

**AGENCY FOR PROTECTION OF THE RIGHT TO FREE ACCESS TO PUBLIC
INFORMATION**

**REPORT ON REALIZED ACTIVITIES ARISING FROM THE
LEGAL AUTHORITIES OF THE AGENCY FOR THE PERIOD
JANUARY-JUNE 2023**

Skopje, July 2023

Free access to public information is one of the basic prerequisites for responsible and transparent operation of institutions. The active participation of citizens in political processes and the quality of their participation in the creation of public policies and decision-making directly depend on how familiar and informed citizens are about those processes.

That information is created and handled by the bodies of the state government and other bodies and organizations determined by law, the bodies of the municipalities, the city of Skopje, as well as the municipalities in the city of Skopje, institutions and public services, public enterprises, legal and natural persons exercising public powers determined with law and activities of public interest, and political parties in the area of income and expenditure.

Therefore, enabling access to this information is a necessary process that leads to the democratization of the processes of creating public policies and making decisions that affect the quality of life and general well-being.

Acquaintance with the relevant data is of crucial importance for understanding the work of the institutions, and in that context, today, it is not possible to imagine quality participation in the processes of making political decisions if there is no awareness and insight into the work of public institutions.

As a secondary authority in the process of implementing the exercise of the right of access to public information, the Agency faces the biggest challenge, which arises from its basic competence - to conduct administrative proceedings and to decide on appeals from information requesters submitted against the holders of information, in cases where the holders of information did not act in accordance with the provisions of the Law on Free Access to Public Information.

The right to submit an appeal is equal for all applicants who have submitted a verbal, written or electronic Request for access to public information to an institution at the central or local level (first-instance authority), i.e. to any of the registered holders of information. The Agency, as a second-level authority in the appeal procedure, forwards the appeals to the first-level authorities (the holders of the information) for assessment, with a request to receive an answer within 7 days regarding the allegations contained in the appeal. Taking into account the allegations in the appeal, the response to the appeal and other attached evidence, the Agency makes an appropriate decision within the legally stipulated period of 15 days.

As a result, the Agency delivers a Decision to the holders of information who have not acted on requests for access to public information (due to the so-called silence of the authority), **ordering** them to act upon the decision in accordance with the Law on FAPI within 15 days from the receipt of the decision, with the obligation to inform the Agency about their action within that period. To those holders of information who did not act in full accordance with the provisions of the Law, the Agency delivers decisions for their handling, indicating how to do the same.

If such initial decisions do not result in the realization of the purpose of the Law, the Agency prepares and delivers to the holders of information meritorious decisions, which in the largest number represent the obligation of the holders to deliver the requested information to the requester.

This report refers to the period January-June 2023, and it contains data on the actions of the Agency after the submitted appeals and, in the reporting period, a total of 260 appeals.

Analyzing the structure of complainants to the Agency, the fact remains that the majority of the appeals cases, **134** in total, are submitted by legal entities, i.e. by associations of citizens and foundations, while natural persons have submitted a total of 126 appeals. In this report, it can be noted that the interest of natural persons, i.e. citizens, in using this constitutionally guaranteed right has increased since last year's report, when this number was **74** appeals.

In the first six months of 2023, the largest number of appeals was filed against:

- state institutions - **111**
- municipalities - **85**
- legal and natural persons who exercise public powers and activities of public interest - **10**
- health facilities - **7**
- the judiciary - **14**
- educational institutions - **7**

- public enterprises - **24**

From the appeals submitted to the Agency, it can be concluded that the applicants are still of the greatest interest in the information arising from the work of the state institutions as well as the municipalities, and unlike last year, the work of public enterprises and the judiciary was of increased interest.

In the period from January-June 2023, the Agency acted upon **260** appeals and brought:

- **22** rejection Decisions
- **70** ordering Decisions
- **12** rejection Decisions
- **59** Decisions to stop the procedure
- **86** Decisions for re-handling of the appeal, and
- **11** Decisions that are in the decision-making process within the legally established deadline.

Against the adopted decisions of the Agency, there were **4** lawsuits submitted to the Administration, after which the Agency submitted a response to the lawsuits to the Administrative Court.

The Agency also acted upon Decisions after second appeals submitted by those requesting public information. In the period that is the subject of the Report, they submitted **27** appeals for the second time and acted upon **23** appeals. After the **4** appeals are submitted for the second time, the Agency will act within the legally stipulated period.

The agency, after acting upon a total of **23** second appeals, brought:

- **13** Decisions according to which the holder becomes indebted, and
- **10** Decisions rejecting the Appeal as unfounded.

In this report, we would also like to emphasize that in the first six months of 2023, the most common reason for submitting appeals to the Agency is the **silence of the administration** which, from the total number of submitted appeals, amounts to **55.77%**.

In the submitted appeals, the dissatisfaction of the complainants with the actions of the holders of information in relation to requests is related to:

- Photocopy of contracts for projects financed by the European Union;

- Systematization at a workplace;
- Number of employees at the Ministries;
- Authorizations issued for authorized officials;
- The number of employed persons without public announcement in the last 5 years and in which work positions they have been employed;
- Land legalizations;
- Privatization of state land;
- Cultural heritage documentation;
- Minutes of held committees, management, and supervisory boards;
- Data on members of management and supervisory boards;
- Conducted inspections;
- Documentation for the implementation of public procurement;
- Issued building permits;
- Insight into DUP and GUP;
- Assignment of land under lease;
- Information on the selection of judges and public prosecutors;
- Information on the number of active cases with judges;
- Work regulations;
- Number of firefighting vehicles used by the territorial firefighting unit of the municipality;
- Number of medical vehicles available to health institutions;
- Information on the work of health facilities and institutions;
- Information and documentation on the work at all levels of the educational system;
- Environmental protection documentation.

The Agency, as a secondary authority acting on appeal cases, drew the conclusion that most of the time, the subject of the claims for which appeals are filed is information that the holders are obliged to publish on their web pages and thus inform the public. We encourage the holders of public information to proactively publish the information, which will ensure that key information is available to citizens in a timely manner.

To this end, the proactive publication of public information, as a legal obligation for the holders, derives from Article 10 of the Law on Public Information, which lists 22 categories of information that the holders are obliged to publish on their web pages. The published information helps the citizens to understand better the functioning of the institutions, their rights and obligations, the way in which they can influence the making of decisions that are reflected in their daily living and work, as well as to more easily access the services that they offered by the state. Moreover, transparency and access to public information are inseparable instruments in the fight against corruption.

For this purpose, the Agency prepared and published **Guide to proactive transparency - Transparent Institutions, informed citizens**, <https://aspi.mk/wp-content/uploads/2023/04/Транспарентни-институции-информирани-граѓан-и-Водич-за-проактивна-транспарентност.pdf>, intended for officials with information holders to familiarize them with the meaning and benefit of the proactive publication of public information.

Monitoring was also carried out on the websites of the holders of information from the Municipalities and the Centers for the Development of Planning Regions, and the Report thereof was published on the Agency's website. <https://aspi.mk/wp-content/uploads/2023/05/ИЗВЕШТАЈ-ОД-МОНИТОРИНГ-НА-ОПШТИНИТЕ-И-ЦЕНТРИТЕ-ЗА-РАЗВОЈ-НА-ПЛАНСКИ-РЕГИОНИ-ВО-PCM.pdf> and it is delivered to the owners with the obtained results, for their familiarization and improvement of web pages in terms of active transparency.