

ANALYSIS

ON THE REASONS FOR SILENCE OF THE ADMINISTRATION IN RESPONSE TO REQUESTS FOR PUBLIC INFORMATION



Publisher:
Association for Democratic Initiative

Authors:
Dr. Risto Karajkov and Angelina Mickoska

Reading:
Gabriela Petroska



Република Северна Македонија
АГЕНЦИЈА ЗА ЗАШТИТА НА ПРАВОТО
НА СЛОБОДЕН ПРИСТАП ДО
ИНФОРМАЦИИТЕ ОД ЈАВЕН КАРАКТЕР



This analysis was prepared by the Association for Democratic Initiative and the Agency for Protection of the Right to Free Access to Public Information, with the support of the American people through the United States Agency for International Development (USAID). The opinions expressed in this analysis do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

ANALYSIS

ON THE REASONS OF THE ADMINISTRATION'S SILENCE IN RESPONSE TO REQUESTS FOR PUBLIC INFORMATION

July 2022

СОДРЖИНА

Introduction	3
A note on the methodology	5
Transparency, efficiency, training and cooperation	7
Opinions of officials about the transparency of their institution	7
Efficiency of LFAPI	8
Training of officials	10
Familiarity of managers with LFAPI	11
Familiarity with the principle of delegating authority	13
Cooperation of the official with the competent sectors	14
Single official person for two or more institutions	15
Reasons for silence	16
The nature of the request	16
The volume of data	17
Negligence of the managers	18
Too many obligations of officials	20
Too many obligations of the competent sectors	21
The advice of the management is not to give information	22
Impossibility of answering within the deadline	23
Lack of training	24
The political background of the demands	26
Unreasonable use of the Law	27
Additional knowledge	28
Liability for non-implementation of LFAPI	28
LFAPI as a replacement for another regulation	29
Conclusion	29

INTRODUCTION

The Law on free access to public information (LFAPI) was passed for the first time in the Republic of North Macedonia in 2006. The Law that is in force at the moment was passed in 2019. It introduced several important news. With the new Law, the Commission was transformed into the Agency for Free Access to Public Information (AFAPI) or [the Agency](#). The deadlines for the response from the institutions from which public data is requested will be shortened. Public interest is precisely defined. Political parties have been added to the list of information holders.

The Agency has several responsibilities, but one of the most important is to conduct administrative proceedings and decide on appeals against the decision by which the holder of the information refused or rejected the request for access to the information of the applicants.

In 2021, 798 appeals were submitted to the Agency. The largest part of these appeals, 608 in total, were submitted by civil organizations (CO).

Of the total number of appeals, the most numerous are those filed against state institutions - 458, and municipalities - 167.

The basis for 359 (44.9%) of the appeals was that the institution did not respond within the legal deadline (the so-called silence of the administration).

In its annual report for 2021, the Agency notes that, in addition to the fact that the rate of cases of silence is high (44.9%), it is still lower compared to 2020 by 81%. In 2020, out of a total of 758 appeals, 611 were due to the administration's silence. According to data from the Agency, in previous years the rate of appeals due to the silence of the administration was around 75%. This means that the rate in 2021 has a significant drop in relation to the trend of previous years.

In order to get a clearer picture, in 2021, 8,910 requests for FAPI were submitted. It should be noted that this is only an approximate figure. It is obtained from the annual reports that the holders submit to the Agency. However, all the holders did not submit a report and the number of requests they received is not known. Out of a total of 1,445 holders, 1,334 holders submitted an annual report for 2021, or 92.3%.

Of these 8,910 requests submitted in 2021, 8,540 were answered within the legal deadline. Although the number is not complete because not all annual reports have been submitted, it can still be concluded from this approximate number that the law is actually respected.

In view of the fact that a large part of the appeals are based on silence, the Agency is interested in the reasons for the silence of the institutions. That is the specific purpose of this short analysis. The text that follows tries to analyze the possible reasons why the institutions do not meet the requirements for FAPI. In addition, the text also deals with additional aspects related to the application of the law.

It is important to note that there is no one main reason for silence, nor is there a reason for silence that applies equally to all holders. There is a large number of holders who fall into several main categories. Moreover, the largest number of requests were submitted to a smaller number of categories of holders, primarily state institutions and municipalities.

Specifically, in 2021, the list maintained by the Agency had 1,445 holders of information, divided into the following categories:

State institutions – 146;

Municipalities and centers for development in planning regions - 88;

Legal and natural persons who exercise public authority and activities of public interest - 73;

Public enterprises and institutions - 325;

Educational institutions – 579; Health facilities – 110;

Judiciary - 67.

For illustration, out of a total of 359 appeals based on silence in 2021, 221 (61.5%) were filed against municipalities and state institutions.

Table 1. Number of appeals based on silence by holder category, 2021

Holder category	Number of appeals based on silence
Municipalities (with centers for development in planning regions)	113
State institutions	108
Legal and natural persons performing public activities	31
Public enterprises and institutions	27
Health facilities	24
Judicial authorities	21
Political parties	21
Educational institutions	14

Source: AFAPI

From the review of Table 1, it is obvious that the largest number of appeals on grounds of silence are filed against only two key categories of holders of public information, which are a relatively small part of the total number of holders. Of the total number of holders, educational institutions (579) and public enterprises and offices (325) have the largest share, but they receive a very small part of the appeals due to silence.

This further exacerbates the question of the reasons for the silence. It is obvious that the reasons for the silence on the part of the municipalities and state institutions are of the greatest interest. Moreover, it is clear that these two groups of holders include rather heterogeneous institutions, from small municipalities, with only 2-3 employees, to large ministries. It is logical to assume that the reasons for silence in the first and second cases will not be read. In other words, some of the reasons for silence, with different intensities, have been imposed on different holders.

A NOTE ON METHODOLOGY

The analysis will be based on the so-called mixed method, i.e. a combination of qualitative and quantitative data. Qualitative data was collected through semi-structured interviews with employees of the Agency and employees of 7 holders. The quantitative data is provided through an electronic questionnaire delivered by e-mail to the holders of the information.

The survey was conducted under full guarantees of anonymity. No identifying information was requested from the respondents (eg name of the institution, name of the respondent, e-mail, location, etc.).

Personal anonymity reduces the risk of self-censorship and gives "correct" answers. On the other hand, it eliminates the possibility of the researcher to control the quality. Quality control will consist, for example, of checking whether the answers are given seriously, correctly, by the designated examinee, etc. In practice, it will always work for a balance between guarantees of confidentiality and/or anonymity and the possibility of control. In this case, considering the specific position of the respondents (employees and holders), the decision was to go with complete anonymity, without the possibility of control.

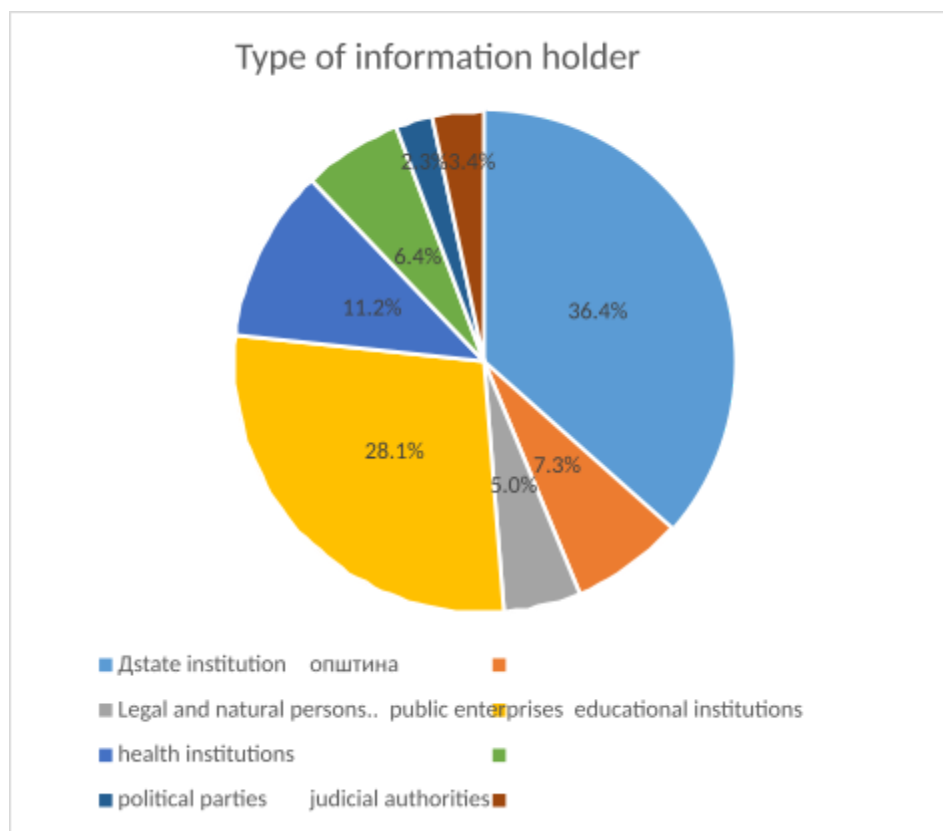
According to the principle of voluntary participation, the survey did not contain mandatory answers. The examinees have the possibility, if they wish, to skip some of the answers.

