The Agency for the Protection of the Right to Free Access to Public Information in accordance with Article 109 Paragraph 4 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 upon the appeal filed by N.S. submitted against the Decision of the Municipality of Kisela Voda, on the subject of Request for access to public information, on 01.03.2024 brought the following

**DECISION**

**1**. The appeal filed by N.S. submitted against the Decision of Kisela Voda Municipality no. 08-583/3 (link no. 08-9475/23) dated 31.01.2024, filed in the Agency under no. 08-451 on 16.02.2024, in the case of a Request for access to public information**, is REJECTED as unfounded**.

**2.** TheDecision of the Holder of Information No. 08-583/3 (link no. 08-9475/23) dated January 31, 2024, **IS UPHELD.**

**EXPLANATION**

N.S., as stated in the appeal, on 13.12.2023, submitted a request for access to public information to the Municipality of Kisela Voda, with which they requested to be notified in writing by e-mail, by phone, or personally picked up from the archive from the following information:

 "Term of validity and application of plan no. 728/2007 for GUP settlement of Sopishte and Decision to amend and supplement the Decision on local compensation no. 07-446/3 of 30.01.2007 photocopy attached".

 The holder of information, acting on the stated request, adopted Decision No. 08-9475/2 of 20.11.2023, by which the Request of the Requester of Information is respected.

Dissatisfied with the adopted decision, the requester of information on 01.12.2023 submitted an additional request, registered in the Municipality under no. 08-9475/3-1, with which they requested to be delivered to them personally with prior notification by phone or e-mail a photocopy of the following information:

"I am looking for additional public information regarding the period of validity and application of plan no. 728/2007 for GUP n.m. Sopishte by the Municipality of Kisela Voda, because the Extract from the plan was issued by the Municipality of Kisela Voda and for the same by the above-mentioned authority, has adopted a Decision to amend and supplement the Decision on local compensation no. 07-446/3 dated 01.30.2007. The question was precisely asked in the previous request, it was only about the general deed and not a specific plot. The attachment was submitted only for clarification."

Acting on the Requester's Additional Request, the Information Holder submitted to the Requester a Response to another request for access to public information for additional information.

Dissatisfied with the answer received, the Information Requester submitted an appeal within the legally stipulated period, filed in the Agency's archives under No. 08-451 on 12.27.2023.

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, with Decision No. 08-451 of 10.01.2024, **UPHELD** the appeal, **ANNULLED** the Decision of the Information Holder no. 08-9475/2 of 20.11.2023 and sent the case back to the first-instance authority, with instructions on how to proceed.

The holder of the information, acting according to the Decision of the Agency on 05.02.2024, electronically submitted to the Agency a Letter filed in the Agency under No. 08-451 in which it states that: "...Kisela Voda Municipality the requests submitted by the applicant… with Letter-Forwarding Request for access to public information no. 08-9475/1 of 02.11.2023 and Additional Request no. 08-9475/3 of 01.12.2023, registered under no. 08-583/ 2 (link no. 08-9475/23) dated 01.31.2024 forwarded them to the jurisdiction of the Municipality of Sopishte on 02.02.2024. Attached is the Decision on the Information Holder's actions, no. 08-583/3 (link no. 08-9475/23) dated 01.31.2024 and all related documents.

Dissatisfied with the above Decision, the Information Requester again submitted an appeal to the Agency on 16.02.2024, filed under No. 08-451, which states: "...Kisela Voda Municipality is the holder of the information I need because on 11/19/2007, they issued an extract from the Public Administration for the name of Sopishte and made a Decision on amending and supplementing the decision on local compensation on 01/30/2007 which is quoted in the Extract from GUP No. 728/2007 for the application of the plan (as seen from the submitted attachments in the previous appeal)... The Municipality of Sopishte did not issue the above extract from the plan and did not make the above Decision on amending and supplementing the decision on local compensation and therefore cannot affect the importance of the plan which is applied by the Municipality of Kisela Voda".

The Agency, through an e-mail registered under No. 08-451 dated 16.02.2024, forwarded the appeal to the Holder of Information and requested that a ruling be issued on it within 7 days and that all documents related to the matter be submitted to the Agency.

On February 26, 2024, the Information Holder submitted to the Agency a letter "Submission of all documentation regarding the subject appeal for your further action and decision-making", No. 08-583/7, dated February 21, 2024. Attached is the Decision no. 08-583/3 (link no. 08-9475/23) dated 01.31.2024 and all related documents. The Decision states: "...Kisela Voda Municipality as the first-level authority in the re-procedure following the indications given in Decision No. 08-451 of 10.01.2024 of the Agency and based on the responses received by the Department of Urbanism and Spatial Planning the submitted Request for access to information of a public nature and the Additional Request for access to public information under the above-mentioned numbers, forwards them to the authority in the Municipality of Sopishte as the holder of the requested information for the following reason: Based on the submitted Answers under the above-mentioned numbers by The Department for Urbanism and Spatial Planning found that the Municipality of Kisela Voda does not have the requested information."

 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 Information Requester, **rejected it as unfounded, and upheld Decision no. 08-583/3 (link no. 08-9475/23) dated January 31, 2024,** **of the Information Holder** due to the following:

The Agency determined that the Information Holder acted correctly according to the Agency's instructions in Decision No. 08-451 of 10.01.2024, i.e. acted in accordance with Article 18 paragraph 1 of the Law on Free Access to Public Information according to which "If the holder of the information that received the request, does not have the requested information immediately, and at the latest within three days from the day of receipt of the request, is obliged to forward the request to the holder of the information who, according to the content of the request, is the holder of the information and to notify the requester accordingly ".

In the specific case, the information holder acted in accordance with the aforementioned article of the Law on free access to public information by forwarding the requested information to the Municipality of Sopishte for further jurisdiction.

On 29.02.2024, the Municipality of Sopishte submitted to the Agency via e-mail Letter No. 08-344/2 dated 29.02.2024, which states: "Regarding the forwarded request for public information by the Municipality of Kisela Voda with archive number 08-583/2 Municipality of Kisela Voda and our number 08-344/1 from 02.02.2024 in which information is requested on the Term of validity and application of plan number 728/2007 for the GUP settlement of Sopishte, Decision to amend and supplement the Decision on local compensation no. 07-446/3 of 2007. We hereby inform you of the following: With the adoption of Decision number 07-3968/1 of 09.11.2012 for the adoption of an urban plan for the village of Sopishte (with development of block 1), which is in line with the boundaries of a political Municipality Sopishte, the previously adopted General Urban Plan for the village of Sopishte and all its amendments and additions ceases to be valid, and this means that the plan specified in the request for public information also ceases to be valid."

According to the above, the Agency for the Protection of the Right to Free Access to Public Information decided as in 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**