

LAW ON FREE ACCESS TO PUBLIC INFORMATION

I. GENERAL PROVISIONS

Subject of the Law

Article 1

(1) This Law shall regulate the conditions, the manner and the procedure for exercising the right to free access to public information held by the state authorities and other bodies and organizations defined by law, the bodies of the municipalities, the City of Skopje and the municipalities of the city of Skopje, the institutions and public services, the public enterprises, the legal entities and natural persons that exercise public authorizations defined by law and activities of public interest and political parties in the part pertaining to revenues and expenditures (hereinafter referred to as: holders of information).

(2) The right to free access to public information shall be exercised in accordance with this Law, the Law on General Administrative Procedure and other laws.

Purpose of the Law

Article 2

(1) This Law shall ensure transparency and openness of the operation of the holders of information and enable the natural persons and legal entities to exercise the right to free access to public information.

(2) The holders of information shall be obliged to ensure that the public is informed about their operation.

Article 3

Certain terms used in this Law shall have the following meaning:

- "holders of information" are the state bodies and other bodies and organizations defined by law, the bodies of the municipalities, the City of Skopje and the municipalities in the City of Skopje, institutions and public services, public enterprises, legal entities and natural persons that exercise public authorizations defined by law and activities of public interest and political parties in the part pertaining to revenues and expenditures,

- "public information" is information in any form created or held by the holder of information in accordance with its competencies (hereinafter

**Text in
Macedonian
language**

Закон за
слободен пристап
до информации од
јавен карактер

referred to as: information),

- “applicant for information” is any legal entity and natural person without discrimination on any grounds, in the manner and under conditions defined by this Law and other laws (hereinafter referred to as: applicant),

- “document” is any record of information regardless of its physical form or characteristics, written or printed text, maps, schemes, photographs, pictures, drawings, working materials, as well as audio, voice, magnetic or electronic, optical or video recordings in any form, also including portable equipment for automatic data processing with inbuilt or portable memories for storing data in a digital format,

- “an official” is a person employed with the holder of information appointed with an act of the responsible person, who mediates with the public information created or held by the holder of information in accordance with its competences, that is, activities,

- “test of harmfulness” is a mandatory procedure carried out by the holder of information, before it denies the access pursuant to Article 6 paragraph (1) of this Law, and whereby it checks the consequences for the interest that is being protected, that is, the public interest that would be achieved with the disclosure of the information, and

- “public interest” in exercising the right to access to information means but is not limited to interest in information, the disclosure of which, that is, the achievement of the access to which:

- 1) shall reveal abuse of official position and corrupt conduct;
- 2) shall reveal illegal acquiring or spending budget funds;
- 3) shall reveal potential conflict of interests;
- 4) shall prevent and reveal serious threats to people’s health and life;
- 5) shall prevent and reveal endangerment of the environment;
- 6) shall help to understand the issue for which a public policy is created or a parliamentary debate is held; and
- 7) shall enable equal treatment of every citizen under the laws.

Free access to information

Article 4

(1) All legal entities and natural person shall have free access to information.

(2) Foreign legal entities and natural persons shall also have free access to information in accordance with this and other law.

Publishing a list

Article 5

(1) The Agency for protection of the right to free access to the public information (hereinafter referred to as: the Agency) shall publish a list of holders of information and of officials of the holders of information on its website.

(2) The Agency shall regularly update the list referred to in paragraph (1) of this Article. The Agency shall perform an update within seven days as of the receipt of the notification on an official of a holder of public

information, that is, the acquisition or loss of the status of a holder of public information.

Exclusion from free access to information

Article 6

(1) The holders of information may reject the application for access to:

- 1) information which, based on the law, represents classified information with an adequate degree of classification;
- 2) personal data the disclosure of which would mean violation of personal data protection;
- 3) information the disclosure of which would mean violation of the confidentiality of the tax procedure;
- 4) information acquired or compiled for the purposes of an investigation, a criminal or misdemeanor procedure, for conducting an administrative or civil procedure, and the disclosure of which would have harmful consequences for the course of the procedure;
- 5) information that endangers the rights arising from industrial or intellectual property (patent, model, sample, trademark and service mark, designation of origin of the product).

