

Issuer: Riigikogu
Type: act
In force from: 01.07.2011
In force until: 10.04.2014
Translation published: 14.11.2013

Response to Memoranda and Requests for Explanations Act

Passed 10.11.2004
RT I 2004, 81, 542
Entry into force 10.12.2004

Amended by the following acts

Passed	Published	Entry into force
24.01.2007	RT I 2007, 12, 66	01.01.2008
23.02.2011	RT I, 18.03.2011, 1	01.07.2011

§ 1. Scope of application

- (1) This Act provides the procedure for responding to addresses presented by persons in so far as this is not regulated by another Act.
- (2) The Administrative Procedure Act applies to the administrative proceedings prescribed by this Act, unless otherwise provided for in this Act.
- (3) If the aim of an address is to apply for access to public information, the address shall be responded to pursuant to the procedure provided by the Public Information Act.

§ 2. Definitions

(1) For the purposes of this Act, an addressee shall mean a state authority, local government agency or an agency of another legal person in public law, or a body, official or employee of such authority or agency, or a member of a collegial body thereof. Members of the *Riigikogu* and local government councils are not addressees.

(1¹) For the purposes of this Act, an addressee shall also mean a non-profit association, foundation, sole proprietor and company with regard to information concerning the use of funds allocated from the state or a local government budget.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) For the purposes of this Act, a memorandum shall mean an address presented by a person whereby he or she:

- 1) makes a proposal to the addressee for the organisation of the work of an agency or body or the development of an area;
- 2) provides information to the addressee.

(3) For the purposes of this Act, a request for explanation shall mean an address presented by a person whereby he or she:

- 1) requests information from the addressee, for the provision of which the information possessed by the addressee needs to be analysed or synthesised or additional information needs to be collected;
- 2) requests a legal explanation provided for in § 3 of this Act.

§ 3. Provision of legal explanation

Governmental authorities, rural municipality district and city district governments and rural municipality and city agencies shall provide explanations, free of charge, concerning legislation and drafts thereof prepared by such agencies and bodies, legislation which is the basis for the operation thereof, and their competence.

§ 4. Receipt of persons for hearing oral addresses

(1) The head of a governmental authority, a local government agency or an agency another legal person in public law shall organise the receipt of persons by a competent official or employee, or shall himself or herself receive persons during the hours which are designated for such purpose and communicated to the public. An agency shall determine reception hours with a duration of at least three hours per month.

(2) Reception of a person may be denied or terminated if:

- 1) the person is with restricted legal capacity and a guardian has been appointed to him or her by court and the representative of the person with restricted legal capacity does not participate in the reception;
- 2) the person does not express his or her requests and the requests of the person cannot be determined by additional questions;
- 3) the person is likely to harm himself or herself or other persons due to his or her aggressive behaviour.

(3) A person who is denied reception or whose reception is terminated on the bases specified in subsection (2) of this section shall be informed of the possibility to address the agency in writing.

(4) An official or employee who, in the process of receiving a person, finds that taking account of an opinion or proposal presented by the person, providing a response thereto or providing the information or explanation requested by the person is not within the competence of the agency shall inform the person thereof and indicate the agency or body competent to deal with the matter.

§ 5. Response

(1) An addressee has the obligation to respond.

(2) If a memorandum or request for explanation is addressed to an official or employee of an agency or body, another competent official or employee of the same agency or body has the right to respond instead of him or her. If a memorandum or request for explanation is addressed to several officials, employees or members of a collegial body within the same agency or body, a joint response may be provided.

(3) If the addressee finds that it is not within the competence thereof to consider any of the opinions or proposals presented in a memorandum or to respond to a memorandum or to provide the information or explanation requested by a request for explanation, the addressee shall forward, without undue delay but not later than within five working days after the date of registration of the memorandum or request for explanation, the memorandum or request for explanation to the agency or body competent to respond, and shall give the person notice thereof pursuant to the procedure provided for in subsection (8). Giving notice to the person is not necessary if a memorandum or request for explanation is forwarded to another official or employee of the same agency or body.

