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Analysis of training needs of information holders

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INTRODUCTION

The purpose of this document is to offer an analysis of the identified training needs of information holders and to serve the Agency for the Protection of the Right to Free Access to Public Information (hereinafter: the Agency) in more efficient and effective implementation of future training to the holders of information.

The basis for this analysis and in general for the need to improve the training of information holders is the competence of the Agency in the area of training, decisively stated in Article 30 of the Law on Free Access to Public Information (hereinafter: the Law) that it "... -undertakes activities in terms of education of the holders of information about the right of free access to the information they have...", but also the provisions of the same article that (the Agency) "... -takes care of implementing the provisions of this law..." and "...-promotes the right to free access to public information...".

For the preparation of this analysis, the information and knowledge obtained from:

- the workshops with the holders of information conducted by the Agency during 2022;
- The conference on the situations related to the implementation of the Law on free access to public information in the Republic of North Macedonia from September 2022;
- conversations held with officials for mediating public information in 2022;
- the several online debates on the implementation of the Law on Free Access to Public Information held in 2021;
- The analysis of the application of the Law on free access to public information with recommendations for improving the system for free access to information from August 2022; - The report with recommendations from the held training of the Agency, from October 2020 and
- The analysis of the reasons for the administration's silence, from July 2022.

The provisions of the Agency's current Strategic Plan have also been taken into account, where the training of the holders of information is also provided as a way to achieve one of the strategic goals in the plan (Goal No. 2: Increasing the efficiency and effectiveness of the holders of public information for realizing the right to free access to information), as well as from the Agency's annual Work Programs and Training programs for officials to mediate public information, that is, from the current practice of conducting training.

The document mainly refers to the identified training needs for the holders of information as a way to promote the realization of the right to free access to public information, the types of training that could be conducted by the Agency and the expected effects thereof, as well as the scope, the design, duration and dynamics of training implementation.

FINDINGS AND INSIGHTS ON TRAINING NEEDS FOR INFORMATION HOLDERS

A general assessment from all the inputs mentioned above, and in the context of assessing training needs, is that there are still difficulties in implementing the right to

free access to public information, which can be attributed to insufficient knowledge of the provisions of the Law and its application in practice.

One of the general conclusions from the analysis of the implementation of the Law is that officials "still do not know enough about the Law, and consequently, there is a need to continue to work actively in the field of education, through additional training and capacity building, as a central and at the local level".

Furthermore, it is concluded that it is necessary to conduct training not only for the officials for mediation with public information, but also for the majority of the employees of the information holders, and especially for the responsible persons of the information holders.

It can also be concluded that there is dynamism and frequent fluctuation of public information brokers from one workplace to another, which results in the need for constant basic education of employees among the holders on the issue of access to information.

In this context, there is also a very different degree of experience and level of knowledge of the problem among officials with different holders of information, which makes access to information uneven in the systemic sense of the word.

It should be taken into account that the Agency continuously conducts training for information holders according to a previously established annual program and adapted to the circumstances (restrictions that were imposed due to the Covid-19 crisis), the possibilities and the interest of the information holders. This analysis is only intended to assist the Agency in future design and realization of the training in the direction of increasing the effects of the training and the expediency of the efforts in this sense.

Taking into account the heterogeneous composition of the problems and hence the training needs, the need to diversify the training depending on the level of depth, i.e. initially separating the training for newly appointed and inexperienced officials, beginners and the training for more experienced officials, is imposed.

Furthermore, taking into account the ascertained need to expand the scope of training to other employees of the information holders, there is a need for specialized training for the persons responsible for the information holders.

Next, to avoid the ascertained superficial "covering" or failure to mention certain important aspects of the problem of access to information, and due to the impossibility of covering all issues in one general training, the need for thematic training for certain important issues, aspects and repetitive problems in implementing the right to free access to public information. The need for such training arises from the most common problems that information holders face, as well as certain problems that appear acutely, incidentally or cyclically. All those problems should be taken into account when designing the training and determining the topics.

Such training can be designed in a different format than the classic training format, that is, they can be organized as conversations, question and answer sessions, exchange of practices among colleagues, counselling, etc.

In the series of specialized training, training for certain same or similar holders of information should certainly be taken into account, given the similar nature of the problems they may face, such as training for schools, kindergartens, health facilities ,

for political parties, etc.

It is also ascertained that there is a certain unequal interest among various holders of information in attending training and upgrading their knowledge about the problem of access to information (active and reactive). Hence the need to think about introducing a certain obligation to attend training, as well as holding training in time frames and periods that will be more appropriate to the needs and work dynamics of the information holders. Here, above all, we mean a shorter duration of the training and their holding in the second half or towards the end of the working hours.

