

# **Free Access to Information and Public Procurement, Abstract and Keywords**

## **Abstract**

The aim of this thesis is to analyse free access to information of public administration in relation to public contracts, especially in regards with the issue of trade secrets protection in contracts concluded as result of public procurement versus the right to information from public authorities. The thesis focuses on several key aspects of this relationship, the interpretation of which is currently problematic. The thesis examines whether freedom of information legislation applies to all types of contracting authorities, procurements and procurement procedures; whether mandatory disclosures also relate to information on public procurement of the authorities concerned; and whether there may be information provided on request in public procurement. It also focuses on manifestations of restrictions of the right to information in public procurements and manifestations of the right to information in protection of trade secret contained in contracts concluded in public tenders.

The thesis defines basic terms of the surveyed area, i.e. the terms “information”, “free access”, “contracting authority” and “public procurement”. It also discusses the freedom of access to information in the context of public administration, reporting entities, mandatorily disclosed information, information provided on request, and restriction of the right to information. These basic facts are then applied to the issues of free access to information of public administration with regard to public procurements. The thesis reflects on the conflicts between freedom of information act’s provisions and other acts, and generally problematic nature of procurement. All the arguments are supported by an analysis of existing Czech and European case law. For an overall perspective on this issue, the legislation of the Czech Republic is compared with the legal regulations of another European Union member state, namely the Slovak Republic.

The final chapter contains considerations *de lege ferenda*. Taking all the findings presented in this thesis into account, changes in current law will be designed to adapt the legal status of *de lege lata*, which would help to remove some ambiguities currently arising in relation with the application of the act on free access to information on public procurements.

## **Keywords**

Information, free access to information, public institution, public contracts, trade secrets, publishing - disclosure