The survey was delivered to all holders which means that the research was conducted on the entire population. In other words, it was in the format of a census. Valid answers were submitted by 575 respondents (Tab./graph 1 below). Completely unanswered questionnaires (the so-called full non-response) are not included in the calculations. Partial non-response questionnaires, where respondents did not answer certain questions, are included in the analysis.

Tab./graph 1. gives the respondents by category of holder. It is obvious that 205 respondents said that they work for a state institution and besides the fact that the sample of the Agency includes only 146 state institutions. There is an error in the interpretation of the correct name of the category of the institution for which certain examinees work.

Tab./graph 1. Type of holder of the information

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>state institution</i>	205	35.7	36.4	36.4
<i>municipality</i>	41	7.1	7.3	43.7
<i>legal and natural persons who perform...</i>	28	4.9	5.0	48.7
<i>public enterprises and institutions</i>	158	27.5	28.1	76.7
<i>educational institutions</i>	63	11.0	11.2	87.9
<i>public institutions</i>	36	6.3	6.4	94.3
<i>political parties</i>	13	2.3	2.3	96.6
<i>judicial authorities</i>	19	3.3	3.4	100.0
<i>In total</i>	563	98.1	100.0	
<i>Without response</i>	N/A	11	1.9	
<i>In total</i>	574	100.0		



TRANSPARENCY, EFFECTIVENESS, TRAINING, COOPERATION

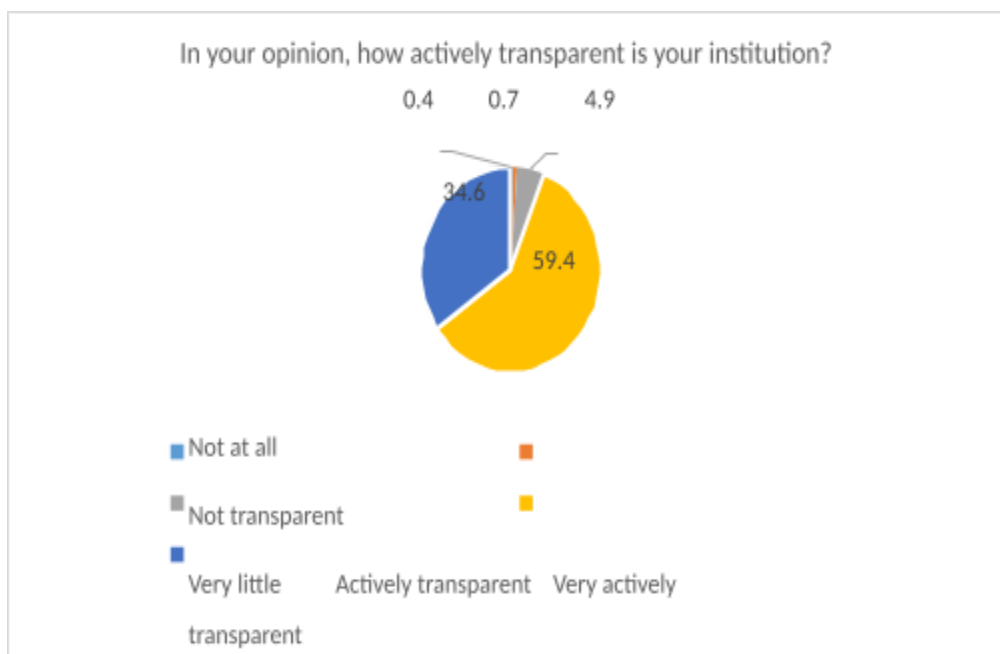
Attitudes of officials about the transparency of their institution

The introductory questions in the survey part of the research refer to the respondents' views on the proactive transparency of their institution (Tab./Graph 2) and the effectiveness of the Law on Free Access to Public Information (LFAPI) (Tab./Graph 3).

From Tab./Graph 2, it can be seen that officials consider that their institutions are proactively transparent to a large extent. The concept of proactive transparency means that the institution publishes data about its work without being asked for it, usually by publishing it on its website.

Tab./graph 2. In your opinion, how actively transparent is your institution?

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>Not at all</i>	2	0.3	0.4	0.4
<i>It is not</i>	4	0.7	0.7	1.1
<i>Very little</i>	28	4.9	4.9	6.0
<i>It is actively transparent</i>	336	58.5	59.4	65.4
<i>It is very active and transparent</i>	196	34.1	34.6	100.0
<i>In total</i>	566	98.6	100.0	
<i>Without response</i>	<i>I do not know</i>	5	0.9	
	<i>N/A</i>	3	0.5	
	<i>In total</i>	8	1.4	
<i>In total</i>	574	100.0		



As you can see, 59.4% said that their institution is proactively transparent and additionally 1/3 of the employees (34.6%) said that their institution is very proactively transparent. Only 1.1% said that their institution is not actively transparent at all.

The higher level of confidence and optimistic attitude among the officials indicates that there is a certain bias in the answers. This is a normal occurrence in survey research, especially in the case of questions that are too "personal". In this case, the question directly affects the competence of the examinee. However, these answers should be balanced against the answers obtained through the interviews with the relevant stakeholders, which indicate that the institutions are not always willing to publish data about their work on the website. According to one witness:

"They want a simple organisational chart to put on the web page. They say that they don't want everyone to know how they are organised. That's how far it goes."

The conclusion is that the data from Tab./Graph 1 should be interpreted carefully. Additionally, they encourage the question of how familiar the employees are with the concept of active transparency, and the concept of transparency in general. This deserves additional analysis.

LFAPI EFFECTIVENESS

The majority of the officials think that the LFAPI is effective (Tab./Graph 3 below). Only 3.4% said that it is not or not at all. On the other hand, about 88% said that it is effective or very effective. The degree without an answer ("I don't know" or "no answer") is relatively small.

The conclusion is that the majority of the officials think that the law achieves all its goals, and is equally effective. Therefore, just like the previous question, it should be considered with a certain amount of bias.

However, the fact that the Law is effective is supported by information coming from other sources. This is, for example, the number of answered requests from the total number of requests submitted to the institutions. Support also came from the interviews with the relevant stakeholders.

There are indications that the obtained request for FAPI creates processes within the holder. It creates a dynamic between the official who is obliged to provide the information, the sector who is obliged to prepare it, and in some cases the management of the holder. In certain cases, the official must intervene in order to prepare the requested information from the competent sector, which is obliged to provide it. Therefore, the usual excuses for non-delivery are that "the email did not arrive". The intervention usually includes a request for help from the management of the institution.

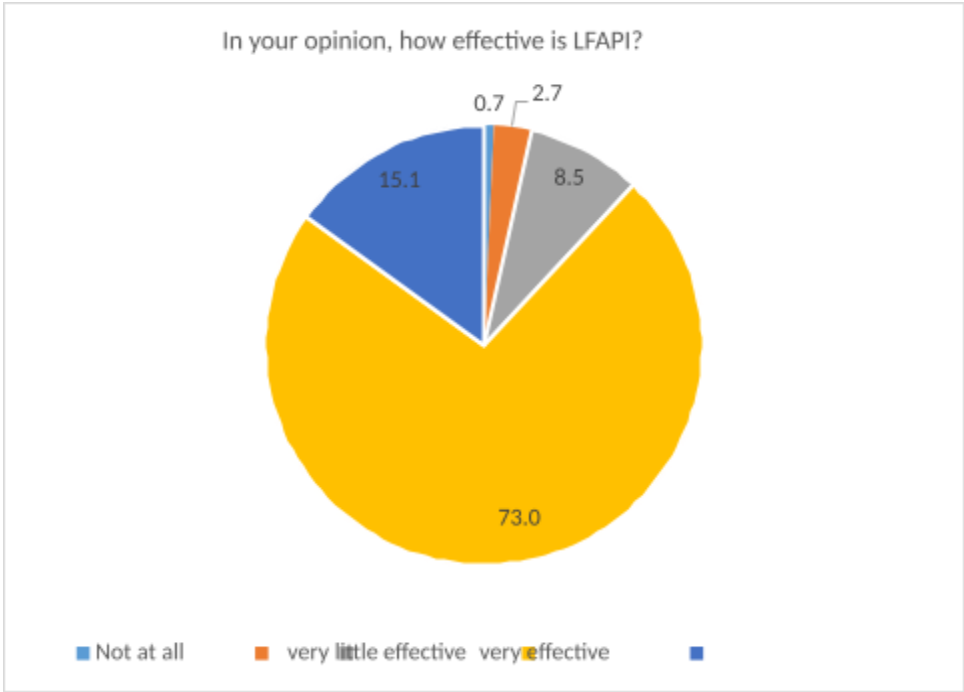
The standard practice of officials, when they do not receive information from the competent sector, is to contact the management of the institution:

"I am looking to intervene through the mayor and get it that way."

