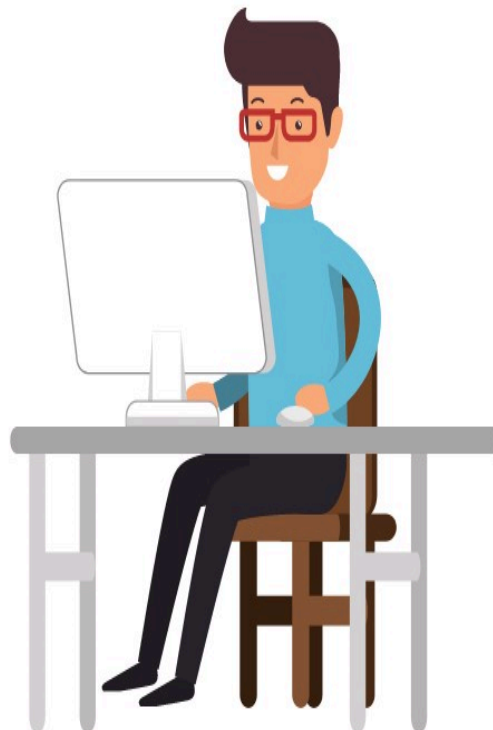




**AGENCY FOR THE PROTECTION OF THE RIGHT OF FREE ACCESS TO PUBLIC
INFORMATION**

**REPORT ON REALIZED ACTIVITIES ARISING FROM THE
LEGAL COMPETENCES OF THE AGENCY FOR THE PERIOD
JANUARY-JUNE 2024**



Skopje, July 2024

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. Hence, **Information is the power and oxygen of democracy!!!**

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 an 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 holder of the 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 complaint, the response to the complaint and other attached evidence, the Agency makes an appropriate decision within the legally stipulated period of 15 days.

The Agency, to the holders of information who did not act on requests for access to public information (**the so-called silence of the administration**), provides them with a solution for **ordering** for action in accordance with the Law on FAPI within 15 days from the receipt of the decision, with the obligation to inform the Agency about their action within that period. To those holders of information who did not act in full accordance with the provisions of the Law, the Agency delivers decisions for them **re-handling**,

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 in the largest number represent **obligations** for the holders to deliver the requested information to the requester.

This report refers to the period January-June 2024 and it contains data on the Agency's actions following submitted appeals, and in the reporting period a total of **196** appeals. The report also contains activities that the Agency has carried out in accordance with its competencies.

Analyzing the structure of appellants to the Agency, the fact remains that the majority of the appeals cases, in total **111** have been submitted by natural persons, from citizens' associations and foundations, have been submitted **81** appeals, while they are submitted by legal entities **4** appeals. In this report, one can notice the tendency of increased interest among natural persons, that is, citizens, in using this constitutionally guaranteed right. In the reporting period, there is a decrease in the number of submitted appeals (**64**) compared to the same period last year.

In the first six months of 2024, the most appeals were filed against:

- The bodies of the state administration - **71**
- The local self-government units - **54**
- Legal and natural persons who exercise public powers and activities of public interest- **6**
- Health facilities - **2**
- The judiciary - **16**
- Educational institutions - **13**
- Public enterprises and institutions – **30**
- Political parties – **1**
- Other - **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 the state administration bodies, local self-government units and public enterprises and institutions. There is also a trend of increasing interest in public information among judicial authorities and educational institutions.

The Agency in the period from January-June 2024, acting according to **The 196s** brought appeals:

- **15** Rejection solutions
- **70** ordering solutions
- **15** Rejection solutions
- **42** Decisions to stop the procedure
- **30** Solutions for re-handling and
- **24** Decisions that are in the decision-making process within the legally established deadline

Against the adopted decisions of the Agency, they were submitted to the Administration **4** lawsuits, after which the Agency submitted a response to the lawsuits to the Administrative Court.

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, they submitted **14**-second appeals, and under **12** The Agency has acted on appeals. After **two** second appeals, the Agency will act within the legally stipulated period.

The Agency after 14 second appeals brought:

- **8** Decisions by which the holder becomes indebted
- **3** Decisions by which the Appeal is rejected as unfounded and
- **1** Decision upholding the Appeal.