For questions and problems of a repetitive nature, consideration should be given to recording the training sessions and uploading the recorded video material to the Agency's website as reference material that holders can then forward at a time that suits them best.

SUGGESTIONS FOR TRAINING TYPES, FORMATS AND IMPLEMENTATION DYNAMICS

To respond to the ascertained weaknesses of the holders of information, to advance the realization of the right of free access and so that the Agency can more expediently exercise its competence in this segment, several different types and formats of training are proposed.

It should be noted that the Agency will not need to prepare and produce new materials, presentations or any other form of presentation of the training topics for each separate type of training. What will differentiate the individual training, in terms of the coverage of the topics, will be the depth in which the topics will be elaborated and the time that will be devoted to the individual topics. For example, while training for novice and newly appointed Mediation Officers should only mention the harm test – when, why and how it is conducted, advanced training for already experienced Mediation Officers – should devote a lot of attention to this issue more time, with the analysis of specific situations and examples, questions and answers, and if necessary even an exercise for conducting the test.

Also, the training proposed here does not mean the abolition of some of the existing training formats and other forms of education conducted by the Agency, such as the information session on the registration and use of the online platform for information holders (which can only go completely in form of the pre-recorded video format that holders can view and perform the necessary registration and use of the platform).

A. Basic training

Purpose: The training is intended for newly appointed officials to mediate public information, as well as for persons who are not newly appointed, but have little or no experience (due to a small or limited number of requests received in their institution).

Scope: This training should cover the basic aspects of the approach:

- a brief historical overview of the realization of this right in the world and in our country;
- The legal framework and the way of implementing the law, i.e. the procedure for exercising the right to free access;
- review of obligations, exceptions and the appeal procedure;
- the possibilities, advantages and ways of implementing active transparency, as well as
- basic notes on how to register and use the online platform for information holders.

Duration: The training can last up to 3 hours and it can be recorded and made available to the information holders when they need it and at a time that suits them best. To keep track of the people who have "viewed" the training online, a basic user registration can be introduced before they can watch the video.

Dynamics: Basic training can be conducted periodically, for example, once in every quarter of the year, that is, four such training can be conducted annually.

Format: This training should be conducted with physical presence or ultimately in a hybrid model to ensure greater participation of representatives of information holders outside Skopje. However, the importance of physical presence stems from the fact that it is a question of newly appointed persons or beginners in the field for whom it is important to get to know both the people of the Agency and their colleagues from other holders.

B. Information training for responsible persons and employees of the holders of information

Purpose: Intended for responsible persons such as directors, mayors, etc. The training can also be intended for all other employees of the holders of information who in some way are involved in exercising the right to free access to public information - such as employees in positions that have to submit information to the person for comparison, heads of departments, spokespersons and public relations persons, etc.

Scope: This training should be similar to the basic training, only it should be more informative and last significantly shorter. Training can cover the basic aspects of the approach:

- a brief historical overview of the realization of this right in the world

- and in our country;
- The legal framework and the way of implementing the law, i.e. the procedure for exercising the right to free access;
- a brief overview of obligations, exceptions and the appeal procedure;
- procedure for delegation of authority; as well as
- The possibilities, advantages and ways of implementing active transparency.

Duration: This training should last about 45 minutes and it could be recorded and the video uploaded for online use at a time depending on the needs of interested users, with prior registration for a record of those who have "seen" the video.

Dynamics: Such training can be conducted semi-annually, that is, they can be conducted after two such training per year.

Format: Considering the nature of the training, it is possible to conduct this training in a hybrid format or even completely online to ensure a larger number of participants at once. This training, which is primarily informative and for getting to know the problem of people employed by the owners who are not directly related to the access, is not so important the physical presence, but their number.

C. Advanced training

Intended purpose: It is intended for persons with a certain experience to mediate public information.

Scope: This training should be of a more advanced nature and cover the following topics:

- review of obligations, exceptions and the appeal procedure;
- procedure for delegating authority and its advantages;
- harm test – when, why and how it is conducted;
- handling of personal data protection (anonymization of documents and information);
- the possibilities, advantages and ways of implementing active transparency; as well as
- publishing information in an open format.

Duration: This training could last between 2 and 3 hours, depending on the number of participants and the allotted time for questions and answers. More time

should be allocated during the training for the question and answer session. The training should also serve as a source for generating topics for the thematic training.

Dynamics: Such training can be conducted semi-annually, that is, they can be conducted after two such training per year.