„...when we do not receive information, we let them know that we expect a response, both orally and by email. Sometimes we include the Minister in the messages."

Tables/graphs 3. How effective do you think LFAPI is?

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>not at all</i>	4	0.7	0.7	0.7
<i>Not effective</i>	15	2.6	2.7	3.4
<i>Very little</i>	47	8.2	8.5	12.0
<i>Effective</i>	402	70.0	73.0	84.9
<i>Very effective</i>	83	14.5	15.1	100.0
<i>In total</i>	551	96.0	100.0	
<i>Without response</i>	<i>I do not know</i>	22	3.8	
	<i>N/A</i>	1	0.2	
	<i>In total</i>	23	4.0	
<i>In total</i>	574	100.0		



It is obvious that the law creates internal processes of negotiation and sometimes confrontation between segments of the institution.

In one statement:

"I've been talking for a long time and I always come into conflict with people who seem to think they don't need to give information. The largest number of colleagues will be in line, but there are also those who will not care, so you have to make them suffer more and indirectly create an influx for them to finish the work."

These assessments will be prompted by the submitted request. This is actually additional proof that the law has an influence on the behavior of the institutions, that is, that the law is effective.

TRAINING OF THE OFFICIALS

Officials generally feel that they will be regular for the debts they have with LFAPI. At the same time, 8.3 % said that it will not or not at all usual, 19.7% said that it will be a little usual, the rest said that it is usual (56.7%) or completely usual (15.2%). The rate of no response (I don't know or n/a) is low.

Table 4. Do you think that you are ordinary enough for the job as a civil servant?

	<i>Connect</i>	<i>Percentage</i>	<i>Valid percentage</i>	<i>Cumulative percentage</i>
<i>not at all trained</i>	13	2.3	2.3	2.3
<i>not trained</i>	34	5.9	6.0	8.3
<i>a little trained</i>	111	19.3	19.7	28.0
<i>Trained in general</i>	320	55.7	56.7	84.8
<i>Trained well</i>	86	15.0	15.2	100.0
<i>In total</i>	564	98.3	100.0	
<i>Without response</i>	<i>I do not know</i>	8	1.4	
	<i>N/A</i>	2	0.3	
	<i>In total</i>	10	1.7	
<i>In total</i>	574	100.0		

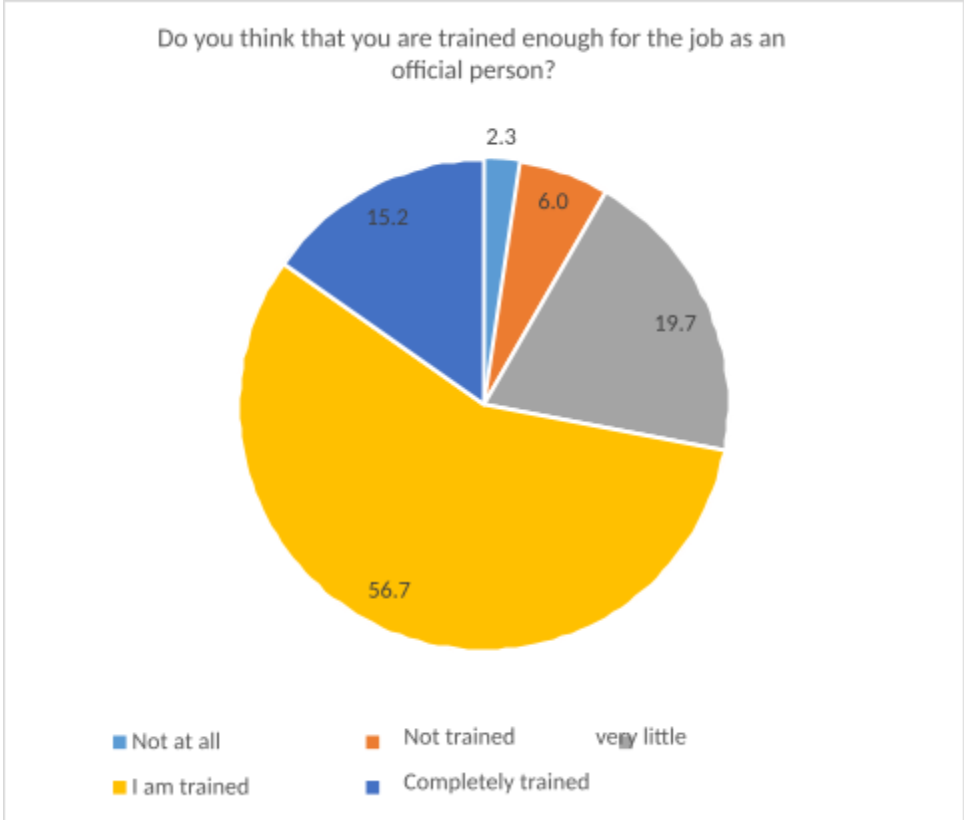
At the same time, it is important to note that in part of the interviews, some of the officials pointed to the need of training. However, from other parts of the Agency, in its annual reports, it publishes data that a large part of the citizens will not respond to the invitations for the custom.

For example, in the annual report for 2021, the Agency reports that out of a total of 597 institutions invited, 237 responded, while 335 did not.¹

¹ ctr. 27-29

Furthermore, the interviews with the employees of the Agency show that the Agency regularly works with the holders, regularly mentors them, helps them in solving specific tasks. This is an integral part of the institution's education/customization process.

Chart 4. Do you think that you are ordinary enough for the job as a legal person?



FAMILIARIZATION OF THE MANAGERS WITH THE LFAPI

The recognition of LFAPI by the managers of the holder is of primary importance because the heads of the sectors/departments are responsible for the demand for FAPI every night. The official person only mediates.

Business people generally think that the managers know 3LFAPI (Tab./graph 5): 53.2% answered affirmatively to this question, and an additional 14.1% said that the managers are fully familiar with it. However, there are people who are arranged on the left side of the scale: 8.7% said that the managers are not or are not at all familiar with the law; 24.1% said that they are little familiar with it. Generally speaking, more than 1/3 of business people think that managers need additional knowledge of the Law.

Certain additional indications derived from the qualitative part of the research (interviews) show that good application depends on the level of familiarity with the Law.

Tables/graphs 5. To what extent do you think that the managers in your institution are familiar with the Law?

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>absolutely not familiar with it</i>	21	3.7	3.8	3.8
<i>they are not familiar</i>	27	4.7	4.9	8.7
<i>a little</i>	133	23.2	24.1	32.7
<i>they are familiar</i>	294	51.2	53.2	85.9
<i>they are entirely familiar</i>	78	13.6	14.1	100.0
<i>In total</i>	553	96.3	100.0	
<i>Without response</i>	<i>I do not know</i>	20	3.5	
	<i>N/A</i>	1	0.2	
	<i>In total</i>	21	3.7	
<i>In total</i>	574	100.0		

