The Agency for the Protection of the Right to Free Access to Public Information, based on Article 109 paragraphs 1 and 2 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 of the Law on Free Access to Public Information ("Official Gazette of the Republic of North Macedonia" No. 101/2019) and in accordance with the provisions of the Guidelines for the Implementation of the Law on Free Access to Public Information ("Official Gazette of Republic of North Macedonia" no. 60/20), acting on the appeal filed by P. G., submitted against the State Commission for decision-making in administrative proceedings and employment proceedings in the second degree on 28.03.2024, brought the following

**DECISION**

The appeal by P. G., filed against the State Commission for decision-making in administrative proceedings and employment proceedings in the second degree, registered in the archives of the Agency for the Protection of the Right to Free Access to Public Information under No. 08-62 on 03.20.2024 **IS** **DISMISSED as inadmissible**.

**ABOUT DEVELOPMENT**

## P. G., as stated in the appeal, on 11.03.2024, submitted a Request for access to public information to the State Commission for decision-making in administrative proceedings and employment proceedings in the second degree, by e-mail, with which they requested - email to deliver an electronic record of the following information:

"Has the appeal procedure before the state commission for decision-making in administrative procedure and employment relationship procedure in the second degree been completed after appeals submitted by the person Teodor Ignov from Veles with residence at ul. Dimko Najdov number 60 in Veles, against the enacted acts Decision IP1 no. .17-42 of 18.05.2023 and Decision IP1 no. 17-43 of 18.05.2023 passed by the municipal construction inspector at the LGU of the Municipality of Veles?

- What is the outcome of the appeals procedure after the appeals filed under the two acts against Decision IP1 No. 17-42 of 18.05.2023 and against Decision IP1 No. 17-43 of 18.05.2023?

- A copy in electronic form of the decisions made after appeals against the adopted acts Decision IP1 No. 17-43 of 18.05.2023 and Decision IP1 No. 17-43 of 18.05.2023 made by a municipal construction inspector at the Municipal Corporation of Veles."

Acting upon this Request, the Information Holder submitted Notice No. 1005-257/2 to the Information Requester on March 13, 2024. In the Notice, it is stated: "The request that you have submitted to the State Commission for decision-making in an administrative procedure and a procedure from an employment relationship in the second degree cannot be treated as a public request and be acted upon in accordance with the provisions of the Law on Free access to public… In your case, it is a request of a personal nature and therefore we direct you to address a written submission to the State Commission..."

Unsatisfied with the aforementioned Notice, the Requester of the information filed an appeal with the Agency under archive no. 08-62. In the appeal, the Requester of Information cites Articles 4, 10 paragraph 1 paragraphs 1, 12, 15, and 20 of the Law on Free Access to Public Information.

Acting on the said appeal, the Agency for the Protection of the Right to Free Access to Public Information rejected it as inadmissible, due to the following:

The Agency for the Protection of the Right to Free Access to Public Information has determined that the Applicant's Request, submitted to the State Commission for Decision Making in Administrative Procedures and Employment Procedures in the Second Degree on March 11, 2024, does not constitute a request for access to public information, but it is a request of personal interest, that is, a request from the competence of the State Commission for decision-making in administrative proceedings and employment proceedings in the second degree, which was obliged to act in accordance with its competences.

From the files in the case, the Agency determined that in the specific case the Requester of Information, unfoundedly referred to the Law on Free Access to Public Information and disregarded the public interest regulated in Article 3 Paragraph 1 Paragraph 7 of the same Law, submitted a request for access to public information, with which the Requester requests information about the course of a specific appeal procedure before the State Commission for decision-making in administrative proceedings and employment proceedings in the second degree.

In this specific case, the Holder of information confirms with a Notice that the requested information is of personal interest and also explains to the Requester how to obtain the requested information with a standardized request to the Holder.

Pursuant to Article 26 of the Law on Free Access to Public Information "The applicant who submitted a request for access to information in accordance with Article 12 paragraph (1) of this Law has the right to legal protection in accordance with this law". In this specific case, the Requester tried to get information from the Information Holder, unfoundedly referring to the Law on Free Access to Public Information.

The Agency for the Protection of the Right to Free Access to Public Information indicates to the appellant that the purpose of the Law on Free Access to Public Information and the Guidelines for the Implementation of the Law on Free Access to Public Information is the physical and legal persons to be enabled to exercise the right of free access to information of a public nature and ensure publicity and openness in the operation of the bodies, and not its legally unfounded and inappropriate application.

The law on free access to public information ensures the realization of public interest, described and exhaustively enumerated in article 3 paragraph 1 paragraph 7 and reads: "Public interest in the realization of the right of access to information implies, but is not limited to, an interest in information whose publication... 1. will reveal abuse of official position and corrupt behaviour; 2. illegal acquisition or spending of budget funds will be revealed; 3. a potential conflict of interest will be revealed; 4. serious threats to people's health and life will be prevented and discovered; 5. environmental threats will be prevented and detected; 6. It will help to understand the issue for which public policy is being created or a parliamentary debate is being conducted and 7. It will enable equal treatment of every citizen before the laws.

The legal definition of "public interest" means that the realization of the public interest implies the realization of the interest of the wider community as a whole, which precedes the individual needs and rights of individuals.

According to the above, the Agency indicates to the appellant that he can and should exercise his rights and private (personal) interests primarily in accordance with the material laws that regulate the relevant matter in the cases in which he appears as a party and the legal protection they can seek according to those laws.

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**