(2) The information stipulated in paragraph (1) of this Article shall become available when the reasons for their unavailability cease to exist.

(3) By way of derogation from paragraph (1) of this Article, the holders of information shall approve access to the information after the compulsorily conducted test of harmfulness which shall establish that, with the disclosure of such information, the consequences for the interest that is being protected are minor as compared to the public interest, defined by law, which would be achieved with the disclosure of such information.

(4) If the document or part of it contains the information referred to in paragraph (1) of this Article, which can be separated from the document without jeopardizing its safety, the holder of information shall separate such information from the document and it shall notify the applicant about the contents of the remaining part of the document.

Access to information on treasury operations

Article 7

(1) The holder of information, which holds the data pertaining to the payments made through the state administration body competent for treasury operations, shall be obliged to inform the public about the data via its website.

(2) The form and the content of the data referred to in paragraph (1) of this Article that are being disclosed, as well as the manner of their disclosure, shall be prescribed by the minister of finance and they shall in particular refer to: the name and account of the ordering party (budget user), the expenditure account and name, the program and name, the name and unique tax number of the recipient (only for legal entities) and the name of the recipient (only name and surname for natural persons).

(3) The disclosed personal data pertaining to the information referred to in paragraph (2) of this Article shall be available for two years as of the day of the disclosure.

(4) The competent body in charge of the Treasury as an organizational unit shall be obliged to inform the public via its website by publishing:

- a list of budget users and individual users and
- periodic reports on the collection of revenues and other inflows and realization of expenditures and other outflows from the Budget of the Republic of Macedonia and the budgets of the municipalities.

II. AN OFFICIAL FOR MEDIATION WITH INFORMATION

An official

Article 8

(1) Every holder of information for mediation shall appoint one or several officials when exercising the right to free access to information.

(2) The holders of information shall be obliged to inform the public about the official for mediation with information.

(3) The official for mediation with information shall contact and provide the required information and help the applicant for information in terms of which it shall keep separate records of the received applications for information, the storing and the provision of information.

(4) Several holders of information may jointly appoint one or several officials for mediation when exercising the right to free access to information.

III. OBLIGATIONS OF THE HOLDERS OF INFORMATION

List of information

Article 9

The holders of information shall be obliged to regularly keep and update the list of information they have at their disposal and publish it in a manner accessible to the public (website, bulletin board and other)

Mediation of information

Article 10

(1) The holder of information shall be obliged to inform the public via its website by publishing:

- data arising from the competences it performs, stipulated by law,
- basic data for contact with the holder of information as follows: name, address, telephone number, fax number, e-mail and website,
- data on the public official or the responsible person at the holder of information (CV, contact information, etc.),
- basic data for contact with the official for mediation with information as follows: name and surname, e-mail and telephone number,
- basic data for contact with the person authorized for protected internal reporting as follows: name and surname, e-mail and telephone number,