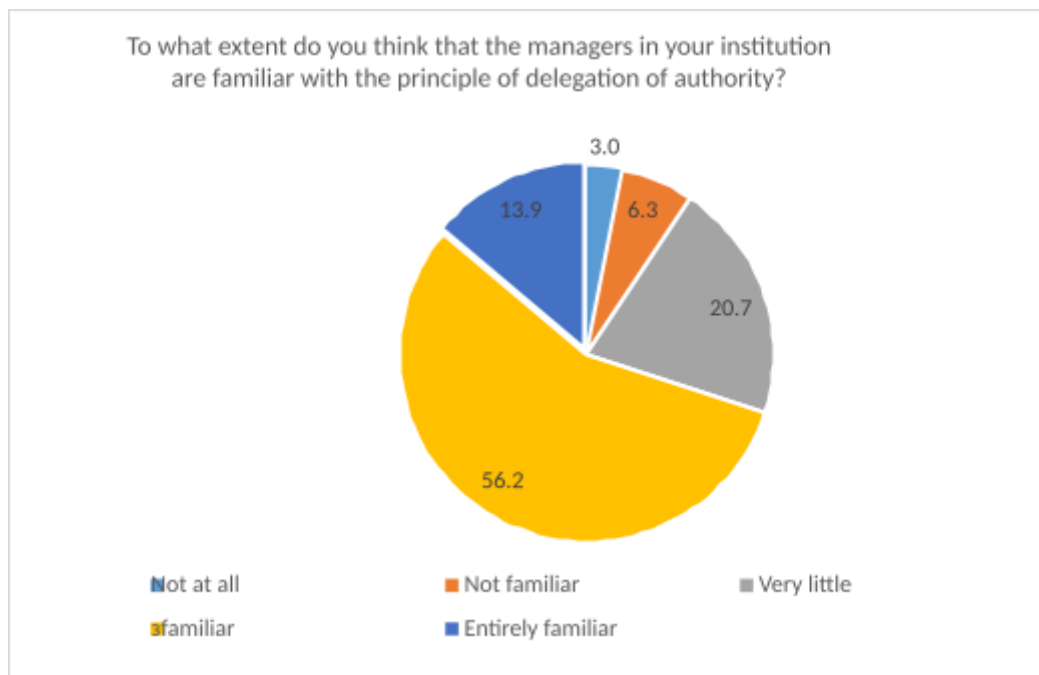


Familiarity with the principle of delegating authority

Officials generally consider that the managers in their institution know the principle of delegated authority: 56.2% said that the managers are aware, and an additional 13.9% said that they are fully aware. However, almost 1/3 of the employees think that the familiarity is very little, it is not there, or it is not at all.

Tab./graph 6. To what extent do you think that the managers in your institution are familiar with the principle of delegation of authority?

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>absolutely not</i>	16	2.8	3.0	3.0
<i>they are not familiar</i>	34	5.9	6.3	9.2
<i>a little familiar</i>	112	19.5	20.7	29.9
<i>they are familiar</i>	304	53.0	56.2	86.1
<i>they are completely familiar</i>	75	13.1	13.9	100.0
<i>In total</i>	541	94.3	100.0	
<i>Without response</i>	<i>I do not know</i>	28	4.9	
	<i>nlo</i>	5	0.9	
	<i>In total</i>	33	5.7	
<i>In total</i>	574	100.0		

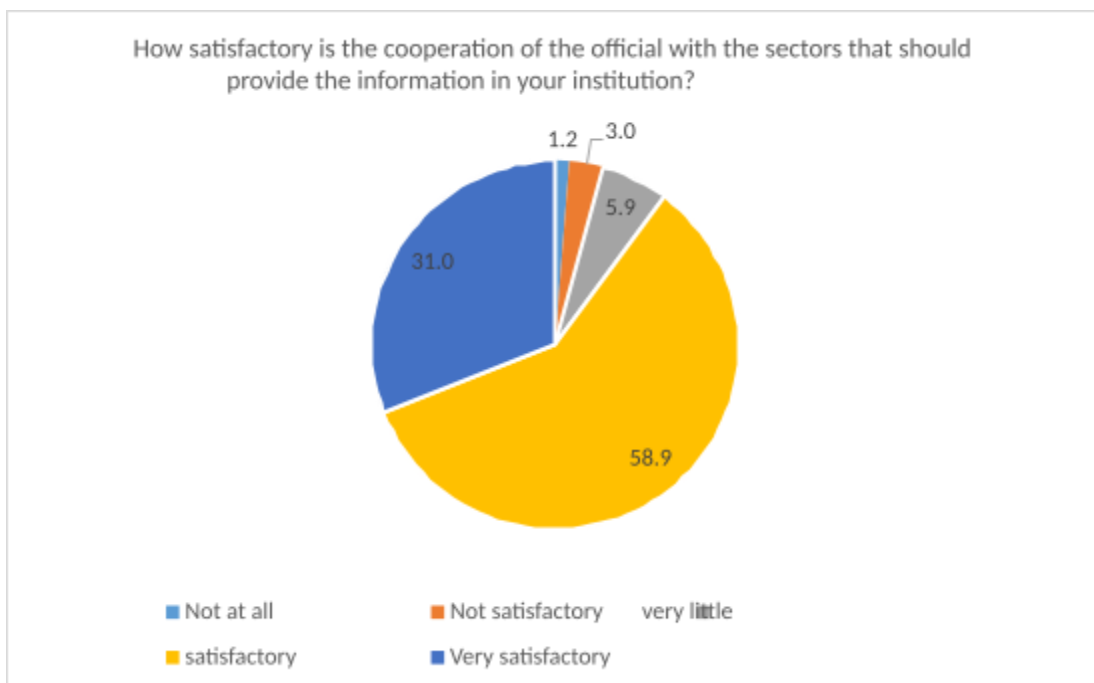


Cooperation of the official with the competent sectors

As it was pointed out, the official mediates between the requester and the holder. The information is prepared by the competent sector or department of the holder. The official forwards the request to them and then forwards the answer to the requester. For that reason, it is necessary for there to be communication and cooperation between the official and the relevant sectors.

Tab. /graph 6. How satisfactory is the cooperation of the official with the sectors that should provide the information in your institution?

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	7	1.2	1.2	1.2
<i>is not satisfactory</i>	17	3.0	3.0	4.3
<i>a little</i>	33	5.7	5.9	10.1
<i>it is satisfactory</i>	331	57.7	58.9	69.0
<i>it is very satisfactory</i>	174	30.3	31.0	100.0
<i>In total</i>	562	97.9	100.0	
<i>Without response</i>	<i>I do not know</i>	7	1.2	
	<i>N/A</i>	5	0.9	
	<i>In total</i>	12	2.1	
<i>In total</i>	574	100.0		



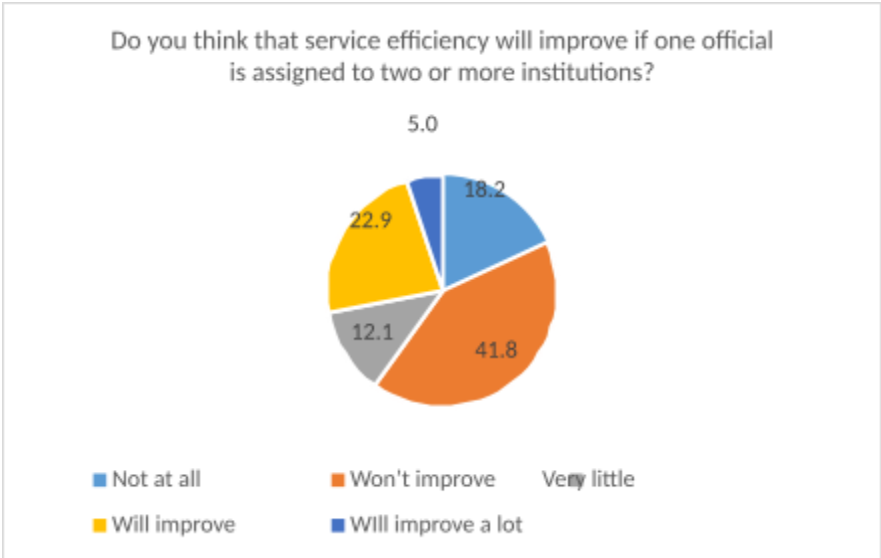
The point of view of the officials is that this cooperation is satisfactory (58.9%) or very satisfactory (31%). A very small part said that the co-worker satisfied them very little (5.9%), did not satisfy them (3%) or did not satisfy them at all (1.2%). Second, the rate of no response ("I don't know" or "n/o") is very low.

Single official person for two or more institutions

There are holders who are very small and have, for example, only 2-3 employees. And for such holders, the additional obligations arising from the Law can represent a burden for both the official and the holder. The Law gives the possibility for several holders to share an official person specifically for that reason, in order to improve the efficiency in the implementation of the Law.

Tab./figure 7. Do you think that service efficiency will improve if one official is assigned to two or more institutions?

	<i>Connect</i>	<i>Percentage</i>	<i>Valid percentage</i>	<i>Cumulative percentage</i>
<i>not at all</i>	84	14.6	18.2	18.2
<i>it won't improve</i>	193	33.6	41.8	60.0
<i>a little</i>	56	9.8	12.1	72.1
<i>Will improve</i>	106	18.5	22.9	95.0
<i>Will improve a lot</i>	23	4.0	5.0	100.0
<i>In total</i>	462	80.5	100.0	
<i>Without response</i>	<i>I do not know</i>	104	18.1	
	<i>N/A</i>	8	1.4	
	<i>In total</i>	112	19.5	
<i>In total</i>	574	100.0		



The point of view of the officials on this issue is that the designation of a common official will not improve efficiency much. Only 22.9% said that it has improved and an additional 5% that it has improved a lot. The majority said that it will improve very little (12.1%) or not (41.8%) or not at all (18.2%).

