**NECESSARY PREREQUISITES FOR EFFECTIVE ACCESS TO INFORMATION**

Officials for mediating public information with information holders are crucialin realising the right of citizens to free access to public information, guaranteed by the Constitution of the Republic of North Macedonia. By ensuring the implementation of the Law on Free Access to Public Information ("Official Gazette of RSM" No. 101/2019), they directly provide citizens with quick, simple and easy access to all the information they possess and have at their disposal holders of information:

* for which there is an obligation to publish on the owner's website (proactive publication), i.e. to provide access to information based on an access request;
* which provides insight into the work of the holders.

For the successful and efficient implementation of the obligations mentioned above, for which they are responsible according to the Law, the interaction of the information mediating officials with all other employees of the information holders is necessary. Understanding the responsible persons among the holders of the information is especially important (the minister, the director, the managers) and their sensibility for the transparent and open operation of the institutions.

Namely, the responsible persons in the institutions, according to their role, are responsible for implementing the Law on FAPI to ensure smooth and full implementation of the obligations established by the Law, and not only the officials for mediating public information.

Hence, the primary responsibility for implementing the law lies with the persons responsible for the institutions and the officials responsible for deciding on access to public information. Therefore, it is crucial to ensure that officials will regularly and promptly inform responsible persons and other employees about legal obligations, considering that insufficient knowledge of the legal matter on the right of access to information makes it difficult to exercise the right of access to public information.

According to the above, and in addition to the existing instructions (manuals and guides) and educational training that the Agency for the Protection of the Right to Free Access to Public Information continuously implements in order to ensure the correct application of the Law and facilitate the work of officials, these additional recommendations are prepared as necessary prerequisites for adequate access to public information, which are helpful both for officials and persons responsible for access to general information in institutions, as well as for other officials involved directly or indirectly in the process of providing public information. These recommendations aim to indicate the necessary organisational prerequisites, the fulfilment of which can facilitate the work of the officials as a link between the requesters and the holders of information, that is, the public information that the holders of the information possess and have at their disposal.

In short, for effective access to information, it is necessary:

* To ensure constant support by the persons responsible for efficient and independent work of the officials for mediating public information;
* To establish effective internal cooperation between officials and other employees in the organisational units in whose scope of public information is created, as well as with public relations officers (spokespeople);
* To establish internal procedures and cooperation with the persons responsible for proactively publishing information on the web pages of the owners (responsible for maintaining the web pages)

1. ***Support of the responsible persons (ministers, directors) for the efficient and independent work of the officials in mediating the information***

Due to the complexity of the tasks of officials, which involve deciding on the availability of various information created within the scope of the institution, which, as a rule, are not the product of his work but of all employees and the authority as a whole, the official does not and cannot have a decision role in what will be available to the public.

When it comes to information for free access to which there are no legal restrictions, it is provided upon request or published on the website of the authority in a timely manner, within the legal deadlines, and in this segment, the timeliness in providing the information or proactive publication to the greatest extent it depends only on the knowledge and responsibility of the official.

However, when it comes to sensitive information (for which there are legal restrictions or from the experience of the secondary authority, it follows that in many cases, there is no will to provide access to the information), practice indicates that the decision on the availability of such information is not made the official independently, but the head of the authority or the managing official, regardless of the prescribed independence of the official and his responsibility for the implementation of the Law.

The efficiency and regularity of officials' actions in resolving requests for access to information and fulfilling the obligation to publish information on the authority's website proactively are primarily determined by the attitude of the responsible persons towards the transparency and openness of the institutions.

The responsible person's attitude towards transparency is already visible during the appointment of the official. These should be employees with strong personal integrity, well acquainted with the scope of work of the authority and the organisation of the work.

To properly handle requests for access to public information within the legal deadlines, it is also essential toappoint more persons to mediate with the information, as prescribed by the Law on FAPI (Art. 8, Paragraph 1). In this way, timely processing of requests is ensured in case of the official's absence (vacation, illness, business trip, etc.).