- list of persons employed at the holder of information including position, business e-mail and business telephone number,
- the laws pertaining to the competence of the holder of information, related to the register of regulations published in the official gazette,
- regulations adopted by the holder of information in accordance with its competence in the form of a by-law: rulebooks (rulebook on internal organization, rulebook on job systematization, rulebook on protected internal reporting and other), decrees, orders, instructions, plans, programs, decisions and other types of acts for the enforcement of laws and other regulations, when authorized for that purpose by the law,
- organizational chart of the internal organization,
- strategic plans and work strategies of the holders of information,
- annual plans and programs for operation,
- annual budget and annual accounts,
- annual financial plans by quarters and programs for budget implementation,
- audit report,
- types of services provided by the holders of information (information on the physical availability for the provision of services and information for e-services, data on the legal grounds, the name of the services, the documents and data required for the provision of each service, mechanisms of legal protection and other relevant data),
- pricelists of fees for issuing real acts,
- the manner of submission of an application for access to information (manner of submission of an oral and written application for access to information, as well an electronic application),
- the entire documentation pertaining to public procurements, concessions and public-private partnership agreements,
- draft programs, programs, standpoints, opinions, studies and other similar documents pertaining to the acts under the competence of the holder of information, press releases on downloads from their websites in accordance with the legal competences, newsletters, official gazettes if they constitute an obligation under the law, and other,
- reports on the operation submitted to the bodies competent for control and supervision,
- statistical data on the operation, as well as other information, acts and measures that affect the life and work of the citizens, arising from the competence and the operation of the holder of information, and
- other information arising from the competence and the operation of the holder of information.

(2) Every holder of information shall be obliged to provide free access to the information referred to in paragraph (1) of this Article.

Article 11

The responsible persons at the holders of information, for the purpose of providing free access to information, shall be obliged to provide the applicants with premises for insight into the required information, while the officials for mediation with information shall be obliged to assist them in the information search in accordance with this and other law.

IV. PROCEDURE FOR EXERCISING THE RIGHT TO FREE ACCESS TO INFORMATION

Oral or written request

Article 12

- (1) The applicant may apply for access to information in an oral, written or electronic manner.
- (2) The applicant shall be obliged to state in the application the manner of further communication with the holder of information, whether in oral, written or electronic format.
- (3) Each applicant, based on the application, shall have the right to access the information held by the holder of information by means of insight, transcript, photocopy or electronic record.

Oral request

Article 13

- (1) If the applicant requests access to information by means of an oral request, the holder of information shall be obliged to provide the applicant with access to the information in such a way that the applicant shall have sufficient time to become familiar with its contents, regarding which the information holder shall compile minutes, unless it concerns the information referred to in Article 6 paragraph (1) of this Law.
- (2) If the holder of information responds positively to the request referred to in paragraph (1) of this Article, it shall, immediately and no later than five days as of the day of submission of the application, enable familiarization with the content of the required information by means of insight or by providing a transcript, photocopy or electronic record of the required information.
- (3) If the holder of information responds negatively to the request or is unable to immediately respond to the request, as well as if the applicant files an oral or written complaint about the manner of familiarization with the information, the official for mediation with information shall be obliged to prepare a decision pertaining to the request wherein he/she shall enter data on the applicant, the date of receipt of the request and notify the applicant about the special request, that is, the required information.
- (4) The applicant for information shall be entitled to file an appeal to the Agency against the decision referred to in paragraph (3) of this Article within 15 days as of the receipt of the decision.
- (5) In the cases referred to in paragraph (3) of this Article, the procedure upon the oral request shall continue in the same manner as upon the written request pursuant to this Law.

Written request

Article 14

- (1) The holder of information shall decide upon the written request for access to information in a procedure defined by this Law.
- (2) As regards any issues arising from the procedure referred to in paragraph (1) of this Article that are not regulated with this Law, the provisions of the Law on General Administrative Procedure shall apply.

Submission of the request

Article 15

(1) The request for access to information shall be submitted by the applicant to the holder of information.

(2) The request referred to in paragraph (1) of this Article submitted in an electronic format shall be considered a written request pursuant to Article 14 of this Law.

Content of the request

Article 16

(1) The form of the template of the request for access to information shall be prescribed by the director of the Agency, and the holder of information shall be obliged to provide the template to the applicant.

(2) The request shall be submitted on the template referred to in paragraph (1) of this Article or in other form and manner pursuant to Article 12 paragraph (1) of this Law.

(3) The request shall comprise the title of the holder of information, the personal name and surname of the applicant for information, data on the possible representative or attorney-in-fact, the firm or the legal entity.

(4) In the request, the applicant shall be obliged to state the information he/she wishes to become familiar with and the manner of familiarization with the content of the required information (insight, transcript, photocopy, electronic record).

