

Reg. No. 1 of 18 May 2000

Regulation establishing the operating instructions and exclusion cases to the right of access to administrative documents, implementing article 24, paragraph 4 of law n. 241 of 7 August 1990 and n. 352 of the article 8 of the D.P.R. (Presidential Decree) of 27 June 1992.

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Art. 1

Scope

1. The provisions on documents access as provided for herein, apply to all the documents in any way used for administrative purposes of the Regional Council.

Art.2

Right of access

1. The right of access to administrative documents is exercised against the organizational structures of the Regional Council by anyone has a personal and real interest, by administrations, associations and committees supporting public or common interests for the protection of legally relevant situations.
2. The right of access is exercised, with reference to the acts of the proceeding, even during its course, against the organizational structure that is authorized to draw up the document. It can also be exercised after the proceeding conclusion, even against the structure that is authorized to hold the original of the final document.
3. The persons responsible for the access proceeding must perform a preventive check on the real existence of the relevant right produced by the applicant.
4. The access to the preliminary acts is not allowed during the preparation stage of the legal, planning and programming administrative acts, subject to different provisions.
5. The access proceeding must be concluded within the deadline of 30 days starting from the date of the application acquisition reported on the register by the relevant structures as referred to in the previous paragraph 2.
6. The act rejecting the right of access is issued by the Managers responsible for the structures as referred to in the previous point 2 or by the responsible for the proceeding, as mentioned in the previous paragraph 3, delegated for such a purpose, within the same deadline of 30 days as laid down in the previous paragraph 5.

Art. 3

Informal access

1. The right of access is informally exercised upon request, also verbal, addressed to the structure responsible for the drawing up of the act or for keeping it permanently. The request must contain the documents details subject of the request as well as the interest linked to the object of the request itself.
2. The request, is immediately examined and is informally accepted by indicating the publication containing the news, through the exhibition of the document or through the issuing of an official copy.

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3. The documents are examined at the relevant structure, at the presence of the administrative personnel.

Art. 4
Formal access

1. When the request cannot be informally accepted, or if there is room for doubt on the capacity, identity, representative powers of the applicant and on the existence of the interest on the basis of the information and documents provided, or on the accessibility to the document, the applicant is, at the same time, invited to submit a formal application.
2. In any case, the applicant can submit formal request, for which the office has to issue a receipt.
3. The person applying for the issuing of true copies has to follow the same formal procedure.

Art. 5
Organizational measures

1. The Regional Council, through an organizational act, adopts the measures useful to ensure the real exercise of the right of access by setting out also the reproduction of the acts and the payment modalities, as well as the procedures for the issuing of true copies of the acts.

Art. 6
Documents not allowed to access

1. Under article 24 of Law n. 241/1990 as well as art. 8 paragraph 5 letter c) of the D.P.R. (Presidential Decree) n. 352/1992 and for public grounds and prevention and repression of crime are not allowed to access:
 - a) Technical documentation relating to the estates used by the offices of the Region (drawings, layouts, cadastral areas, locations and uses). The access to the documents mentioned above can be allowed, upon justified request by the Public Administrations, upon evaluation of the grounds produced for the access to the documents.
2. Under article 24 of Law n. 241/1990 as well as art. 8 paragraph 5 letter c) of the D.P.R. (Presidential Decree) n. 352/1992, and in order to safeguard the confidentiality of third parties, persons or groups and companies and also ensuring to the stakeholders to read them when it is necessary to safeguard or defend its own judicial interests, the following categories of documents are not allowed:
 - a) the documents included in the personal file of each employee concerning the private life and their personal condition.
 - b) documents concerning the legal-medical controls;
 - c) documents concerning the disciplinary proceedings;
 - d) documents concerning the measures of service exemption, dismissal, employment expiration; e) documents and acts relating to health and other physical conditions of the citizens in any case interested to measures, performances or services of the regional Administration;
 - e) documents concerning the criminal jurisdictional proceedings, as well as seizure and personal executions;

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- f) documents concerning the professional, trade or industrial activity, as well as the financial, economic and estate situation of persons, groups and companies in any case used for administrative activity purposes;
- g) technical, scientific and project documents submitted by the companies participating to the tenders launched by the Administration for the awarding of works, supplies or services, whose knowledge might cause detriment to the technical- professional position of the companies;
- h) the minutes of the sessions of the Regional Council in the parts concerning the acts not allowed to the access;
- i) the documents that the other Administrations exclude from the access and that the regional Administration permanently holds, as they are proceeding acts under its competence;

Art. 7

Postponement

1. Besides, the access to the following acts, listed below, is postponed until their knowledge might stop or seriously hamper the carrying out of the administrative action:
 - a) Documents relating to the selection and recruitment of the personnel, works of the competition selection boards;
 - b) List of the companies to be invited to the call for tenders;
 - c) Minutes concerning the evaluation, estimate, contracts award proceeding up to the approval of the final minutes of evaluation, estimate, contract awarding.
2. The bodies responsible for the issuing of the relative acts, have the faculty to postpone the access upon an appropriate justification, each time that their knowledge could stop or seriously hamper the administrative action, setting up the postponement duration as much as strictly necessary.

Art. 8

1. You should refer to the Law n. 241 of 7 August 1990 and to the D.P.R. n. 352 of 27 June 1992 for any aspects not mentioned in this regulation.