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 Civic Communications CGK - Skopje, through attorney German Filkov, president of the Association, filed against the State Foreign Exchange Inspectorate, on the subject of Request for access to public information, on 05/13/2024, brought the following

**DECISION**

1. The appeal filed by the Citizens' Association Center for Civic Communications CGK - Skopje, through attorney German Filkov, president of the Association, filed against the State Foreign Exchange Inspectorate, filed in the Agency under no. 08-127 on 04/25/2024, 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 22.04.2024, submitted a Request for access to public information to the State Foreign Exchange Inspectorate, with which it requested by e-mail that an electronic record be delivered to it from 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. In how many cases, after determining the real owner, have you doubted the reliability of the data?".

Acting on this Request, the Information Holder sent an e-mail to the Requester via electronic mail in which the following answer to each question was given: "1. ...In all cases of regular inspections. 2. ... For all legal entities. 3. ... Indirectly through the Central Registry. 4. ..In no case.”

Dissatisfied with the above-mentioned Answer, the Information Requester filed an appeal with the Agency on April 25, 2024, filed in the Agency's archives under No. 08-127. The appeal states: "...The State Foreign Exchange Inspectorate should provide an answer to each of the requested information in our request for free access. The answers received are general, imprecise and do not contain the requested information."

The Agency, by electronic letter No. 08-127 dated 04/25/2024, forwarded the appeal to the holder of the information and requested within 7 days to rule on it and to submit all documents related to the matter to the Agency.

The holder of the information did not respond to the Agency's letter.

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 IT 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 Information of a Public Character which reads "If the owner of the information responds positively to the request or if the request is partially or completely rejected, they will **answer**“.

In this specific case, the Holder of information with the email delivered to the Requester of information submitted a response with general data, not as requested in the Request for access to public information.

According to Article 3 Paragraphs 1 and 2 of the Law on free access to public information, "public information" is information in any form created or with which the holder of the information disposes in accordance with his competencies, and according to Article 10 paragraphs 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 re-acting on 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**