The Agency for the Protection of the Right to Free Access to Public Information, based on Article 109 Paragraph 13 of the Law on General Administrative Procedure ("Official Gazette of the Republic of Macedonia" No. 124/2015), and in accordance with Article 27, 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 an appeal filed by K.P. from Skopje, filed against the City of Skopje, on the subject Request for access to public information, on 13.03.2024 brought the following

 **DECISION**

1. The appeal filed by K.P. from Skopje filed against the City of Skopje, registered in the Agency under no. 08-9 on 28.02.2024, on the subject Request for access to public information **IS UPHELD**.

2. The information holder **IS OBLIGED** to provide the requested information to the Requester in the manner and the form specified in the Request.

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

  **EXPLANATION**

K.P. from Skopje, as stated in the appeal, on 15.12.2023, submitted a request for access to information of a public nature to the City of Skopje, with which he requested, by mail or electronically, to deliver the following information to him:

"The City of Skopje reorganised the area of ​​Makedonija Square in Skopje from 2003-2004, where the old cobblestones (cubes) were replaced with flagstone. What happened to the cobblestones (the old blocks)? Is it stored somewhere, or is it thrown on some surface? Please answer me where with the correct address or cadastral plot?"

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. 08-9 on 12.01.2024.

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. 08-9 of January 22, 2024, **UPHELD the appeal and instructed the Information Holder** to act upon the Requester's request in accordance with the provisions of the Law on free access to public information.

On February 28, 2024, the requester of information submitted an appeal to the Agency due to failure to act according to the Agency's Decision, filed under no. 08-9, where it is stated: "...The holder of the information did not submit the information again after the legal deadline and acted contrary to the decision and the law..."

The Agency, through an e-mail registered under No. 08-9 dated 29.02.2024, forwarded the appeal to the Holder of Information and requested within 7 days to rule on it and to submit to the Agency all documents related to the case.

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, in accordance with the provisions of the Law on Free Access to Public Information, reviewed **the appeal** lodged by the Requester of the information and other available documents **and obliged the Holder of information to to provide the requester with the requested information in the manner and the form specified in the Request, within 15 days from the day of delivery of the Decision**, due to the following:

After reviewing the appeal and the files related to the case, the Agency concludes that the Information Holder did not implement the Agency's Decision No. 08-9 of January 22, 2024, i.e. did not act in accordance with the provisions of the Law on Free Access to Public Information.

The Agency points out to the holder of the information that according to Article 3 paragraph 1, paragraph 2 of the Law on Free Access to Public Information, it is established that: "public information is information in any form created by or available to the owner of the information in accordance with their competences", and according to article 10 paragraph 1 of the same Law, they are obliged to inform the public by publishing data from their competence which they carry out, that is, determined by law.

In the specific case, the Information Holder is obliged to act in accordance with the Agency's instructions to adopt a Decision that will respect the Request and provide the requester with the answers under the points of the Request listed above **in the manner and form specified in the Request**.

According 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**