(5) The applicant shall not be obliged to explain the request; however, he/she should indicate that it is a request for access to information.

(6) If the subject of the request indicates that it is a request for access to information pursuant to this Law, the holder of information should obligatorily consider the request pursuant to this Law.

Supplementation of the request

Article 17

(1) If the request is incomplete and therefore the holder of information cannot act upon it, it shall instruct the applicant to supplement the request and indicate the consequences that would be given rise should the applicant fail to do so. The applicant shall be obliged to supplement the request within three days as of the day of the notification of the need for supplementation of the request, that is, within three days as of the day of receipt of the notification on the need for supplementation of the request.

(2) The official appointed for mediation with information shall be obliged to provide adequate assistance to the applicant with the supplementation of the request.

(3) If the applicant fails to act pursuant to paragraph (1) of this Article, the holder of the information shall reject the request by means of a decision.

(4) The applicant shall be entitled to file an appeal to the Agency against the decision referred to in paragraph (3) of this Article within 15 days as of the receipt of the decision.

(5) If the request does not meet the conditions of Article 16 of this Law even after the supplementation and therefore the holder of information is not able to consider the request, the holder of information shall adopt a decision on rejection of the request.

(6) The decision on rejection of the request referred to in paragraph (5) of this Article may be subject to an appeal to the Agency within 15 days as of the receipt of the decision.

Forwarding the request

Article 18

(1) If the holder of information that received the application is not in immediate possession of the required information, it shall be obliged, immediately and no later than three days as of the day of receipt of the request, to forward the request to the holder of information which according to the content of the request is the holder of the information and notify the applicant thereof.

(2) The deadline for obtaining the information shall start to expire as of the day of the receipt of the request by the holder of the information to whom the request referred to in paragraph (1) of this Article has been forwarded.

Article 19

The procedure upon the request for access to information shall be conducted at the holder of information by the official referred to in Article 8 of this Law.

Acting upon the request

Article 20

(1) If the holder of information responds positively to the request or if it rejects the request partially or entirely, it shall adopt a decision to that end.

(2) The decision referred to in paragraph (1) of this Article, whereby the request is partially or entirely rejected, shall obligatorily contain an explanation as to the reasons for the rejection of the request and the results of the conducted test of harmfulness.

(3) If the holder of the information, within the deadline stipulated in Article 21, fails to provide the applicant with access to the information and if it fails to submit and deliver a decision to the applicant, it shall be deemed that the request is rejected, whereupon the applicant may file an appeal to the Agency within 15 days.

Article 21

(1) The holder of the information shall be obliged to immediately respond to the applicant's request and no later than 20 days as of the day of

receipt of the request.

(2) The holder of the information shall provide the information in the requested form, unless the requested information already exists in the predefined form and it is available to the public and, if it is more convenient for the applicant, the information is to be submitted in a form other than the requested one, in terms of which the holder of the information shall explain the reason for this method of delivery.

Extension of the deadline for submission of the requested information

Article 22

(1) In the event that the holder of the information has to provide partial access to the information pursuant to Article 6 paragraph (4) of this Law or, due to the size of the required information it takes it longer than the deadline stipulated in Article 21 of this Law, the deadline can be extended for up to 30 days as of the day of receipt of the request.

(2) The holder of the information shall be obliged to immediately notify the applicant in an electronic format about the extension of the deadline referred to in paragraph (1) of this Article and no later than seven days as of the day of receipt of the request.

(3) If the holder of the information fails to act within the deadline referred to in paragraph (1) of this Article, the applicant for the information may file an appeal to the Agency.

Answered requests

Article 23

The holder of the information shall be obliged to notify the applicant for information about the request for access to information if it has already responded positively to the same or a similar request of the same person within three months before the day of the receipt of the request.

Submission of an answer upon the requested information

Article 24

(1) If the holder of the information responds positively to the request, it shall immediately enable the applicant to become familiar with the content of the required information by means of insight, transcript, photocopy or electronic record.