When interpreting these answers, the bias of the respondents should be taken into account because the question affects them directly.

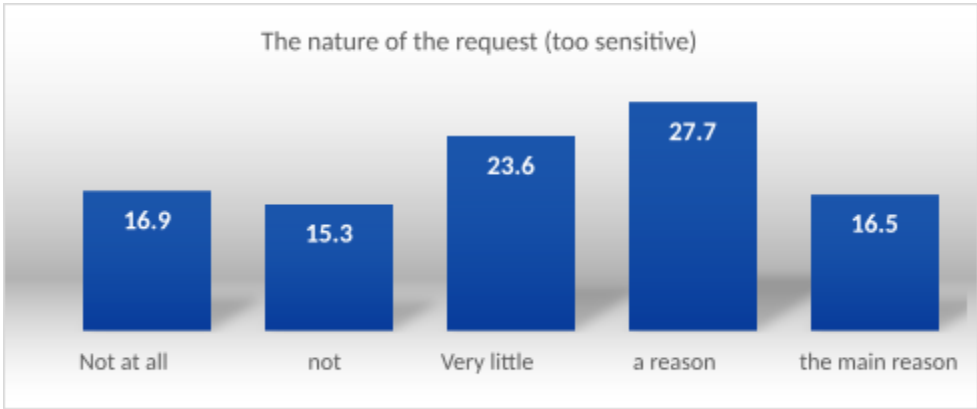
Reasons for silence

The nature of the request

The next part of the analysis deals with several questions related to the reasons for the silence of the institutions, that is, the cases when the holder does not give an answer to the request for the CGIJK. The main interest of the analysis is to find out why, that is, what are the reasons for the silence.

Tab./graph 8. The nature of the request (too sensitive)

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	74	12.9	16.9	16.9
<i>is not</i>	67	11.7	15.3	32.3
<i>a little</i>	103	17.9	23.6	55.8
<i>is a reason for silence</i>	121	21.1	27.7	83.5
<i>is the main reason for silence</i>	72	12.5	16.5	100.0
<i>In total</i>	437	76.1	100.0	
<i>Without response</i>	<i>I do not know</i>	51	8.9	
	<i>N/A</i>	86	15.0	
	<i>In total</i>	137	23.9	
<i>In total</i>	574	100.0		



The second possible reason for which the officials need to make clear is the sensitivity of the request. The trick is to find out to what extent this is the reason for the failure that the holder of information will not answer.

Generally, the opinion is that the official's outlook on the subject matter is the reason for silence. As can be seen from the graph, the answers are mostly on the lower part of the scale: 23.6% think that it is a small reason for silence, 27.7% that it is a reason for silence and 16.5% that it is a reason in reason for silence. About 1/3 think that it is not (15.3%) or not at all (16.9%) is the reason for silence. Second, the number without an answer is significant (23.9%), which indicates that a significant part of the respondents (1/4) avoided the answer.

Additional information is revealed through the qualitative data. According to one spokesperson:

"It depends on the official person and the general attitude of the institution. "Often, when there are problems with finances, public procurement, from the part of the organization, the way of working, this is where breaks come into play."

The volume of data

There are strong indications that in certain cases the documents for the FAPI will be significant in volume, that is, they will receive a lot of information that often requires significant work to prepare.

According to some interlocutors:

"There are cases, such as for example, when the bank provides information that is very extensive: How many vehicles does the municipality have and how much money did it sell in the period from 2007 to 2021? This is a long period. I understand that it will improve in a month or in a year or two."

The respondents also mentioned other similar requests: ex.. information about all the persons who were engaged with the contract in action, for how often and how much they were paid, for the last 10 years.

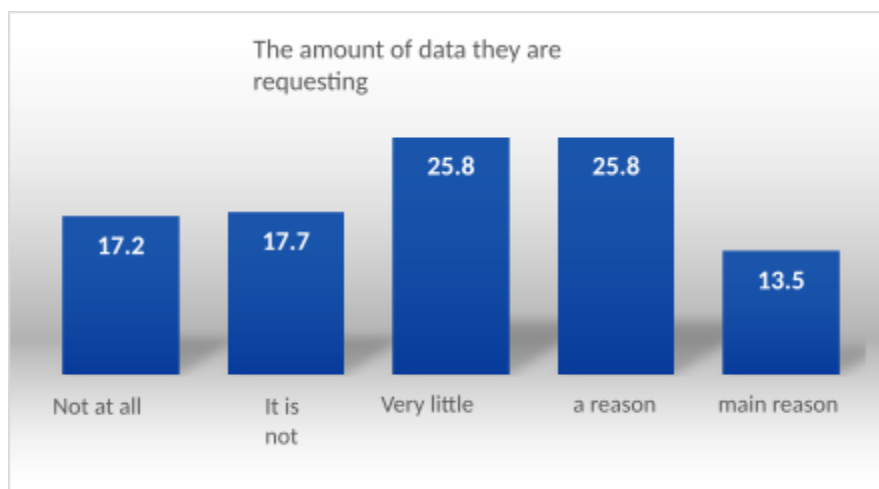
It is obvious that preparing an answer to that request needs a lot of work. The interlocutors appreciate that giving an answer to such a request may mean that they will leave everything for a long time and several days to devote exclusively to this request.

The officials generally think that the volume of the data is the reason for the silence: 25.8% that it is too little, another 25.8% that it is the reason for the silence and an additional 13.5% that it is the main reason for silence. On the left side of the scale, 17.2% said that it was not a reason at all, and another 17.7% said that it was not a reason for silence.

We should note that even for these requests, the no-answer questionnaire is significant and accounts for 21.1% (6.1% do not know and 15% did not give an answer).

Tables/graphs 9. The amount of data they are requesting

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	78	13.6	17.2	17.2
<i>is not</i>	80	13.9	17.7	34.9
<i>a little</i>	117	20.4	25.8	60.7
<i>is a reason for silence</i>	117	20.4	25.8	86.5
<i>is the main reason for silence</i>	61	10.6	13.5	100.0
<i>In total</i>	453	78.9	100.0	
<i>Without response</i>	<i>I do not know</i>	35	6.1	
	<i>N/A</i>	86	15.0	
	<i>In total</i>	121	21.1	
<i>In total</i>	574	100.0		



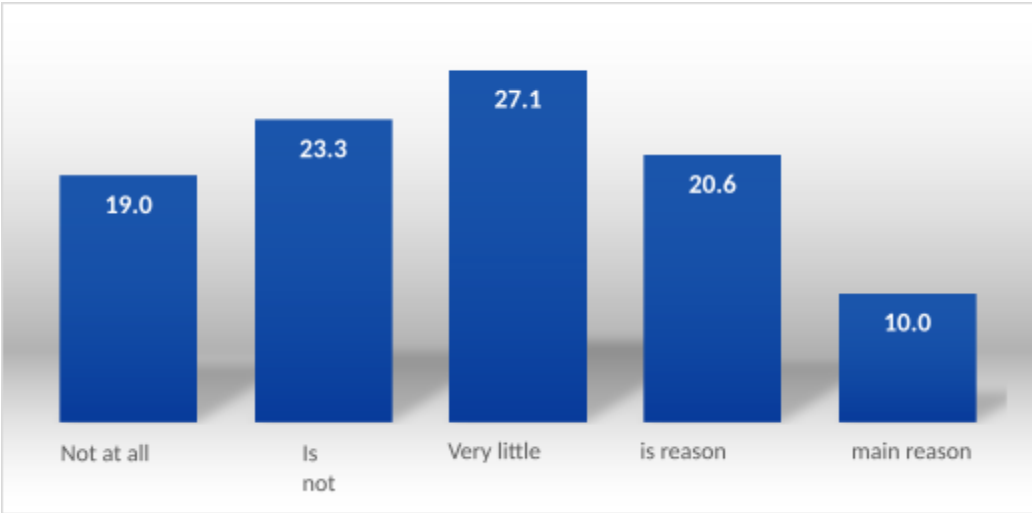
Negligence of the managers

It is important that the provision of information depends on the sectors of the holder and their managers. They prepare the information. Therefore, it is important to assess whether the fact that they did not give the information is the result of their lack of urgency or, for example, that the information should not be given. The second case is a strong indicator of the presence of institutional closure and undemocratic culture, i.e. situations for the overcoming of which the 3rd Act was adopted. The first case (lack of urgency) indicates inefficiency but does not necessarily indicate the presence of undemocratic values.

