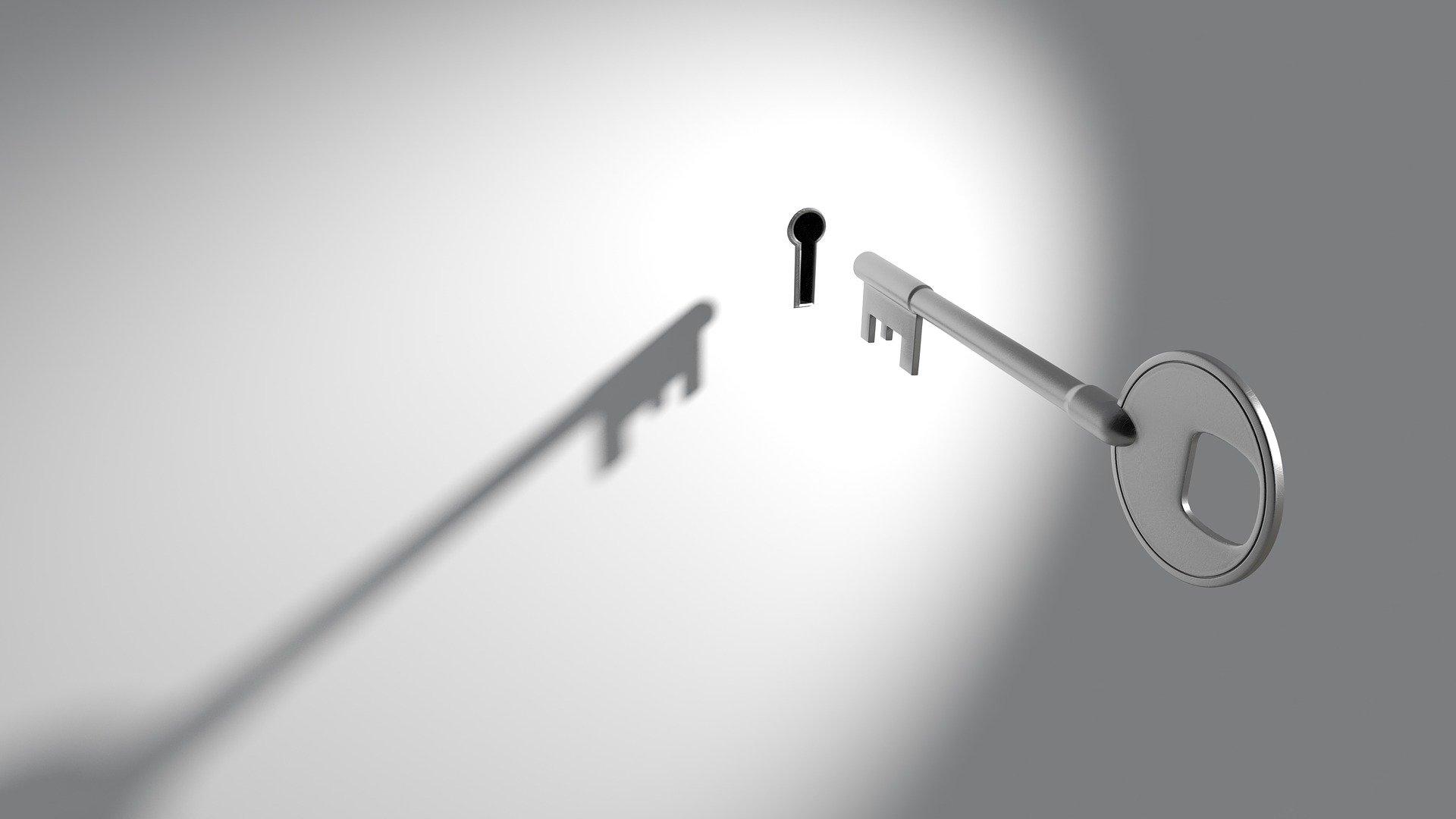


**AGENCY FOR THE PROTECTION OF THE RIGHT OF FREE ACCESS TO PUBLIC INFORMATION**

**ANALYSIS OF THE PROCEDURE OF THE AGENCY FOR THE PROTECTION OF THE RIGHT OF FREE ACCESS TO PUBLIC INFORMATION AFTER THE APPEALS RECEIVED IN THE PERIOD FROM JANUARY 1 TO JUNE 30, 2025, WITH A SPECIAL REFERENCE TO THE SILENCE OF THE ADMINISTRATION**



