

## **Open Government Partnership North Macedonia**

### **Topic: Access to Information**

**Name of commitment: Proactive publication of public information on institutions' websites**

**Start and end date of commitment: 01 September 2021 – 31 August 2023**

### **What public problem does the commitment pledge address?**

The commitment refers to the so-called active transparency of the institutions, which implies the publication of information on the institutions' own initiative, without anyone doing so having submitted to them a request for access to that information.

- The commitment should allow citizens, companies and all other interested groups quick, easy and continuous access to basic information about the operation of state institutions.
- Although, as of the end of 2019, the new Law on Free Access to Public Information requires the publication of this information on the websites of institutions, very few of them comply with this requirement. According to the latest Active Transparency Index, ministries and the Government publish an average of 77.1% of this information, while municipalities only 54.5%. The exact measurement in public enterprises shows that they publish 41% of the information. It is estimated that publication is even lower in other institutions (around 1,200) that are not subject to civil sector monitoring.
- In the meantime, the Government is taking several measures to encourage the publication of this information, but only among government institutions, municipalities and public enterprises of which it is the founder.

### **The main goal of the commitment**

- The commitment includes intensified efforts by the Agency for the Protection of the Right to Free Access to Public Information to improve active transparency among information holders.
- Before the intensified efforts for active transparency among government institutions and municipalities commenced in 2016, the average publication of information among these institutions was 45%, while before such activities in public companies, they published only 28% of the information. Considering the increase in active transparency among these institutions, an improvement is expected among all other institutions.
- By realizing the commitment, the availability of public information important for people's lives and work will increase, and the pressure to obtain information through requests for free access will be reduced.

## **How will the commitment contribute to solving the public problem?**

By realizing the commitment, the institutions will disclose:

- Information about the regulation and the decisions of the authorities, which realizes the right of citizens to be informed about their rights and obligations in society;
- Information that citizens need to demand accountability from the authorities;
- Information that citizens need to be able to participate in the decision-making process;
- Information that citizens need to be able to access the services offered by public institutions.

And the institution that publishes information on proactive basis benefits on several grounds:

- Active transparency helps the institution to be more responsible in spending public money;
- In this way, the institution promotes the principles of good governance and integrity, and
- The institution is more efficient because it better manages its information.

## **Why is this commitment relevant to OGP's values?**

After reviewing the questions below, provide information on the connection and relevance of your proposed commitment to OGP's values:

➤ COMMITMENT IS IMPORTANT FOR TRANSPARENCY because:

- It allows access to new and more information;
- It improves the quality of information;
- It improves the accessibility of information to the public or enables the right to information.

➤ COMMITMENT IS IMPORTANT FOR CIVIL PARTICIPATION because:

- It creates or improves opportunities and conditions for public participation and influence in decision-making process;
- It creates or improves the enabling environment for civil society.

➤ THE COMMITMENT IS IMPORTANT FOR PUBLIC ACCOUNTABILITY because:

- It creates or improves rules, regulations and mechanisms for public accountability of officials.

## **Additional Information**

- For implementing this commitment, no additional budget is needed since all planned activities are part of the regular operation of the institutions, as well as of the Agency for the Protection of the Right of Free Access to Public Information (APRFAPI);
- The commitment is related to the National Strategy for the Prevention of Corruption and Conflict of Interest 2021-2025, The Strategy for Transparency of the Government of RNM, the

Plan to Fight Against Corruption of the Government of RNM, recommendations from the Functional Analysis of APRFAPI.

<b>No.</b>	<b>Achievement</b> (List activities that will contribute to the realization of the commitment)	<b>Indicators</b> (Enter measurable indicators/benchmarks for monitoring and checking the realization of achievements)	<b>Activity Bearer</b> (government institution, CO or other)	<b>Commencement Date</b>	<b>End Date</b>
1	Introducing an obligation for each institution - In its annual report, a holder of information must inform about the implementation of Article 10 of the Law on Free Access, which includes the obligation for holders to publish all information from their activities on their websites.	<p>Out of a total of 1445 registered holders of public information to whom the form for the Annual Report for 2021 was submitted, in which the holders had to submit the links according to article 10, i.e. the 22 categories, 322 or 22.28% of the holders fulfil their proactive transparency, 934 or 64.63% are not actively transparent, while 78 or 5.39% are partially transparent.</p> <p>Furthermore, 1334 information holders, i.e. 92.32%, submitted an annual report to the Agency, and 111 or 7.68% of the information holders, did not fulfil the legal obligation.</p>	All holders of public information	31.01.2022	Continuously
2	Introducing an obligation for APRFAPI to publish summary	On the part of state institutions, 91 fulfilled the obligation as an information			

	<p>in its annual report and for the implementation of Article 10 of the Law on Free Access, based on the submitted annual reports from the holders of information</p>	<p>holder, 44 did not submit notification of their proactivity, 5 are partially transparent, and 6 holders have no data because they did not submit a report on their implementation of the legal obligation. Five health institutions submitted a report on this obligation, five are partially transparent, and 92 did not provide links to monitor their transparency. 8 holders failed to submit reports to the Agency by the deadline.</p> <p>Among public enterprises, 52 holders demonstrated proactive transparency, 17 are partially transparent, and 233 failed to meet this obligation in their reports. There were 23 holders who did not submit annual reports. 441 educational institutions are not proactively transparent, 33 are partially transparent, and only 67 report on their transparency to information seekers. The officials of 38 holders did not submit reports on the Law's implementation. Officials from 52 units of local self-government and Centers for the Development of</p>			
--	---	---	--	--	--

		<p>Planning Regions report on proactive transparency, whereas 30 holders have failed to provide links in order to comply with Article 10.</p> <p>5 holders are partially transparent, and 1 holder did not submit a report.</p> <p>Only 5 political parties report on proactive transparency, 5 partially, while 29 did not report on the implementation of Article 10 of the Law.</p> <p>18 holders did not submit a report on their work in relation to free access. Officials at 24 holders of legal and natural persons exercising public powers and activities of public interest report for their transparency, 6 are partially accountable, while 29 are not reported on their proactivity in the work. 14 holders do not submitted Annual Reports.</p> <p>The judicial authority is proactive in 26 holders, 2 holders are partially transparent,</p>			
--	--	---	--	--	--

		<p>and 36 do not display data on the proactive publication of public information.</p> <p>The agency cannot present the transparency for 3 holders because that they did not submit a report within the legally stipulated period.</p>			
--	--	---	--	--	--

	The commitment is new.
<b>Lead implementing institution</b>	Agency for the Protection of the Right to Free Access to Public Information
<b>Name of person responsible for the enforcement in the Agency</b>	Petar Gajdov Oliver Serafimovski
<b>Function, Department</b>	Deputy-Head of the Department for Administrative-Legal and General Affairs  Analysis Advisor
<b>Email</b>	<a href="mailto:petar.gajdov@aspi.mk">petar.gajdov@aspi.mk</a> <a href="mailto:oliver.serafimovski@aspi.mk">oliver.serafimovski@aspi.mk</a>
<b>Phone</b>	/  071/229-214
<b>Other entities involved</b>	
<b>Government Ministries, Department/Agency</b>	Government of the Republic of North Macedonia
<b>Civil organizations, private sector, multilateral and working groups</b>	Center for Civic Communications