(2) If the applicant requests insight into the information, the holder of the information shall be obliged to provide him/her with insight in such a way so that the applicant shall have sufficient time to become familiar with its contents.

(3) If, as a result of the obtained information there is a request for additional information related to the documents held by the holder of the information, the applicant shall submit a new request pursuant to Articles 15 and 16 of this Law together with the answer he/she already received.

(4) If the applicant thinks that the information he/she become familiar with is not the information indicated in the request, he/she may ask the holder of information to allow him/her to become familiar with the information indicated in the request within no later than ten days after the receipt of the repeated request by the holder of the information.

(5) If the holder of the information does not respond to the repeated request of the applicant for information, after the expiry of the deadline stipulated in paragraph (4) of this Article, the applicant for information may file an appeal to the Agency within 15 days.

Rejection

Article 25

The holder of the information may entirely or partially reject the request by means of a decision, if it establishes that the required information is the information referred to in Article 6 paragraph (1) of this Law, having regard to the result of the conducted test of harmfulness.

Right to legal protection

Article 26

The applicant who submitted a request for access to information pursuant to Article 12 paragraph (1) of this Law shall have the right to legal protection in accordance with this Law.

Appeal procedure

Article 27

(1) The applicant shall be entitled to an appeal to the Agency against the decision whereby the holder of the information rejected or denied the request, within 15 days as of the day of receipt of the decision.

(2) The Agency shall decide upon the appeal of the applicant within 15 days as of the day of the receipt of the appeal.

(3) If the Agency fails to adopt a decision upon the applicant's appeal against the first-instance decision within the deadline referred to in paragraph (2) of this Article, and it also fails to adopt a decision within seven days after the repeated request, the applicant may initiate an administrative dispute.

(4) The holder of the information shall be obliged to implement the Agency's decision within 15 days as of the day of its receipt and notify the Agency thereof.

V. COSTS FOR MEDIATION OF INFORMATION

Article 28

(1) The insight into the required information is free of charge.

(2) The applicant for information shall pay a fee in the amount of the material costs for the received transcript, photocopy or electronic record of

the information.

(3) The Government of the Republic of Macedonia, upon a proposal of the Ministry of Finance, shall define the amount of the fee for the material costs for the provided information by the holders of information.

(4) The holder of information shall adequately publish the amount of the fee referred to in paragraph (3) of this Article (in the official newsletter of the holder of information, on the website, bulletin board and other), and it shall provide it for insight to every applicant before the submission of the request.

(5) If the request refers to a greater scope of information, the holder of the information may ask the applicant to pay the fee for covering the costs for obtaining the information in advance.

VI. AGENCY FOR PROTECTION OF THE RIGHT TO FREE ACCESS TO PUBLIC INFORMATION

Status of the Agency

Article 29

(1) The Agency for Protection of the Right to Free Access to Public Information is an independent state body that works and adopts decisions in accordance with the competences stipulated in this law. (with rights, obligations and responsibilities stipulated in this law). ¹

(2) The funds for the operation of the Agency shall be provided from the Budget of the Republic of Macedonia. The seat of the Agency shall be in Skopje.

(3) The Agency shall be accountable for its work in the previous year to the Assembly of the Republic of Macedonia to which it shall submit an annual report for adoption no later than 31st March in the current year.

(4) The Agency shall have the capacity of a legal entity.

