The Agency for the Protection of the Right to Free Access to Public Information in accordance with Article 109 Paragraph 5 of the Law on General Administrative Procedure ("Official Gazette of the Republic of Macedonia" No. 124/2015), and based on Article 27 and Article 34 paragraph ( 1) from the Law on Free Access to Public Information ("Official Gazette of the Republic of North Macedonia" No. 101/2019) and the Guidelines for the Implementation of the Law on Free Access to Public Information ("Official Gazette of the Republic of North Macedonia" No. 60/20), acting on the appeal filed by the Union of Macedonian Police, through Dejan Sazdov, President of the Union, filed against the Ministry of Information Society and Administration, on the subject of Request for access to public information, on 05.07.2024 brought the following

 **DECISION**

1. The appeal filed by the Union of Macedonian Police, through Dejan Sazdov, President of the Union, against the Ministry of Information Society and Administration, filed in the Agency under No. 08-121 on 22.04.2024, in the matter of Request for access to information from public character, was **REJECTED as unfounded.**

 **EXPLANATION**

Macedonian Police Union, as stated in the appeal, on 13.03.2024, submitted a Request for Access to Public Information to the Ministry of Information Society and Administration, with which they requested to be provided by e-mail an electronic record of the following information :

"Passed (act), which by its nature is "internal", refers to an issue for which a minister within a ministry is competent to decide within the framework of organising and ensuring the legal and efficient performance of works and tasks and deciding on the justice, duties and responsibilities of the workers in the ministry, and which one (inter partes), to be applied in a certain area) – Should it be adopted in accordance with article 3, paragraph 6 of the Law on the publication of laws and other acts in the "Official Gazette of the RSM" are published in the "Official Gazette" which reads:... Specifically - whether all ministers, without exception of the department, have the same legal obligation of duty to act in accordance with the stated provision of the cited law that governs in the "Official Gazette of RSM" is published and other acts adopted by the ministers in terms of where it falls under "other" acts, including the one mentioned above as adopted - (internal act)."

On 04/03/2024, the Information Requester submitted to the Information Holder a "Request for a response with the necessary data from the resolution of an issue related to a submitted written submission received rapid recording with archive number dated 03/13/2024", in which it states, "I hereby inform you that it was not acted in accordance with the deadline prescribed by the material law, that is, we have not been answered by the professional services at all and we have not received a solution.."

The owner of the information did not respond to this request within the legally stipulated period, which is why the requester of the information, within the legally stipulated period, filed an appeal registered with the Agency under no. 08-121 of April 22, 2024. In addition to the appeal, in connection with the same Request, the Requester submitted the Decision of the Ministry of Justice Up1 No. 19-282/2024 of 28.02.2024, which states: "Regarding the competencies of the ministers who manage the ministry as and ministers without portfolio, it is necessary to take into account the Law on the Organization and Work of State Administration Bodies which **is the competence of MISA** and it is necessary to turn to their authority...”

The Agency, via e-mail registered under No. 08-121 dated 22.04.2024, forwarded the appeal to the Holder of Information and requested that a ruling be issued within 7 days and that all the documents related to the matter be submitted to the Agency.

On 04/22/2024, the holder of the information submitted an email to the Agency, attached to which he submitted a letter "Forwarding a request" No. 15-1556/2 dated 04/16/2024 addressed to the Ministry of Justice, filed with the Agency under No. 08- 121. The Forwarding states: "...I inform you that MISA does not have the requested information, and in accordance with Article 18 paragraph (1) of the Law on Free Access to Public Information, we forward this request to you for your officials to free access to public information to act on this request according to your competences."

On April 30, 2024, the holder of information forwarded to the Agency the letter of the Ministry of Justice Up1 No. 19-826/2024, which states: "According to your letter under the above number of April 16, 2024, as well as to the e-mail of The Ministry of Justice informs you that according to the files in the case you forwarded to us, it has already been answered with our number UP1 No. 19-282/2024 of 28.02.2024 and we are attaching the decision in a copy.

Taking into account the available documents on the subject, the Agency for the Protection of the Right to Free Access to Public Information determined that the appeal is unfounded due to the following:

According to Article 3, Paragraph 1, Paragraph 2 of the Law on free access to public information, "public information" is information in any form created or with which the owner of the information disposes in accordance with their competencies.

In the specific case, the Requester submitted a Request for access to public information to the Holder of the information by asking the question, "Whether all ministers, without the exception of a department, have the same legal obligation of duty to act in accordance with the stated provision...", for which the Agency considers to be the creation of new information or an opinion has been requested from the Holder, i.e. interpretation of the legal provisions, which they are not legally obliged to do.

The Agency indicates to the Requester that the information holder is not obliged to create new information or take additional actions within their competence to satisfy the Requester regarding his submitted Information Request for free access to public information.

In connection with the same Request previously submitted to the Ministry of Justice and now to the Ministry of Information Society and Administration by the same Information Requester, the Agency indicates to the Information Holder that he was not obliged to act on the Request in accordance with the Law on Free Access to Public Information, because the requested information cannot determine the "public interest" exhaustively listed in article 3 paragraph 1 point 7 of the Law on free access to public information, for which they were obliged to act as a request from the Ministry's competence, in accordance with substantive laws according to which you act.

Due to the above, the Agency for the Protection of the Right to Free Access to Public Information decided as the dispositive of this Decision.

This Decision is final in the administrative procedure, and there is no room for appeal against it.

**LEGAL REMEDY:** Against this Decision, the party can initiate an administrative dispute before the Administrative Court within 30 days.

 **Director,**

 **Plamenka Bojcheva**