In this report, we should emphasize that in the first six months of 2024, the most common reason for submitting appeals to the Agency is **the silence of the administration** which of the total number of submitted appeals is **72.96%**. We should emphasize that the Agency makes great efforts to reduce this trend of not acting on the requests submitted by the applicants. Unfortunately, the holders of information still practice the instrument of silence of the administration to deny the constitutionally guaranteed right of access to public information. The Agency will continue to work on the complete elimination of this unpopular instrument by the holders. In its training intended for officials, it emphasizes the importance of proactive transparency and the publication of information by institutions on their web pages, and especially the timely handling of requests for public information. During the reporting period, the Agency held

five trainings for newly appointed officials for all categories of information holders, for officials in educational institutions and judicial authorities.

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

- Ministerial expenses for each official trip, categorized by: air tickets, transfer to and from the airport, the hotel, allowances, food and representation, telephone expenses and other travel expenses
- Data from capital investments for each year separately with the value of each investment separately and the place of investment (municipality) in which the investment was realized for each year separately
- On the procedure for public procurement of urban equipment for residential buildings and equipment for protocol needs No. 20441/2023; Decision on public procurement, Minutes from the opening of bids, received bids or applications for participation (Offer form - Financial offer)..... Minutes with instructions received from the Bureau of Public Procurement if the public procurement procedure was subject to administrative control and all documents related to administrative control
- Copy of the minutes of the public auction with which the children's resort "Macedonia in Tivat, Montenegro" was sold, Copy of the concluded contract for its sale and Copy of the minutes of the handover of the facility to the new owner
- Environmental protection documentation
- The procedure for public procurement of the creation of a cadastre of air pollutants in the area of the municipalities of Strumica, Bitola, Probishtip, Kriva Palanka, Delchevo, Debar and Sveti Nikole no. 22579/2023: Decision on public procurement, Minutes from the opening of bids, Minutes with instructions received from the Public Procurement Bureau if the public procurement procedure was subject to administrative control and all documents related to administrative control
- Public call for New Year decorations of the City of Skopje in 2023, results of the announced public call for New Year decorations of the City of Skopje for 2023 (company and amount)
- UPVNM for a part of the tourist site Gorica - Ohrid (according to which a hotel is being built at KP 5985/4 by Dvelop Group DOOEL Skopje). 2. Decision from the Ministry of Environment and Spatial Planning for approval of environmental impact assessment. 3. Opinion from the Commission for the Management of the Natural and Cultural Heritage of the Ohrid Region confirming that the urban plan or project does not have a negative impact on the exceptional universal value of the property. 3.1. If there is no such document from a competent institution confirming that the urban plan is in compliance with the Plan for the Management of the Natural and Cultural Heritage of the Ohrid Region
- Number of employed licensed inspectors; Number of planned jobs for inspectors; Methodology for risk assessments; Semi-annual reports on the work of the inspection service; Number of warnings and decisions issued

- Anti-corruption program of inspection service
- Delivery of a list of councillors of the Council of the Municipality with their email addresses and which party they belong to
- Individually allocated funds through the Municipalities to the end users from budget item 463
- For the procedure for public procurement of technical equipment no. 21293/2023: Decision on public procurement, Minutes of the opening of bids, Minutes of the conducted technical dialogue, Received bids or applications for participation (Offer form - Financial offer), Report on the performed evaluation, Report on the conducted procedure for awarding a contract for public procurement, The decision to select the most favourable offer or cancel the procedure that the responsible person brought in connection with the procedure, Report of the conducted e-auction, Signed contract for the public procurement or the framework agreement and Minutes with instructions received from the Public Procurement Bureau if the procedure for public procurement was subject to administrative control and all documents related to administrative control
- Current price/tariff that you charge for water supply (drinking water) separately for households and for other consumers (day.m3)
- Total number of public prosecutors in JO on 01.03.2020, 01.03.2021, 01.03.2022, 01.03.2023 and 01.03.2024.
- Total number of cases in operation in OJ on 01.03.2020, 01.03.2021, 01.03.2022, 01.03.2023 and 01.03.2024.
- How many requests for determining the responsibility of a judge due to unprofessional and negligent performance of the judicial function were submitted to the Judicial Council in 2019, 2020, 2021, 2022 and 2023 (separately) and for how many of them responsibility was determined and what measures were imposed
- School Board Minutes
- Minutes from the teachers' council and decision on the re-election of a member of the school board
- Detailed financial report on financial (business) operations, i.e. on income and expenses, as well as on the turnover of financial assets (for cash flows) - in the period from April 1, 2019, to December 31, 2023

The Agency, as a secondary authority, acting on appeal cases, drew the conclusion 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 in a timely manner. 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, the way in which 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.