The point of view of the officials is that, in general, lack of promptness is to a lesser extent the reason for silence. From graph 10, it can be seen that the answers are concentrated on the left side of the scale: 19% said that lack of urgency is not a reason for silence at all, 23.3% that it is not and 27.1% that it is very little. That is, a total of 69.5% think that the reason is either no or very little lack of promptness. On the other hand, about 1/3 of the officials believe that lack of promptness is the main reason for silence.

Tab./graph 10. Lack of promptness on the crab water parties

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	84	14.6	19.0	19.0
<i>is not</i>	103	17.9	23.3	42.3
<i>a little</i>	120	20.9	27.1	69.5
<i>is a reason for silence</i>	91	15.9	20.6	90.0
<i>is the main reason for silence</i>	44	7.7	10.0	100.0
<i>In total</i>	442	77.0	100.0	
<i>Without response</i>	<i>I do not know</i>	24	4.2	
	<i>N/A</i>	108	18.8	
	<i>In total</i>	132	23.0	
<i>In total</i>	574	100.0		

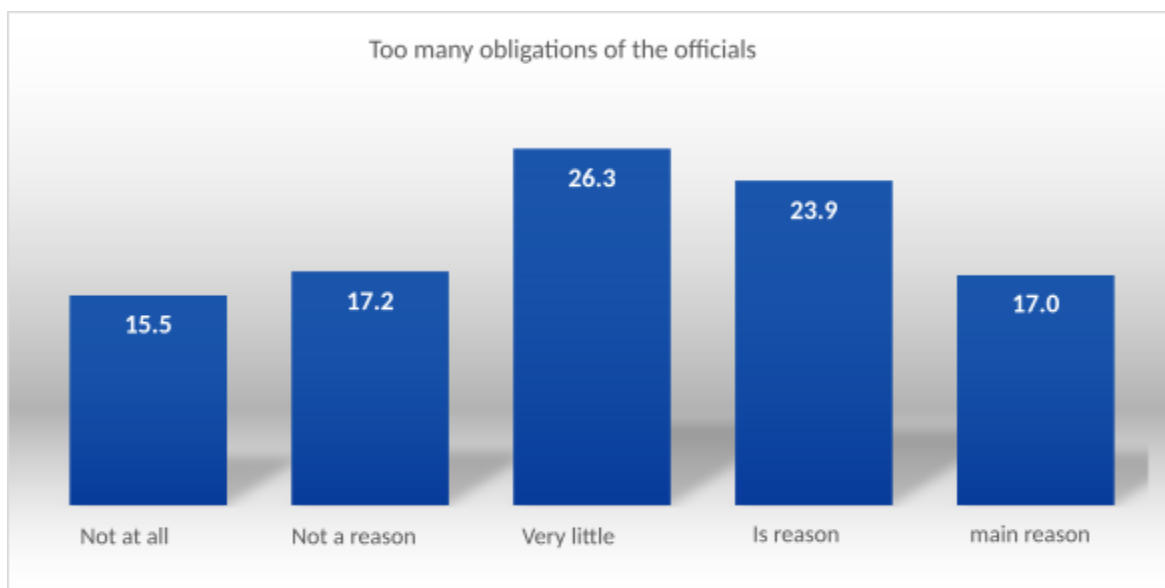


Too many obligations of officials

On the other hand, officials will tend to confirm that their overload with obligations is an important reason for silence. The analysis of the answers should certainly take into account the moment of bias. The answers are on the right side of the scale: 26.3% think that it is too little, 23.9% that it is a reason for silence and an additional 17% that it is the main reason for silence. On the left side, about 1/3 of the employees think that it is not or not at all a reason for silence.

Tab./graph 11. Too many obligations of the officials

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	72	12.5	15.5	15.5
<i>is not</i>	80	13.9	17.2	32.8
<i>a little</i>	122	21.3	26.3	59.1
<i>is a reason for silence</i>	111	19.3	23.9	83.0
<i>is the main reason for silence</i>	79	13.8	17.0	100.0
<i>In total</i>	464	80.8	100.0	
<i>Without request</i>	<i>I do not know</i>	17	3.0	
	<i>nlo</i>	93	16.2	
	<i>In total</i>	110	19.2	
<i>In total</i>	574	100.0		



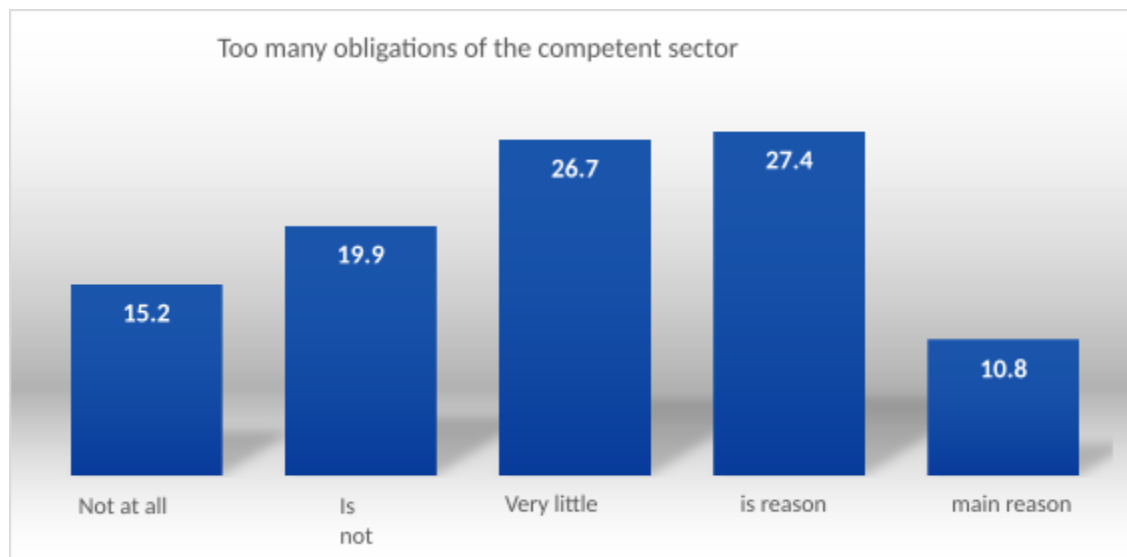
Too many obligations of the competent sectors

More than 1/3 of the officials believe that the reason for silence is that the competent sectors have too many obligations; 27.4% said that it is the reason for silence, and 10.8% said that it is the main reason for silence. However, the majority consider that it is very little, not or not at all a reason for silence.

The comparison between the previous question (obligations of officials) and this question is interesting. And besides the fact that the officials confirm that they only mediate in the delivery of information and that the main thing is with the competent sectors, they still tend to believe that their (officials') busyness is a more important reason for silence.

Tab. /graph 12. Too many obligations of the competent sectors

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	69	12.0	15.2	15.2
<i>is not</i>	90	15.7	19.9	35.1
<i>a little</i>	121	21.1	26.7	61.8
<i>is a reason for silence</i>	124	21.6	27.4	89.2
<i>is the main reason for silence</i>	49	8.5	10.8	100.0
<i>In total</i>	453	78.9	100.0	
<i>Without request</i>	<i>I do not know</i>	16	2.8	
	<i>nlo</i>	105	18.3	
	<i>In total</i>	121	21.1	
<i>In total</i>	574	100.0		



The advice of the management is not to give information

The majority of officials believe that the failure to provide information is not the result of the management deciding not to provide information: more than ¼ said that this was not a reason for silence at all, another ¼ said that it was not a reason and another 16.4% said that very little is cause for silence. On the right side of the scale, 19.6% said it was the reason and another 11.2% said it was the main reason for silence. Moreover, the non-answer rate is high and amounts to 25.4%, which means that ¼ of the respondents avoided answering the question.

It is important to note that according to the information derived from the interviews, the obstruction to the provision of information in certain cases came directly from the managers. This in some cases causes a feeling of fear and stress among officials. This data is further confirmed by 11.2% of officials who believe that the management's attitude is the main reason for silence.