**Skopje, July 2025**

**The silence of the administration as an indicator of institutional non-transparency**

* **INTRODUCTION**

The silence of the administration - when the institutions do not respond to requests for access to public information within the legally established deadline - remains one of the biggest obstacles to transparent and accountable governance in the Republic of North Macedonia. Despite the clear legal framework, the number of appeals received due to the administration's silence remains high and alarming.

To monitor and understand this phenomenon, the Agency produces thematic analytical reports based on its own administrative data from appeal procedures. The current report covers the situation for the period from January 1 to June 30, 2025, offering a comprehensive overview of the number, dynamics, and structural characteristics of appeals submitted due to non-action by the institutions, within the legally prescribed deadline.

The purpose of this report is not only to document the extent of silence, but also to analyze the essence of the institutional attitude towards the right of access to information. Also, the report aims to offer recommendations that will encourage the promotion of transparency, accountability, and effectiveness of the public sector.

* **LEGAL FRAMEWORK AND INSTITUTIONAL CONTEXT**

The Law on Free Access to Public Information ("Official Gazette of RSM" No. 101/2019) establishes the right of every natural and legal person to receive information of public interest. According to Article 21 of the Law, the holder of the information is obliged to respond to the submitted request immediately, and within 20 days at the latest. In cases where extensive or partially available information is requested, the deadline can be extended up to 30 days, with mandatory written notification to the requester within 7 days.

Failure to act within the established deadline, without notification, constitutes silence on the part of the administration. It is a form of institutional inaction that directly threatens the right of access to information and creates legal uncertainty. According to the Law, in case of silence of the administration, the applicant has the right to submit an appeal to the Agency as a secondary authority, within 15 days after the expiration of the legal term.

The Agency, acting on a submitted appeal, initiates an administrative procedure, in a way that first requires a statement from the holder and, taking into account all the evidence in the case, brings an appropriate decision, which, in case of silence on the part of the administration, is usually a decision by which the appeal is respected and the holder of the information is instructed to act on the request. The holder has 15 days to fulfill this obligation and notify the applicant and the Agency. These mechanisms, provided by the Law on General Administrative Procedure, are key to ensuring legality and the protection of the public interest.

Considering the high percentage of appeals submitted due to the administration's silence, the Agency established a systematic practice of preparing analytical reports dedicated to the administration's silence. These reports serve as an instrument for monitoring, raising public awareness, and proposing reforms in this negative practice. Their role in identifying institutional weaknesses and fostering accountability is essential for good governance and democratic development.

* **Analysis of the number and nature of appeals due to the administration's silence (January 1 – June 30, 2025)**

In the analyzed period, a total of 333 appeals were submitted to the Agency, of which **234,** or **70.27%** refer to the administration's silence, i.e., failure to act on requests for access to public information within the stipulated legal term. These data represent a continuation of the worrisome trend observed in previous years and indicate the need for systemic interventions.

**Institutions with the highest number of appeals due to silence:**

**In the period from 01.01.2025 to 06.30.2025, the most appeals were filed against the following institutions:**

* Against the Ministry of Finance - out of a total of 51 appeals, 48 appeals are due to the administration's silence.
* Against the Municipality of Dolneni - 16 and all because of silence,
* Against the City of Skopje - out of a total of 13, 9 appeals were filed due to silence,
* Against the Municipality of Karposh, out of a total of 12, 9 appeals were filed due to silence.
* Against the Ministry of Health, out of a total of 10 appeals, nine are due to silence,
* Against the Municipality of Ohrid - out of a total of 7, 6 appeals were filed due to silence,
* Against Chair Municipality - 6, and all due to the silence of the administration,
* Against the Ministry of Sports - out of 6 submitted appeals, three are due to the administration's silence.
* Against the Ministry of Transport – 5 appeals, all due to the silence of the administration, and
* Against the Municipality of Lipkovo - 5, and all because of the silence of the administration, and

The given data indicate that the silence of the administration is not limited to individual institutions, but is spread across different levels of government and in other sectors, especially between central and local government bodies.