Competence of the Agency

Article 30

The Agency shall perform the following:

- conduct administrative procedures and decide on appeals against the decisions whereby the holder of the information rejected or denied the applicants' requests for access to information,
- ensure the implementation of the provisions of this Law,
- prepare and publish a list of holders of information,
- provide opinions on draft laws that regulate the free access to information,
- develop policies and provide guidelines on exercising the right to free access to information,
- conduct misdemeanor procedures through the Misdemeanor Commission that decides upon misdemeanors in accordance with the law,
- undertake activities for educating the holders of information on the right to free access to information that they hold,
- cooperate with the holders of information in the exercise of the right to

- access to information,
- prepare an annual report on its operation and submit it to the Assembly of the Republic of Macedonia,
- perform activities of international cooperation concerning the fulfillment of international obligations of the Republic of Macedonia, participate in the implementation of projects of international organizations and cooperate with the bodies of other countries and institutions in the sphere of free access to public information,
- promote the right to free access to public information, and
- perform other tasks stipulated in this and other law.

Management of the Agency

Article 31

- (1) The Agency shall be managed by a director.
- (2) The director of the Agency shall have a deputy.
- (3) The director of the Agency and his/her deputy shall be accountable for their work to the Assembly of the Republic of Macedonia.

Appointment of the director and his/her deputy

Article 32

- (1) The director of the Agency and his/her deputy shall be appointed and released by the Assembly of the Republic of Macedonia upon a proposal of the Commission on Election and Appointment Issues for a period of six years, with the right to one re-election.
- (2) The director of the Agency and his/her deputy shall be appointed on the basis of a public announcement that shall be published in three daily newspapers issued on the entire territory of the Republic of Macedonia, of which one is issued in the language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language. The Commission on Election and Appointment Issues of the Assembly of the Republic of Macedonia shall prepare a draft list of candidates for a director of the Agency and his/her deputy and it shall submit it to the Assembly of the Republic of Macedonia.
- (3) A person who meets the following conditions shall be appointed as a director of the Agency and his/her deputy:
 - 1) is a citizen of the Republic of Macedonia;
 - 2) has completed university education with at least 300 credits in accordance with ECTS or VII/1 level of education in the field of law;
 - 3) has at least eight years of working experience in the field of information and legal sciences;
 - 4) has not been an office-holder in a body of a political party in the last ten years;
 - 5) has not been issued a penalty or misdemeanor sanction by means of an enforceable court judgment with ban on exercising a profession, business or office; and
 - 6) possesses one of the following internationally recognized certificates for a fluent knowledge of English not older than five years:
 - TOEFL IBT – at least 74 points,
 - IELTS – at least 6 points,
 - ILEC (Cambridge English: Legal) – at least B2 level,

- FCE (Cambridge English: First) - passed,
- BULATS – at least 60 points,
- APTIS – at least B2 level.

Termination of office and release of the director and his/her deputy

Article 33

(1) The office of the director of the Agency, that is, his/her deputy, shall be terminated before the expiry of the mandate for which they were appointed:

- if he/she permanently lost his/her ability to perform the office, which shall be established by the Assembly of the Republic of Macedonia,
- if he/she resigns,
- on a personal request,
- due to the fulfillment of the conditions for old-age pension defined by law, with the right to an extension in accordance with the labor regulations,
- due to death,
- if he/she is issued a ban on exercising a profession, business or office by means of an enforceable decision, or ²
- if he/she is sentenced to prison for more than six months by means of an enforceable court decision.

(2) In the cases referred to in paragraph (1) of this Article, the Assembly of the Republic of Macedonia shall establish the termination of the office.

(3) The Assembly of the Republic of Macedonia shall release the director of the Agency, that is, his/her deputy upon a proposal of the Commission on Election and Appointment Issues of the Assembly of the Republic of Macedonia, if one of the following conditions has been met:

- if it is established that he/she does not meet one of the conditions defined in Article 32 paragraph (3) of this Law,
- if he/she refuses to submit a statement on the property and interests pursuant to the law or if the data provided in the statement are mostly false;
- if he/she evidently violates the rules on conflict of interests, that is, an exemption in situations when the director, that is, his/her deputy was aware or should have been aware of the existence of any of the grounds for conflict of interests, that is, an exemption stipulated in the law; or
- if, without any justified reasons, he/she does not abide by the deadline for undertaking certain activities in accordance with this Law.