This is especially recommended for larger institutions and institutions to which a more significant number of requests for access to information are submitted, as well as bodies with organisational units outside their headquarters to appoint a more significant number of officials and to agree on their mutual relationship and continuous communication.

It is also essential to establish a quick communication channel between the official and the head of the authority to familiarise them with the current requirements for access to information and the way of legal action.

Considering that access to information under the Law on FAPI is often equated with work related to public relations, it is recommended that heads of bodies place the official at/in the office of the public relations service. If there are no technical prerequisites for this, close cooperation of the official with the public relations service is necessary in order to correctly identify and distinguish requests for access to information from, for example, responses to media inquiries.

Also, since access to public information involves the participation of a more significant number of employees, the responsible person of the authority should encourage to draw up procedures at the level of the institution, that is, the way of cooperation between the organisational units of the authority that has the required information with the official, as well as with the official responsible for publishing content on the authority's website (the administrator of the website).

The support of the institution's responsible person to the official for mediating the information in implementing the Law on FAPI also affects the relationship and cooperation of the official with other institution employees on whom access to public information depends.

1. ***Cooperation of officials and other officials involved in the process of resolving requests for access to information***

The effectiveness of the institution in the field of free access to public information depends on the existence of cooperation between the public information mediation officer and other employees who are directly or indirectly involved in the decision-making process for information access requests. Therefore, **it is crucial to establish sound internal communication,** i.e. **to establish written procedures with which all employees of the institution should be familiar**, which refer to the process of preparing the information contained in the request and the process of deciding on their availability, as well as the process of organising information that should be proactively published on the institution's website.

In some cases, the requester submits the request for access to information of a public nature to the holder without emphasising that it is a request for information in accordance with the Law on FAPI. Therefore, it is necessary to determine what kind of request it is and who handles it: the official, the public relations service or an individual organisational unit in the institution.

Therefore, it is recommended that the holders, at a meeting of the information officer and all employees involved in this process,agree in advance the procedures/steps on how the request will be processed from the archive/office to the official, as well as from the official to the relevant organisational unit, which participates in the resolution of the request and vice versa. The mutual exchange of information on received requests and familiarisation with the content of the request and its identification (depending on whether it is a request for access to information, another request from the scope of the institution, a request from a journalist, etc.) as well as joint coordination for its resolution (for example, during the implementation of the harmfulness test, the employees who will provide legal support when dealing with more complex requests for access to information prepare solutions, etc.), is crucial for a correct and timely decision on the request for access to information.

The Harm Test is the highest level of decision that the holder can make when assessing whether it is in the public interest to allow or restrict access to the requested information; therefore, it recommendsthat, in addition to the official, other relevant officials participate in the implementation of the damage test, i.e. employees of the owner of the information.

1. ***Designation of persons responsible for proactive publication and establishment of internal procedures for publication of information on holders' websites***

For the sake of transparent publication of information, it is necessary to ensure cooperation between the officials and officials in charge of maintaining the website and the organisational units where the information appropriate and essential for publication is prepared and finalised.

The above includes establishingcooperation and established written procedures with the following:

* The information preparation procedure should be proactively published on the owner's website (Article 10 of the LFAPI).

Therefore, for correct and timely publication, close cooperation and agreement between the employees in the organisational units of the owner with the official and the official responsible for publishing the contents of the website is necessary in terms of which information and in what form it is uploaded and moved on the website. In some cases, in relation to certain information for public publication, the persons responsible for protecting personal data may have a particular role.

In any case, the official should be familiar with the information published on the owner's website and confirm whether the publication of the information is in accordance with Article 10 of the Civil Code.

Therefore, the official must encourage and promote the publication of information and periodically check the website's content — each in their own field of work. Namely, they should review the information to see if it is relevant, complete, and up-to-date.

A good practice that officials can practice is to set up a unique link that will publish requests for free access to information that they have received and acted upon within the legal term, which will inform future applicants not to submit the exact requests in order to receive the information already given and received. This means that they will reduce the number of submitted requests based on LFAPI to direct the requester to the link from the website where the received requests have been moved and upon which the official has acted.

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