The Agency for the Protection of the Right to Free Access to Public Information, based on Article 109 Paragraph 9 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 the Citizens' Association Center for Civil Communications CGK - Skopje, through attorney German Filkov, President of the Association, filed against the Customs Administration of the Republic of North Macedonia, on the subject Request for access to public information, on 16.05.2024, brought the following

**DECISION**

1. The appeal filed by the Citizens' Association Center for Civil Communications CGK - Skopje, through attorney German Filkov, president of the Association, filed against the Customs Administration of the Republic of North Macedonia, filed in the Agency under no. 08-135 on 04/30/2024, on the subject Request for access to public information **IS UPHELD.**
2. **The case is returned to the first-instance authority for retrial.**

**3. The holder of the information is obliged to implement this Decision within 15 days from the day of its receipt and to notify the Agency about it.**

**EXPLANATION**

The Citizens' Association Center for Civil Communications CGK - Skopje, as stated in the appeal on 01.04.2024, submitted a Request for access to public information to the Customs Administration of the Republic of North Macedonia, with which it requested by e-mail to submit an electronic record of the following information:

"1. In how many cases have you provided data from the Register of Beneficial Owners?

2. How many persons did the provided data from the Register of Real Owners refer to?

3. How did you secure the data - by direct access to the Register of Beneficial Owners or indirectly, through the Central Register?

4. How many initiatives have you submitted to the Financial Intelligence Authority regarding Article 130 of the Law on Prevention of Money Laundering and Terrorist Financing?

5. In how many cases, after determining the real owner, have you doubted the reliability of the data?"

The holder of 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, filed with the Agency under no. 08-135 on 04/30/2024.

The Agency, by electronic letter No. 08-135 dated 04/30/2024, forwarded the appeal to the holder of the information and requested within 7 days to issue a ruling on it and to submit all documents related to the matter to the Agency.

The holder of the information electronically submitted a letter to the Agency on 02.05.2024, stating that: "Regarding the question ‘How many initiatives have you submitted to the Financial Intelligence Authority... the answer is 2022 - 3 initiatives, 2023 - 8 initiators and 2024 – 1 initiative. Regarding the provision of data from the Register of Beneficial Owners, given that the existing CR system log search options require 180 copy-paste iterations, a new version will be put into production shortly with additional searches." The letter from the Customs Administration does not have the signature of either the official or the director, and it also does not have a stamp.

On May 16, 2024, the information requester submitted an email to the Agency stating: "...The request to the Customs Administration contained 5 questions, and in the answer, information was provided for only one question..."

The Agency for the Protection of the Right to Free Access to Public Information, acting in accordance with the provisions of the Law on Free Access to Public Information, reviewed the appeal filed by the Information Requester, **UPHELD the appeal and sent the matter back to the first-instance authority for further proceedings,** due to the following:

The Agency for the Protection of the Right to Free Access to Public Information, after reviewing the appeal and other documents related to the subject, determined that the Holder of Information did not act in accordance with the provisions of the Law on Free Access to Public Information, due to the following:

The holder of the information did not comply with the provisions of the Law on Free Access to Public Information,by not acting in accordance with Article 20 paragraph 1 of the Law on Free Access to Public Information which reads "If the holder of the information responds positively to the request or if the request is partially or completely rejected, they will answer", which should contain the elements from Article 88 of the Law on General Administrative Procedure.

In the specific case, the Holder of information with the email delivered to the Requester of information provided an answer only for one question, and not as requested in the Request for access to public information.

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, and according to Article 10 paragraph 1, 20 and 22 of the same Law, is obliged to inform the public by publishing data from its competence, statistical data about the work, as well as other information, acts and measures that affect the life and work of citizens and which arising from the competence and work of the holder of information and other information arising from the competence and work of the holder of the information.

When reconsidering this Request, the Holder of information should review the Requester's request again and act correctly upon it, by giving them access to the requested information in the manner and form specified in the Request.

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**