(4) In the event of a termination of office or release of the director of the Agency, the deputy director shall perform the function of director of the Agency with all the authorizations held by the director, until a new director of the Agency is elected.

(5) In the event of release, that is, termination of office of the director of the Agency, that is, the deputy director, before the expiry of the mandate, the Assembly of the Republic of Macedonia shall initiate a procedure for the election of a new director of the Agency, that is, a deputy director, within no later than ten days.

Competences of the director of the Agency

Article 34

(1) The director of the Agency shall:

- coordinate and organize the work and manage the operation of the Agency,
- represent the Agency,
- undertake legal actions on behalf and for the account of the Agency,
- account for the lawfulness of the operation of the Agency,
- decide on the rights and obligations of the employees in the Agency,
- adopt Guidelines on the Manner of Implementation of this Law,
- adopt the acts on internal organization and job systematization of the Agency,
- adopt an annual plan on employment,
- adopt financial plans, strategic plans and an annual program for the operation of the Agency and organize their implementation,
- give proposals for the necessary funds for the operation of the Agency in the course of the preparation of the Budget of the Republic of Macedonia,
- adopt acts that regulate the manner of operation and organization of the Agency,
- adopt other acts within his/her competence,
- ensure the transparency of the operation of the Agency, and
- undertake other measures within the competence of the Agency, in accordance with the law.

(2) The deputy director shall substitute the director of the Agency with all of his/her authorizations and responsibilities in terms of the management in the event of his/her absence or when due to illness or other reasons, he/she is not able to perform his/her function.

(3) The deputy in cooperation with the director of the Agency shall perform work within the competence of the director entrusted to him/her by the director.

Employees in the Agency

Article 35

(1) The employees in the Agency, except the assisting-technical staff, shall have the status of administrative servants.

(2) A secretary general shall also be appointed in the Agency, who shall be appointed and released by the director of the Agency, in accordance with the Law on Administrative Servants.

VII. ANNUAL REPORT

Article 36

(1) The official person of the holder of information shall be obliged to prepare an annual report on the implementation of this Law and submit it to the Agency by 31st January in the current year for the previous year and post it on the website of the holder of public information.

(2) The report referred to in paragraph (1) of this Article shall comprise:

- data on the officials appointed for mediation with information at the holders of information,
- number of received requests,
- number of positively answered requests,
- number of rejected and denied requests by indicating the reasons for

- each rejected or denied request,
- number of unanswered requests,
- number of submitted appeals against first-instance decisions (decisions of the holders of information including a description of the decision, as well as indicating the reasons for the adopted decision in the event of a repeated rejection of the requested information, **3**)
- number of upheld appeals with a decision of the Agency,
- number of reversed first-instance decisions upon the acting of the Agency,
- number of rejected appeals by the Agency and the reasons for their rejection, and
- number of dismissed appeals by the Agency and the reasons for their dismissal.

(3) The Agency shall prepare a joint report on the implementation of this Law on the basis of the received data from the reports of the holders of information and the implemented competences and it shall submit it for adoption to the Assembly of the Republic of Macedonia by 31st March in the current year for the previous year.

(4) After the adoption of the report referred to in paragraph (3) of this Article by the Assembly of the Republic of Macedonia, it shall be published in the public media (newsletter, website).

Article 37

An employee of the holder of information, who shall provide protected information, shall be exonerated from any liability if such information is relevant for discovering an abuse of office and corruptive behavior, as well as for preventing serious threats to people's health and life and endangerment of the environment.

VIII. MISDEMEANOR PROVISIONS

Article 38

A fine in the amount of EUR 500 in MKD equivalent shall be imposed for a misdemeanor on the public official or the person in charge of the holder of information if he/she does not appoint an official for mediation when exercising the right to free access to information and fails to inform the public about such official pursuant to Article 8 paragraphs (1) and (2) of this Law.

