

Case

Authority:

Commissioner for Information of Public Importance and Personal Data Protection

Country/State:

Republic of Serbia

Case title:

Urgent Disclosure of Air Pollution Information Following an Environmental Incident

Official citation:

Decision No. 071-11-7610/2024-03

Date of decision:

22 January 2024

Relevant law:

Law on Free Access to Information of Public Importance (Serbia), Article 16(2)
Aarhus Convention, Article 4(4)(d)

Decision:

The Commissioner ordered the Environmental Protection Agency to immediately act on the information request and provide the requested data, finding that the authority's administrative silence violated the obligation to urgently disclose information relating to threats to public health and the environment.

Key words:

Right to Information, environmental emissions, air quality, administrative silence, Aarhus Convention, urgency

Case Summary

1. Facts

Following a fire that broke out in the city of Novi Sad on 21 May 2024, the requester sought access to information concerning air quality and the emission of harmful particles dangerous to human health in the affected area. The request was submitted to the Environmental Protection Agency. The authority failed to respond to the request and remained completely silent.

2. Decision

The Commissioner found that the requested information concerned issues of exceptional importance for public health and environmental protection. Under Article 16, paragraph 2 of the Law on Free Access to Information of Public Importance, such information must be made available within 48 hours.

The Commissioner held that the authority's silence constituted a violation of its statutory obligations. He further relied on Article 4, point 4(d) of the Aarhus Convention, which requires public authorities to immediately disseminate environmental information relating to emissions and threats to human health.

Given that the request concerned emissions of pollutants into the air and the exposure of the population to those pollutants, the Commissioner ordered the Environmental Protection Agency to act immediately and provide the requested information without delay.

Note (Optional):

This case highlights the obligation of public authorities to proactively and urgently disclose environmental information in emergency situations, reinforcing the role of the Aarhus Convention in safeguarding public health through transparency.

Resource:

Decision published in *Free Access to Information, Opinions and Views of the Commissioner*, No. 13/2024, Chapter 10, Case 10.3 <https://shorturl.at/DMOrl>