

# NABU access to information

## Background

Legislation guarantees NABU direct access to all digital informational systems, databases, registers, and databanks which are administered by the state or local authorities. NABU can immediately receive information from banking and financial institutions regarding banking transactions if the information requested is targeted at individual's activities during a specific period of time.

## Timeline

### NABU deprived of access to SSU declarations

12.05.2017

On May 12 the Appellate Court of Kyiv abolished decision of first instance court that granted NABU access to e-declarations of staff members of the State Security Service.

### NABU gets access to e-declarations registry

11.05.2017

NABU did not have an access to the Registry of e-declarations of public officials from October 2016 until May 2017. Thus, during that period it could not effectively investigate illicit enrichment or false information in e-declarations.

### PGO deprives NABU from access to the Registry of investigations

17.12.2016

The PGO deprived NABU leadership of full access to the Unified State Register of Pretrial Investigation under some unjustified reasons. The access was restored only in March 2017.

[http://ua.censor.net.ua/news/431397/gpu\\_vidnovyla\\_sytnyku\\_povnyyi\\_dostup\\_do\\_yedynogo\\_reyestru\\_dosudo\\_vyh\\_rozsliduvan](http://ua.censor.net.ua/news/431397/gpu_vidnovyla_sytnyku_povnyyi_dostup_do_yedynogo_reyestru_dosudo_vyh_rozsliduvan)

### NABU gets access to state registries

01.05.2015

During 2015-2016, the NABU executed agreements or memoranda on cooperation with a number of state authorities in order to receive access to the databases and registries administered by them.

## Documents

### IMF

Ensuring that politically exposed persons (PEPs) remain subject to comprehensive and published asset declaration requirements remains a priority, as this is critical to effectively address illicit enrichment and prevent the laundering of the proceeds of corruption. In this regard, by end-December 2018: (i) the National Agency for the Prevention of Corruption (NAPC) will ensure that NABU has direct and secure electronic access to the full asset declarations of all persons under NABU investigative jurisdictions;

Full doc: [https://bank.gov.ua/en/file/download?file=ENG\\_SBA%2005122018%20LOI\\_MEFP\\_TMU.pdf](https://bank.gov.ua/en/file/download?file=ENG_SBA%2005122018%20LOI_MEFP_TMU.pdf)

### IMF

“Agreement on technical details to ensure NAB’s direct electronic access to administrative and law enforcement databases it deems relevant for its activities, particularly from the Ministries of Interior and Justice, and from the tax and customs administrations.”

Full doc: <https://www.imf.org/external/np/loi/2015/ukr/072115.pdf>

### IMF

“The Law will empower the NAB to obtain all relevant information to perform its functions, from public authorities and private persons, including information covered by banking secrecy, without restriction or court order requirement. (prior action) ” para 32

Full doc: <https://www.imf.org/external/np/loi/2015/ukr/022715.pdf>

## Documents

### Visa Suspension Mechanism

NABU’s ability to conduct effective investigations into complex corruption cases is also hampered by the failure of NAPC to grant direct and automated access to its e-declaration database.

Full doc: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219\\_com-2018--56-report\\_en.pdf?utm\\_source=International+partners&utm\\_campaign=a379fd4597-EMAIL\\_CAMPAIGN\\_29\\_12\\_2017\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_2e2aa5132c-a379fd4597-82028643](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_com-2018--56-report_en.pdf?utm_source=International+partners&utm_campaign=a379fd4597-EMAIL_CAMPAIGN_29_12_2017_COPY_01&utm_medium=email&utm_term=0_2e2aa5132c-a379fd4597-82028643)