Tab./graph 13. The advice of the management is not to give information

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	112	19.5	26.2	26.2
<i>is not</i>	114	19.9	26.6	52.8
<i>a little</i>	70	12.2	16.4	69.2
<i>is a reason for silence</i>	84	14.6	19.6	88.8
<i>is the main reason for silence</i>	48	8.4	11.2	100.0
<i>In total</i>	428	74.6	100.0	
<i>Without request</i>	<i>I do not know</i>	33	5.7	
	<i>nlo</i>	113	19.7	
	<i>In total</i>	146	25.4	
<i>In total</i>	574	100.0		

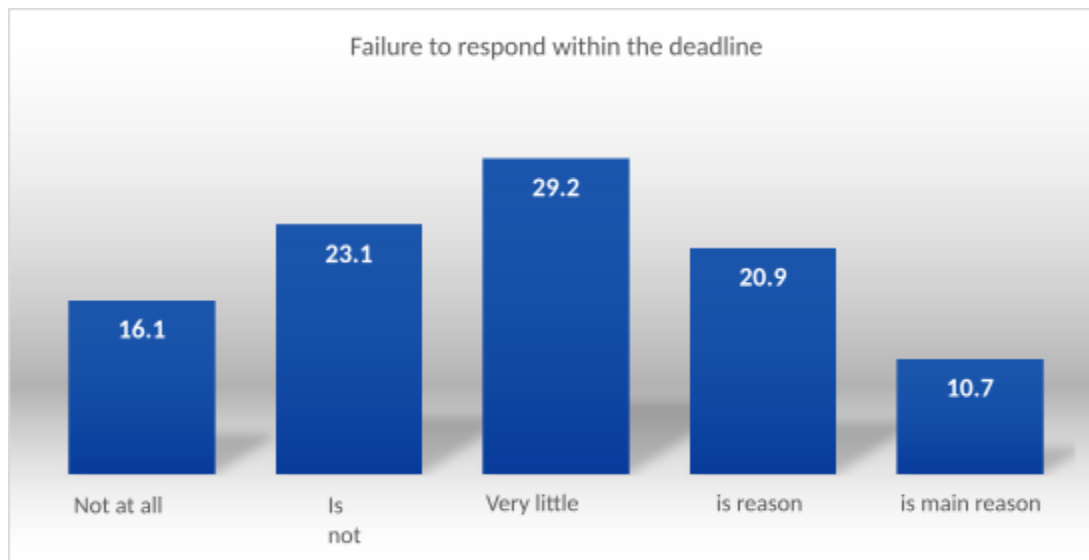


Impossibility of answering within the deadline

According to the majority of officials, the deadline is not a significant reason for silence: 20.9% said it was a reason and an additional 10.7% said it was the main reason for silence. The rest of the officials consider that it is very little, not a reason or not at all a reason for silence.

The conclusion is that the time limit within which the answer should be submitted is not a significant reason for silence. Tab. /graph 14. Failure to respond within the deadline

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	74	12.9	16.1	16.1
<i>is not</i>	106	18.5	23.1	39.2
<i>a little</i>	134	23.3	29.2	68.4
<i>is a reason for silence</i>	96	16.7	20.9	89.3
<i>is the main reason for silence</i>	49	8.5	10.7	100.0
<i>In total</i>	459	80.0	100.0	
<i>Without request</i>	<i>I do not know</i>	14	2.4	
	<i>N/A</i>	101	17.6	
	<i>In total</i>	115	20.0	
<i>In total</i>	574	100.0		



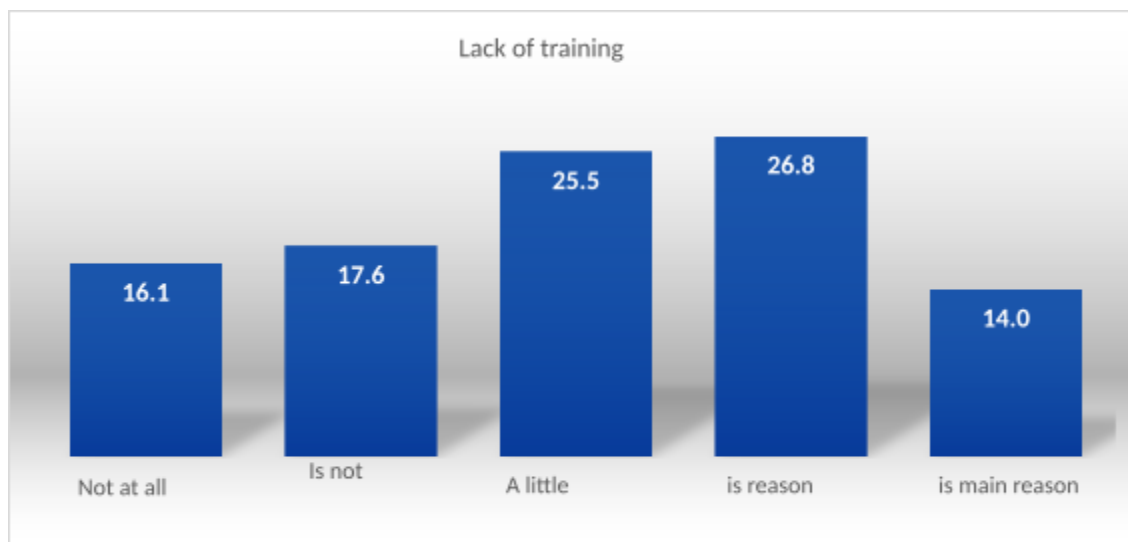
НЕДОСТАТОК НА ОБУКА

The last of the series of questions about the reasons for silence refers to the lack of training. As can be seen from Tab./graph 15, a significant part of officials believe that the lack of training is the reason: 26.8% think that it is the reason and an additional 14% think that it is the main reason for silence.

A slightly higher percentage of respondents believe that it is the reason or the main reason for silence.

Tab. /gpafikon15. Lack of training

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>it's not at all</i>	76	13.2	16.1	16.1
<i>is not</i>	83	14.5	17.6	33.8
<i>a little</i>	120	20.9	25.5	59.2
<i>is a reason for silence</i>	126	22.0	26.8	86.0
<i>is the main reason for silence</i>	66	11.5	14.0	100.0
<i>In total</i>	471	82.1	100.0	
<i>Without request</i>	<i>I do not know</i>	11	1.9	
	<i>N/A</i>	92	16.0	
	<i>In total</i>	103	17.9	
<i>In total</i>	574	100.0		



Tab./graph 16 below show the average scores (on a scale of 1-5) for each of the included reasons for silence.

As you can see, in addition to the employees, the most important reason (3.11%) is the type of the job, or its sensitivity.

The bottom of the ranking is the lack of promptness of the management persons or their general attitude that they will not provide information.

Tab./graph 16. Main reasons for silence, average

	Ppocek
The nature of the request (too sensitive)	3.11
Too many obligations of officials	3.10
Lack of training	3.05
The volume of data requested	3.01
Too many obligations of the competent sectors	2.99
Impossibility of providing an answer within the deadline	2.87
Negligence of the managers	2.79
The management's attitude not to provide information	2.63

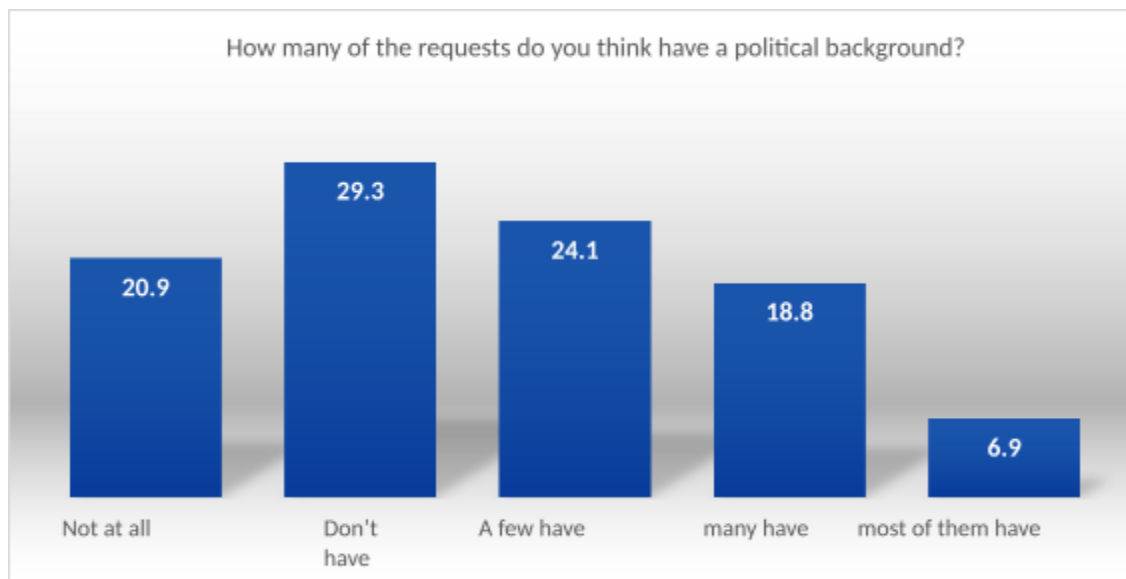


The political background of the demands

The conversations with the stakeholders started with the possibility that some of the demands were politically motivated. That clue was apparently checked through the survey and was verified. There are real indications that the request for FAPI will be submitted for political motivation. Almost 1/5 of the married persons (18.8%) said that many of the demands have a political background; an additional 6.9% said that most of the requests are like that. However, in addition, ¼ of the legal persons (24.1%) confirmed that this is true for a relatively small part of the claims. On the other hand, about half of the married people said that the demands have no or no political background at all.