Format: This training can be conducted both with physical presence and in a hybrid model because it is about people with a certain experience, who are supposed to know the people from the Agency and their colleagues and the emphasis is on specific topics and problems they encounter in daily operations. Taking into account that it is assumed that we are talking about people with multiple obligations, the hybrid model, that is, the possibility of not physically attending the training, is considered an optimal solution.

G. Thematic training

Purpose: They are primarily intended for people mediating public information, but also for all other employees of the holders of information who are interested in a certain topic.

Scope: The topic of each training can be any selected topic from previous training for which it is estimated (1) that there is an increased interest; (2) that it will help in promoting the realization of the right of free access or (3) that it will contribute to the solution of a determined problem.

Illustrative examples of topics for which thematic training could be organized would be:

- conducting the harm test;
- preparation, updating and appropriate publication of the List of public information;
- proactive publication of information from Article 10 of the Law;
- procedure when responding to requests in case the documents and information contain personal data; etc.

Duration: Taking into account that it is about one topic - this training can last shorter, about 1 hour and allow time for discussion, exchange of experiences and questions and answers. For those thematic training for which the topic itself is of a more general and repetitive nature, it is possible to foresee their recording and uploading on the website of the Agency for further transmission by the interested persons, at a time that suits them best.

Dynamics: If there are no specific requests from the holders of information, at the

initiative of the Agency, four such training can be organized per year, i.e. one in each quarter of the year for topics for which the Agency, based on experience and the annual report, will judge that additional training is needed. education.

Format: These training can be conducted online as they are short training, more in terms of counselling and exchange of experiences and knowledge.

D. Sectoral training

Purpose: They are intended for all interested persons from holders of certain sectors, such as - health, kindergartens, primary and secondary schools, universities, public enterprises, etc.

Scope: training should cover topics that are more specific to the particular area and hence each training should be designed separately.

Duration: The duration of the training would depend on the topics that are covered and the depth that will be penetrated, but of course, they should not last more than two hours.

Dynamics: training should be held occasionally, depending on the determined need by the Agency, but also on the initiative of representatives of institutions from certain sectors. If there are no specific requests from the holders of information, at the initiative of the Agency, two such training can be organized per year, i.e. one in each half of the year, for sectors for which the Agency, based on experience and the annual report, will judge that additional education is needed.

Format: The format of holding the training will depend from training to training, that is, above all, on the number of interested participants. If it is greater, the variant for a hybrid model can be considered, and if it is less, the training can be held with physical presence. However, depending on the sector for which the training is held, it can be decided to hold it only online, bearing in mind that some sectors, such as education for example, have limited opportunities and budgets to enable and cover travel expenses of employees.

FINAL REMARKS

Depending on the broader circumstances, the available capacities, the appropriate interest among the potential training participants and the previous experience, the Agency should make the final choice about which and how much of the proposed

training it would conduct when preparing its annual training programs for holders of information. depending on the previously mentioned parameters, the Agency can decide and gradually introduce the new training formats, from year to year. Also, in this sense, the Agency should continue to publish the annual training program on its website promptly for the familiarization of interested persons and appropriate planning.

Regarding the registration for participation, apart from the registration of interested participants on a voluntary level (for which a suitable simple online registration form can be created), the Agency can invite representatives of certain information holders to training, depending on the assessed needs for this, and based on experience with complaints, annual report, etc.

This analysis, which is completely derived from the real needs for training determined at several levels and in several different analyzes made in the last few years, can serve as a basis for determining an appropriate approach to financing the training. On the one hand, the analysis as a realistic representation of the training needs can serve as a basis for requesting and approving additional budget funds for the Agency for the appropriate realization of the training. On the other hand, since the assessment of training needs, among other things, results from the statements and needs arising from the information holders, it is necessary to consider the participation in financing the training (partially or fully) by the information holders as well, that is the users of the training.

Related to this is the need to establish a certain mandatory training in terms of who are the persons and types of training that must be completed in a certain period. Then, based on that, determine for which training and in which cases the training costs will be covered by the Agency (fully or partially), and in which cases the actual training costs will be covered (fully or partially) by the information holders.

ⁱ Law on free access to public information, Official Gazette of the Republic of North Macedonia number: 101/2019 of May 22, 2019, available at:

<https://www.slvesnik.com.mk/Issues/93af90af565443e38308333c2c2146cd.pdf>

ⁱⁱ Strategic plan of the Agency for the Protection of the Right to Free Access to Public Information, Skopje, June 2021, available at: <https://aspi.mk/wp-content/uploads/2021/06/%D0%A1%D0%A2%D0%A0%D0%90%D0%A2%D0%95%D0%A8%D0%9A%D0%98-%D0%9F%D0%9B%D0%90%D0%9D.pdf>