The Agency for the Protection of the Right to Free Access to Public Information, based on Article 109 Paragraph 5 of the Law on General Administrative Procedure ("Official Gazette of the Republic of Macedonia" No. 124/2015) and in accordance with 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 in accordance with 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 M. K. from Skopje, filed against the Ministry of Information Society and Administration, in the matter Request for access to public information, on 04/29/2024, brought the following

**DECISION**

The appeal filed by M. K. from Skopje against the Ministry of Information Society and Administration, registered in the Agency under No. 08-110 on 04.12.2024, in the subject of Request for access to public information, was **REJECTED as unfounded.**

**EXPLANATION**

## M. K. from Skopje, as stated in the appeal, 03/04/2024 submitted a Request for access to public information to the Ministry of Information Society and Administration, with which they requested by e-mail or in person to be allowed to inspect or to submit a photocopy of the following information:

## "...Public information that I need refers to the following questions:

## What are the criteria, i.e. the conditions under which an issued certificate or an internationally recognised professional certificate related to the field relevant to the job is considered a relevant document for confirmation of non-formal education, i.e. how is the relevance of the submitted document determined in the process of the administrative selection of candidates after a published public announcement for the employment of administrative officers?

## Are the submitted Certificates considered internationally recognised certificates of knowledge of one of the six official languages ​​of the United Nations, in accordance with Article 36 of the Law on Administrative Officers, which are required when filling out the electronic application of candidates for the employment of an administrative officer (on the Agency's website for administration)?

## Information on the contents of the "Register of Schools and Centers for Foreign Languages, registered in the Republic of North Macedonia, which organises and conducts training for learning foreign languages, as well as schools and centres that conduct training and examinations for the acquisition of internationally recognised certificates or internationally used certificates for foreign language", prepared by the Ministry...".

The holder 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. 08-110 on April 12, 2024.

The Agency, via e-mail registered under No. 08-110 dated 12.04.2024, forwarded the appeal to the Holder of Information and requested that a ruling be issued within 7 days and that all documents related to the subject be submitted to the Agency.

On April 22, 2024, the holder of information submitted to the Agency Decision No. 15-1295/2 of April 22, 2024, with which the Requester's request was respected. Answers to the three questions are given in the Explanation of the Decision, stating that: "...The answer to question number 1: Non-formal education includes internationally recognised professional certificates or certificates related to the field that is relevant to the job. For example, if it is a job from the Office and Archives Department, the relevant certificate would be a Certificate for Office and Archives... Answer to question number 2: With the Law on Amendments and Supplements to the Law on Administrative Officers... .a change was made in the part of the knowledge of one of the three most commonly used languages ​​of the European Union (English, French, German), with which change it was foreseen that this same condition would be proven by passing, i.e. as the second part of the exam for an administrative officer in the premises of the Agency for Administration, instead of having an internationally recognised certificate… when filling out the electronic application for a published advertisement for the employment of an administrative officer, the candidate is not obliged to attach a certificate of knowledge of one of the three most commonly used languages ​​of the European Union… Answer to question number 3: According to the provisions of the Law on Administrative Officers, candidates who apply for an advertisement for an administrative officer are not required to prove their knowledge of a foreign language by submitting a certificate unless it is for additional special competence related to the performance of work and dental tasks of the specific job position which is provided for in the act of systematisation of jobs… a list has been created which is published on the website of the Ministry… candidates are not obliged to use them the services of the companies from the register, i.e. the indicated list, which is… for informational purposes..."

On April 29, 2024, the information requester emailed the Agency: "I am not giving up the submitted appeal for several reasons. First of all, the decision from MIOA is obvious in that it was not adopted within the specified period. The submitted content of the decision does not contain the requested public information. Namely, in relation to the **first question,** it is not stated which legal act is used by the Selection Commission in the procedure for the administrative selection of candidates, i.e. there is no answer to which legal act defines the elements that an international professional certificate should contain to be considered relevant to acquired non-formal education of the candidate for his qualification in scoring… In response to the **second question,** there is an obvious legal inconsistency. The question refers to which certificates are considered internationally recognised certificates...There is no specific answer to the question, but there is an answer that the candidate is not obliged to attach a certificate… The answer to **the third question** is incomplete, i.e. it does not answer the question about the content of the Register of Schools and Centers for Foreign Languages... In the answer to the question, the current list of such schools in the country should be submitted because the published list does not include changes made for ten years..."

**The Agency** for the Protection of the Right to Free Access to Public Information, in accordance with the provisions of the Law on Free Access to Public Information, reviewed the appeal filed by the Requester of the information and the available documents on the subject and **rejected the appeal as unfounded**, due to the following:

The Agency determined that the holder of the information acted on the request for access to public information, with a delay, bringing Decision No. 15-1295/2 of 22.04.2024 in which, of his own volition, and in accordance with his competences, he answered the questions of the applicant, contained in the Request entitled "request for access to public information" dated 03.04.2024.

By letter dated 04/29/2024, the information seeker expresses dissatisfaction with the received answers to their questions; that is, they ask new modified questions not contained in the initial request from 03.04.2024.

The Agency found that there were deficiencies in the first instance procedure, i.e. the questions from the Requester were answered late and in accordance with the competencies of the Information Holder, but determined that in accordance with Article 109 paragraph 5 of the Law on the General Procedure such deficiencies could not have an impact on a different solution at work.

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 of in accordance with their competencies.

The Agency indicates to the Information Requester that an answer to his Request has been provided within the framework and competencies available to the Information Holder and that, according to the Law on Free Access to Public Information, the Information Holder is not obliged to create new information to satisfy the Requester regarding their Request.

Following 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**