Tab./graph 17. How many of the requests do you think have a political background?

	<i>Connect</i>	<i>Percentage</i>	<i>Valid percentage</i>	<i>Cumulative percentage</i>
<i>they don't have any at all</i>	97	16.9	20.9	20.9
<i>they don't have</i>	136	23.7	29.3	50.2
<i>it takes a small part of the requests</i>	112	19.5	24.1	74.4
<i>many of the requests</i>	87	15.2	18.8	93.1
<i>most of the requests</i>	32	5.6	6.9	100.0
<i>In total</i>	464	80.8	100.0	
<i>Without request</i>	<i>I do not know</i>	102	17.8	
	<i>N/A</i>	8	1.4	
	<i>In total</i>	110	19.2	
<i>In total</i>	574	100.0		



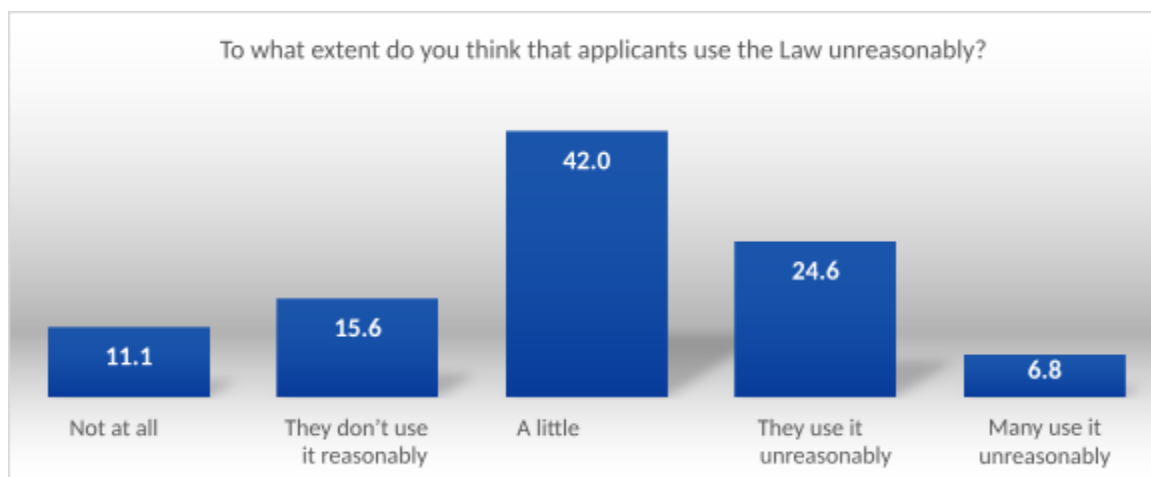
Unreasonable use of the Law

There are relevant indications from the interviews with stakeholders, as well as from the conducted survey, that in practice there are examples of unreasonable use of the law. The request for extremely extensive data for a long period of time or the "bombardment" of an institution with hundreds of requests could be considered as such examples of unreasonable requests. Of course, respecting a specific limit beyond which a certain use of the law would be considered unreasonable, should be subject to debate and careful assessment.

Officials believe that to a certain extent, there is an unreasonable use of the law (Tab./Graph 17). In particular, almost ¼ of the employees (24.6%) think that the claimants use it unreasonably and an additional 6.8% think that there is a very unreasonable use. The majority is in the middle of the scale; 42% think that applicants use the law somewhat unreasonably. 3 the conclusion is that that practice is present. Part of the examples that were previously presented in the text is an additional illustration for that.

Tab. /graph 18. 17 To what extent do you think that applicants use the Law unreasonably?

	Connect	Percentage	Valid percentage	Cumulative percentage
<i>not at all</i>	54	9.4	11.1	11.1
<i>they don't use it unreasonably</i>	76	13.2	15.6	26.6
<i>a little</i>	205	35.7	42.0	68.6
<i>they use it unreasonably</i>	120	20.9	24.6	93.2
<i>Many use it unwisely</i>	33	5.7	6.8	100.0
<i>In total</i>	488	85.0	100.0	
<i>Without request</i>				
<i>I do not know</i>	83	14.5		
<i>N/A</i>	3	0.5		
<i>In total</i>	86	15.0		
<i>In total</i>	574	100.0		



Additional knowledge

Liability for non-implementation of LFAP

It is obvious that the provisions for the submission of responsibility for the non-disclosure of information should be changed. The previous legal solution provided for criminal liability for the manager. The 3rd Act provides criminal liability only for the appointed official. There is strong evidence that a large part of the relevant actors will not agree with this model. At the same time, there is evidence that this legal solution has reduced the effectiveness of the 3rd law in the medium term.

According to a business person:

"All sanctions will be imposed on the official person. If I can't get an answer even after several interventions, I don't know what else I could do. That part of the law should be amended and the responsibility should be borne by the person who does not release the information."

This point will be confirmed by several stakeholders involved in the process. This points to a clear conclusion that the penal provisions are on the line of reducing the effectiveness of the Law because they enable a lenient amnesty from the responsibility of the perpetrators. They decide not to give the requested information. The responsibility rests with the official person who intervenes between the applicant and the holder.

According to the personal opinion:

"... here the legislator did not anticipate well. It is not possible as soon as I sign - I can answer. I am only a mediator, although I am signing. I receive a request and notify the sector that should respond. If I do not get an answer from them or from the boss (in this case the mayor) I am told that such data will not be given, who should answer here, either the boss or the manager of a department? I can only convey that he should give an answer, if he doesn't give it to me, I have nothing to do, don't depend on me."

Similar:

"...I didn't like that we are directly responsible, as officials. 3. What should we be involved in? I can guarantee that they will give me answers in every department. I can only forward the requests, for some things the mayor has to give me permission to give those data. 3. What should I do if I was not approved? It has always come from the nation, the officials."

And so:

"There should be a reformulation of the penal provisions. That the official person should not be in the spotlight, but the responsible person - mayor, director, head of the sector, etc. The law should undergo changes."

or:

"The misdemeanour provisions are all against the officials. Personally, I will not agree with that norm... They just intervene, that's how much they are empowered to do. There is silence from their superiors. They will be left behind."

LFAPI as a replacement for another regulation

There are certain indications that the law will be used by certain applicants who failed to obtain the information by other means. This can be seen from the following statement:

"There are requests concerning natural persons, but they have failed to provide the document in another way, through another institution. This is most often the information that the natural person is looking for and cannot get from the registry, so they use the transparency of the institutions to get it."

This argument will be confirmed by several independent respondents, so it is valid. It is starting to appear that, for example, lawyers use the Law to obtain information that they need in court proceedings, and which they could request within the framework of that proceedings. However, they use LFAPI probably because that way they will get them faster and easier.

This can again be seen as proof of the effectiveness of the law. However, according to some observers, the law should not be a mechanism through which the procedures for obtaining information determined by other laws will be circumvented.

Conclusion

A specific interest of this short analysis were the reasons for the silence of the institutions in response to the demand for FAPI. The silence is a significant reason for the appeals that will be submitted to the Agency.

The conclusion is that there is a combination of possible reasons for the institution's silence, which include the type of request, the volume of information that is requested, the possibility of the competent sectors and officials to respond within the deadline, as well as the lack of promptness of the management and their belief that certain information they should not give.

In general, the more specific the information requested, the more likely the holder will hesitate to provide it. Institutions are generally more reserved about providing information related to finances, spending, fees, purchases, etc.

A real part of the reason for the silence was the lack of promptness. It is a pity that it is not easy for the holders to respond to the request for information that needs a lot of work.

The holders respect the law to a real extent and a large part of them take the obligation to answer seriously.

There is real evidence that the law is effective and that it has a real impact on the construction of the culture of institutional transparency, which contributes to the reduction of corruption and the development of democratic values.