

Authority:

Commissioner for Information of Public Importance and Personal Data Protection

Country/State:

Republic of Serbia

Case title:

Public Interest vs. Business Secret: Disclosure of State-Owned Company Sponsorship Funds

Official citation:

Decision No. 071-11-2829/2023-03

Date of decision:

19 January 2024

Relevant law:

Law on Free Access to Information of Public Importance (Serbia) – provisions on exemptions and public interest test

Decision:

The Commissioner ordered Telekom Serbia a.d., a company majority-owned by the Republic of Serbia, to disclose information regarding funds allocated to the Serbian national football team for its participation in the World Cup in Qatar, and the sponsorship agreement with the Football Association of Serbia. The Commissioner held that the public interest in transparency of state-owned company expenditures outweighed the claim that the information constituted a business secret.

Key words:

Right to Information, business secret, public interest test, state-owned companies, transparency, sponsorship funds

Case Summary**1. Facts**

A requester asked Telekom Serbia a.d. for information about the funds allocated by the company to the Serbian national football team for its participation in the World Cup in Qatar, as well as the details of the sponsorship agreement between Telekom Serbia and the Football Association of Serbia.

Telekom Serbia, a company with majority state ownership (58% of shares held by the Republic of Serbia), refused to provide the information, citing that it constituted a business secret.

2. Decision

The requester argued that since Telekom Serbia is majority-owned by the state, it manages public resources, and transparency requires disclosure of how these funds are spent. The public interest in understanding the use of funds from a company owned by taxpayers outweighed any claim to confidentiality.

The Commissioner agreed, finding that the information concerned resources derived from public ownership and therefore must be disclosed. The company was ordered to provide the requested information, emphasizing that public interest can override business secrecy when state-owned funds are involved.

Note (Optional):

This case illustrates the principle that business confidentiality in state-owned enterprises is not absolute and must be balanced against the public interest in transparency, particularly when taxpayer resources are at stake.

Resource:

Decision published in *Free Access to Information, Opinions and Views of the Commissioner*, No. 13/2024, Chapter 7, Case 7.2 <https://shorturl.at/DMOrl>