

REPORT ON REALIZED ACTIVITIES ARISING FROM THE LEGAL AUTHORITIES OF THE AGENCY FOR THE PERIOD JANUARY-JUNE 2022:

Free access to public information is one of the basic prerequisites for responsible and transparent operation of institutions. The active participation of citizens in political processes and the quality of their participation in the creation of public policies and decision-making directly depend on how familiar and informed citizens are about those processes. That information is created and disposed of by the bodies of the state government and other bodies and organizations determined by law, the bodies of the municipalities, the city of Skopje and the municipalities in the city of Skopje, institutions and public services, public enterprises, legal and natural persons exercising public powers determined with law and activities of public interest and political parties in the area of income and expenditure. Therefore, enabling access to this information is a necessary process that leads to the democratization of the processes of creating public policies and making decisions that affect the quality of life and general well-being.

Acquaintance with the relevant data is of crucial importance for understanding the work of the institutions, and in that context, today it is not possible to imagine quality participation in the processes of making political decisions if there is no awareness and insight into the work of public institutions.

As a secondary authority in the process of implementing the exercise of the right of access to public information, the Agency faces the biggest challenge, which arises from its basic competence - to conduct administrative proceedings and to decide on appeals from information seekers submitted against the holders of information, in cases where the holders of information did not act in accordance with the provisions of the Law on free access to public information.

The right to file a appeal is equal for all applicants who have submitted an oral, written or electronic Request for access to public information to an institution at the central or local level (first-instance authority), i.e. to any of the registered holders of information. The Agency, as a second-level authority in the appeals procedure, forwards the appeals to the first-level authorities (the holders of the information) for a ruling, with a request to receive a ruling within 7 days regarding the allegations contained in the appeal. Taking into account the allegations in the appeal, the response to the appeal and other attached evidence, the Agency makes an appropriate decision within the legally stipulated period of 15 days.

The Agency delivers to the holders of information who have not acted on requests for access to public information (the so-called silence of the authority) a decision to order action in accordance with the Law on SPIJK within 15 days from the receipt of the decision, with an obligation to inform the Agency about their actions within that period. To those holders of information who have not acted fully in accordance with the provisions of the Law, the Agency delivers decisions for their reconsideration, indicating how to do the same. If such initial decisions do not result in the realization of the purpose of the Law, the Agency

prepares and delivers to the holders of information meritorious decisions, which mostly represent obligations for the holders to deliver the requested information to the requester.

This report refers to the period January-June 2022 and it contains data on the Agency's handling of submitted appeals, in the period from January 1 to June 30, 2022, in which period a total of 184 appeals were submitted.

Analyzing the structure of appellants to the Agency, the fact remains that the majority of appeal cases, a total of 110, were submitted by legal entities, that is, by citizens' associations and foundations, while 74 appeals were submitted by natural persons. In this report, it can be noted that the interest of natural persons, ie citizens, in using this constitutionally guaranteed right has increased.

In the first six months of 2022, the most appeals were filed against: – state

institutions - 89

– municipalities - 56

– legal and natural persons who exercise public powers and activities of public interest-19

– health facilities -7

– judicial authority - 6

– educational institutions - 4

– public enterprises - 3

From the appeals submitted to the Agency, it can be concluded that the applicants are still of the greatest interest in the information arising from the work of state institutions, municipalities, as well as legal and natural persons exercising public powers and activities of public interest.

- In the period from January-June 2022, acting on the 184 appeals, the agency brought:
- 9 Rejection decisions
- 61 Ordering decisions
- 25 Rejection decisions
- 39 Decisions to stop the procedure
- 50 Decisions on retrial

Seven lawsuits were filed against the decisions of the Agency.

The Agency also acted on Decisions after second appeals submitted by those seeking public

information. In the period that is the subject of the Report, 22 second appeals were submitted, and 21 appeals were processed. In July, the last second appeal was acted upon, so that after all 22 appeals, the Agency has adopted appropriate Decisions.

After 21 second appeal, the agency brought:

- 11 Decisions by which the holder becomes indebted
- 2 Decisions with which the procedure is stopped, and
- 8 Decisions rejecting the Appeal as unfounded

In this report, we should emphasize that in the first six months of 2022, the trainings and workshops carried out with the officials among the holders of information had a certain effect in removing the most common reason for submitting appeals to the Agency - the silence of the administration, which, from the total number of submitted appeals is 33.15%.

In the submitted appeals, the dissatisfaction of the appellants with the actions of the holders of information concerning requests related to:

- Public procurement procedures
- Data on concluded management contracts
- Measuring stations for environmental protection
- Funds from excise taxes
- Issued authorizations for authorized officials
- Collected funds from imports
- Data for the realization of Action Plans for Strategies
- For land legalizations
- For privatization of state land
- Media funds paid for the last local elections
- Minutes of held committees
- Decisions issued by the ministries
- Performed inspections
- Reports on performed inspections of health facilities
- Regulations for work
- For the number of students enrolled in primary and secondary schools
- For the control of plagiarism in higher education
- For the number of inhabitants in municipalities that are supplied with a water supply system - For the number of inhabitants that are supplied with water through wells
- For issued construction permits
- For inspection in DUP and GUP
- For the assignment of land under lease
- Information on the selection of judges and public prosecutors

The Agency, as a secondary authority, acting on appeal cases, concluded that most of the

time the subject of the requests for which appeals are filed is information that the holders are obliged to publish on their web pages and thus inform the public. We encourage the holders of public information to proactively publish the information, which will ensure that key information is available to citizens promptly. The proactive publication of public information, as a legal obligation for the holders, derives from Article 10 of the Law on Public Information, which lists 22 categories of information that the holders are obliged to publish on their web pages. The published information helps the citizens to better understand the functioning of the institutions, their rights and obligations, how they can influence the making of decisions that are reflected in their daily living and work, as well as to more easily access the services that they offered by the state. Transparency and access to public information are inseparable instruments in the fight against corruption.