(4) If the addressee finds that it is not within the competence thereof to consider some of the opinions or proposals presented in a memorandum, or to provide some of the information or explanations requested by a request for explanation, the addressee shall forward the memorandum or request for explanation pursuant to the procedure prescribed in subsection (3) of this section. The addressee shall set out, by means of a transmittal letter addressed to the competent agency or body, the issues contained in the memorandum or request for explanation to which the competent agency or body is expected to respond. The initial addressee shall provide a response to the issues contained in the memorandum or request for explanation which are not re-directed to another agency or body for response.

(5) The agency or body who receives a memorandum or request for explanation may also forward it to an agency or body over which it exercises supervisory control unless such forwarding is contrary to a statement expressed in the memorandum or request for explanation. A memorandum or request for explanation shall be forwarded pursuant to the procedure provided for in subsection (3) of this section.

(6) A memorandum or request for explanation shall not be forwarded for obtaining a response from a court pursuant to the Constitutional Review Court Procedure Act. In such case, the addressee shall inform the person of the procedure of having recourse to the courts.

(7) Only one response shall be given if the same memorandum or request for explanation is concurrently submitted to the same addressee by different means.

(8) A person is given a written response which is sent to the address provided in the memorandum or request for explanation (fax number, postal address or e-mail address), or forwarded in another manner as agreed. If an opinion or proposal submitted by way of memorandum is not considered, the response shall provide the reasons therefor. The response to a request for explanation shall contain the information or legal explanation requested by the person, or the reasons for refusal to provide such information or explanation. A person who presents his or her address at a reception may be given an oral response during the reception.

(9) A response need not be given if:

- 1) the person cannot be identified;
- 2) the contact details of the person have not been indicated;

- 3) the person is with restricted legal capacity and a guardian has been appointed to the person by court, and the memorandum or request for explanation is submitted without the prior consent of the representative of the person;
- 4) the person has expressly indicated that he or she does not wish to receive a response to the memorandum;
- 5) the memorandum or request for explanation is not presented in Estonian and the addressee has no obligation to respond pursuant to § 12 of the Language Act;
[RT I, 18.03.2011, 1 - entry into force 01.07.2011]
- 6) the content of the memorandum or request for explanation is not legible or understandable;
- 7) providing a response to the request for explanation would require a change in the organisation of work of the agency or body, hinder the performance of public duties imposed thereon or require unnecessarily disproportionate expenses due to the large volume of requested information.

(10) If a response is declined on the basis on clauses (9) 3), 6) or 7) of this section, the person who submitted the memorandum or request for explanation shall be immediately sent a notice to this effect. The notice shall set out the deficiencies which shall be eliminated in order to receive a response to the memorandum or request for explanation.

(11) Upon declining to respond on the basis of clause (9) 5) of this section, the addressee shall immediately request that the person who submitted the memorandum or request for explanation provide a translation of the memorandum or request for explanation into Estonian pursuant to § 12 of the Language Act.
[RT I, 18.03.2011, 1 - entry into force 01.07.2011]

§ 6. Term for response

A response to a memorandum or request for explanation shall be provided without undue delay but not later than within 30 calendar days after the date of registration thereof. Under special circumstances, the term may be extended to up to two months depending on the complexity of the response. The person shall be informed of extension of the term for response, and of the reasons for extension.

§ 7. Registration

(1) A state authority, local government agency or an agency of another legal person in public law, or a body of such authority or agency shall register a memorandum or request for explanation and the response thereto, indicating the manner in which the memorandum or request for explanation is presented and responded to, not later than on the working day following the date on which the memorandum or request for explanation was received or the response was given.

(2) If an oral response is given to an oral address, the address need not be registered.

§ 8.–§ 10.[Omitted from this text.]