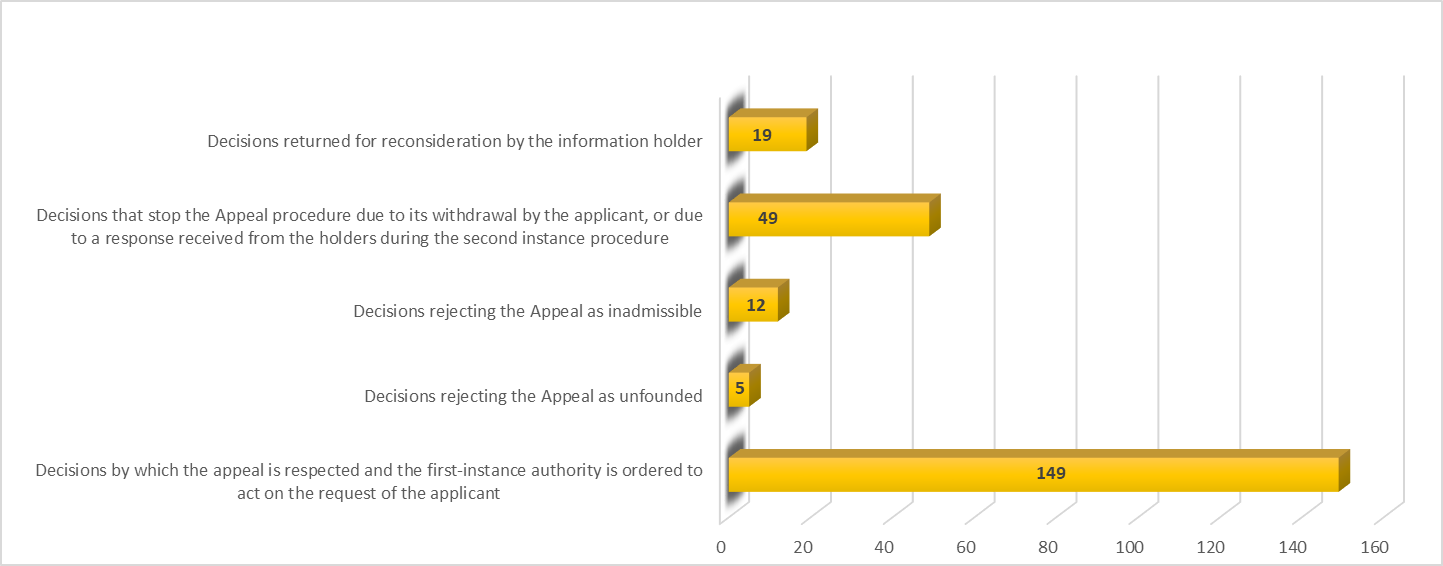
**Solved subjects and their structure:**

The Agency acted on all 333 cases of appeals submitted in the reporting period in the following way:

* 238 appeals have been accepted, of which 83 have been sent back for reconsideration, and 155 have been ordered to the holders of information to act on the request for access to information.
* After 56 appeals, the procedure was stopped at the request of the appellant.
* 23 appeals were rejected as unfounded and
* 16 were rejected as inadmissible.

Out of the total **234** appeals submitted due to the administration's silence, the Agency's actions resulted in the following outcomes after the submitted appeals:

* **149** Decisions by which the appeal is respected and the first-instance authority is ordered to act on the request of the applicant,
* **5** Decisions rejecting the Appeal as unfounded,
* **12** Decisions rejecting the Appeal as inadmissible,
* **49** Decisions that stop the Appeal procedure due to the withdrawal of the same by the applicant, due to a response received from the holders during the second instance procedure, and
* 19 have been sent back to the information holder for further processing.