In order to increase transparency, but also the work of the institutions in terms of access to public information, the Agency has prepared a guide for officials with the aim of providing citizens with quick, simple and easy access to all the information they possess and with which available to all holders of public information. It is published on the website of the Agency: <https://aspi.mk/wp-content/uploads/2024/02/Потребни-предуслови-за-ефективен-при-стап-до-информации.pdf>

Monitoring was also carried out on the websites of the holders of information from the Judicial Authority, i.e. the primary and appellate courts, as well as the Higher Administrative Court, the Administrative Court, the Supreme Court and the Judicial Council of the RSM, and the report thereof was published on the website of the agency, <https://aspi.mk/wp-content/uploads/2024/05/2024-ИЗВЕШТАЈ-ЗА-МОНИТОРИНГ-СУД-СКА-ВЛАСТ-КОНЕЧЕН.pdf> and is delivered to the owners with the obtained results, for their familiarization and improvement of web pages in terms of active transparency.

The Agency, acting on the Extract from the Draft Minutes of the One Hundred and Twenty-First Session of the Government of the Republic of North Macedonia held on January 24, 2023, prepared Information which it submitted to the Office of the Deputy Prime Minister, in charge of good governance policies, for implementation. of Information to improve the transparency and accountability of institutions from the public sector by publishing mandatory information according to the Law on free access to public information on the websites of the institutions, as well as publishing the most frequently requested information systematized by area. The information is published at the following link: <https://aspi.mk/новости/информација-согласно-нацрт-записник-2/>

In this reporting period, the Agency had activities both domestically and internationally. In cooperation with the International Republican Institute - IRI, the Agency organized a working meeting entitled "Transparency of political parties and coalitions in the pre-election and election period".

Organized by the Cooperation Department for Freedom of Expression of the Council of Europe, and in cooperation with the Commission on the Right to Access to Information of the CDAI, the Agency participated in the regional conference in Rabat, Morocco, entitled "Euro-Mediterranean Approaches to Access to Information", which is a key step towards strengthening transparent governance and protecting the right to access information in this region.

Also, at a thematic workshop on analyzing/handling cases for free access to information "Political parties as holders of information - experiences and challenges", organized by the Council for Transparency and Good Governance of Spain, the Agency takes an active part through the presentation of examples from practice.

The Agency, in cooperation with the Association for the Promotion and Development of an Inclusive Society INCLUSIVA from Kumanovo, prepared a Handbook and an informative video on the right to free access to public information for persons with disabilities, and in cooperation with UNDP and Archurs Center Skopje, the Agency held a two-day training on the topic "Increasing environmental transparency for the promotion of environmental justice" intended for the officials of the holders from state institutions and municipalities in the Republic of North Macedonia.

As an active stakeholder in the International Conference of Information Commissioners (ICIC), the Agency takes an active part in this year's world forum that connects information commissioners, ombudsmen and other bodies responsible for overseeing the implementation of laws on free access to public information on a global level, which this year took place in Tirana, Albania.

At the presentation of the 5th Annual Report of BIRN (Balkan Investigative Reporting Network) on freedom of information for the year 2023, in which the Agency also takes part, the fact that in 2023 BIRN Macedonia has the best experience with access to data in the region, using the right to free access to public information. The positive results were obtained with the activities that the Agency provides in its operations for faster and more efficient access to information, as a tool used by investigative journalists.

The Agency will continuously continue to work on more efficient implementation of access to public information, in cooperation with both the holders and the information seekers. It helps the citizens to better understand the functioning of the institutions, their rights and obligations, the way in which they can influence the making of decisions that are reflected in their daily living and work, as well as the holders because they will manage more efficiently and better the information they have.

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