of their reproduction, and such price shall be established by specific norms by the federal, state or municipal competent authorities.

Art. 10. This law shall enter into force forty-five days after its publication.

Brasília, April 16, 2003

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