
APPLICATION OF ARTICLE 10 OF THE LAW ON FREE ACCESS TO PUBLIC INFORMATION – GUIDELINES FOR PROACTIVE PUBLICATION OF PUBLIC INFORMATION FOR INFORMATION HOLDERS WHO DO NOT HAVE AN OFFICIAL WEBSITE

The obligation to proactively publish public information, projected in Article 10 of the Law on Free Access to Public Information ("Official Gazette of RNM" No. 101/2019), is mandatory for all holders of information, which means that the lack of an individual website does not free the holders **from fulfilling the stated obligation.**

According to data from the Agency for the Protection of the Right to Free Access to Public Information, in 2021, about 55% of 1,445 holders did not have their own website, nor did they have a link to the website where they proactively publish the prescribed public information.

These are mainly smaller holders such as constituent bodies, health institutions, educational institutions (kindergartens, primary and secondary schools), public enterprises and institutions, as well as some of the other legal and natural persons who exercise public powers and activities of public interest, and are holders who are obliged to implement the Law, as a rule, but they do not have their own website, nor do they publish information from their scope of work.

Therefore, the Agency provides a recommendation to the information holders who do not have their own website until **the conditions are met to have their own website, in cooperation and agreement with the bodies that established them or that are responsible for their operation, to publish their information in accordance with the Article 10** of the Law on the websites of the competent holders.

It is recommended the holders of information, who are responsible for the information holders who do not have their own web pages, to create **banners** on their own website (for example, a municipality for primary and secondary schools) and clearly distinguish it on the front page, which will enable applicants to access the necessary information faster and easier.

The holders, i.e. the official mediating public information, who do not have their own website, and whose information is published in the banner, will be responsible for the accuracy of the content and data of the published information, the timeliness, their up-to-dateness, while the holder of the information, i.e. the founder will be responsible for the timely publication of the information after it is delivered to them.

As a result, the goal of the timely, accurate and maximally transparent publication of information is to ensure cooperation between the holders, i.e. the information holder who enables the publication of information on their website and the information holder whose information is published.

If certain holders, as part of the legal and natural persons who exercise public powers and activities of public interest, are not able to apply the given direction, they should work on creating conditions for commencing with the implementation of Article 10 of the LFAPI on their own website.