Article 39

A fine in the amount of EUR 250 in MKD equivalent shall be imposed for a misdemeanor on the official with the holder of information if he/she:

- acts in contravention of Article 6 paragraph (3) of this Law,
- does not regularly keep and update the list of information held thereby and does not publish it in a manner that is available to the applicant, pursuant to Article 9 of this Law,
- does not provide any assistance during the information search pursuant to Article 11 of this Law,
- requests an explanation from the applicant for information which is in contravention of Article 16 paragraph (5) of this Law,
- unreasonably fails to provide access to the information pursuant to Articles 21 and 22 of this Law within the envisaged deadline of 20 days,

that is, 30 days,

- does not keep records pursuant to Article 8 paragraph (3) and Article 36 paragraph (2) of this Law,
- charges the access to the required information which is in contravention of Article 10 paragraph (3) of this Law, ⁴
- fails to implement the Agency's decision within 15 days as of its receipt pursuant to Article 27 paragraph 4 of this Law,
- fails to prepare an annual report on the implementation of this Law and fails to submit it to the Agency pursuant to Article 36 of this Law.

Article 40

(1) The Misdemeanor Commission in the Agency shall conduct the misdemeanor procedure and issue the misdemeanor sanctions for the misdemeanors defined in this Law.

(2) The members of the Misdemeanor Commission referred to in paragraph (1) of this Article shall be Agency employees with an adequate level and type of education and the required working experience defined by law, of whom at least one of the members shall be graduate lawyer with a passed bar exam.

(3) Before submitting a request for the initiation of misdemeanor procedure, a settlement procedure shall be conducted which shall involve issuing a misdemeanor payment order in accordance with the Law on Misdemeanors.

(4) The officials shall be obliged to keep a record of the issued misdemeanor payment orders and of the outcome of the initiated procedures.

(5) The record referred to in paragraph (4) of this Article shall comprise the collecting, processing and storing of the following data: name and surname, that is, title of the perpetrator of the misdemeanor, place of residence, that is, abode, seat, type of misdemeanor, the number of the misdemeanor payment order and the outcome of the procedure.

(6) The data referred to in paragraph (4) of this Article shall be kept for five years as of the day of their entry in the record.

(7) The form and the content of the misdemeanor payment order shall be prescribed by the director of the Agency.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 41

The by-laws envisaged in this Law shall be adopted within 60 days as of the day of entry into force of this Law.

Article 42

The holders of information shall appoint the officials for mediation with information referred to in Article 8 of this Law within 30 days as of the day of the commencement of the application of this Law.

Article 43

(1) The Assembly of the Republic of Macedonia, within 15 days as of the day of entry into force of this Law, shall make a public announcement for the appointment of the director and deputy director of the Agency.

(2) The Commission for Protection of the Right to Free Access to Public Information shall cease its operation as of the day of the commencement of the work of the Agency.

(3) The Agency shall commence its operation on the day of the appointment of the director of the Agency.

(4) With the entry into force of this Law, the existing members of the Commission for Protection of the Right to Free Access to Public Information shall continue to perform their function until the commencement of the work of the Agency.

Article 44

(1) The employees in the Commission for Protection of the Right to Free Access to Public Information shall continue to work in the Agency on the day of commencement of the application of this Law.

(2) On the day of commencement of the application of this Law, the Agency shall take over the items, the archive, material, technical, spatial and other working assets that are necessary for the implementation of this Law from the Commission for Protection of the Right to Free Access to Public Information.

(3) The procedures initiated before the day of the commencement of the application of this Law shall be completed in accordance with the provisions of this Law.

Article 45

On the day of the commencement of the application of this Law, the Law on Free Access to Public Information ("Official Gazette of the Republic of Macedonia" nos. 13/2006, 86/2008, 6/10, 42/14, 148/15, 55/16 и 64/18) shall cease to apply.

Article 46

This Law shall enter into force on the eighth day as of the day of its publication in the "Official Gazette of the Republic of Macedonia" and it shall commence to apply within six months as of its entry into force.