Acting on repeated appeals submitted by information seekers who did not act on the Agency's decision, a further **77** meritorious decisions, of which 64 were for obliging the holder of information to provide the requester with the requested information in the manner and form as requested, 12 decisions for rejecting the appeal, and 1 for stopping the procedure.

The large number of binding solutions points to a systemic reluctance or resistance of institutions to act on requests for access to information until they are formally forced through an appeal procedure before the Agency. This not only indicates a low level of institutional culture of accountability and proactive transparency, but also results in an unnecessary increase in the administrative burden on the Agency, which is increasingly used as a corrective mechanism instead of as a last resort in the procedure. At the same time, this practice creates additional obstacles for applicants, who, instead of fast and efficient access, face administrative obstacles, legal burden, prolonged deadlines, and a demotivating institutional attitude.

* **ANALYSIS OF TRENDS AND COMPARISON WITH PREVIOUS YEARS**

The comparison of the data on the silence of the administration in the last five years indicates a stable but unacceptable trend: the silence of the administration is constantly present between 60% and 80% of the submitted appeals.

| **Year** | **Appeals to the Agency were filed due to the silence** | **Total number of appeals** |
| --- | --- | --- |
| 2024 | 245-69% | 354 |
| 2023 | 277 - 61% | 453 |
| 2022 | 211 – 62 % | 343 |
| 2021 | 359 – 45 % | 798 |
| 2020 | 611 – 81 % | 752 |

***The administration's silence is a reason for submitting an appeal to the Agency***

Although there are fluctuations in the total number of appeals, the percentage referring to administrative silence remains high and stable, with a slight decrease in 2021, but returning to the high level of the last three years. This indicates a deep-rooted institutional disinterest in respecting the Law on Free Access to Public Information.

Of particular concern is the fact that the same institutions - such as the City of Skopje and the Municipality of Ohrid, as well as the Ministry of Finance and the Ministries of Health and Transport - repeatedly fail to uphold their legal obligation to provide access to information. It indicates a chronic institutional problem, not individual or time-limited failures.

In addition, the number of appeals as an absolute number varies but remains high, suggesting that citizens, journalists, and civil society organizations increasingly recognize silence as an indicator of non-transparency and demand an institutional response by submitting appeals to the Agency. On the other hand, it also indicates a growing institutional burden on the Agency, which must take actions where the institutions do not fulfill their basic obligation – to respond within the legal deadline to the submitted requests.

In a democratic system, the administration's silence must not be a practice. It should be treated as a form of institutional passivity with potential consequences for public trust, the rule of law, and the fight against corruption.

* **REASONS FOR THE SILENCE – INSTITUTIONAL WEAKNESSES**

The analysis of the appeals due to the administration's silence indicates that the problem is deeply rooted in the institutional culture and administrative practice. Several key factors are identified that explain the spread and persistence of silence:

* **Lack of internal procedures and standards:** Many institutions still do not have internal mechanisms in place to record, forward, and follow up on information requests. The absence of a straightforward organizational setup leads to delays in handling or complete ignoring of requests.
* **Poor coordination and internal communication:** Requests often get stuck in hierarchical labyrinths, and there are no clear deadlines for acting on submitted requests. It leads to silence even when there is no conscious intention to withhold information.
* **Passivity of officials and insufficient supervision by management:** Despite the Agency's training, practice indicates that many officials do not perceive access to information as a fundamental right. Management structures, on the other hand, are often disengaged or tolerant of this behavior.
* **Failure to comply with the obligation of proactive transparency:** Article 10 of the Law stipulates the obligation to publish a minimum of information on the institutions' websites. But many of them do not even meet these basic standards. Most institutions have not yet implemented the government's 2023 recommendation to publish anonymized requests and responses.

These reasons suggest that the silence is not an administrative error, but a systemic failure stemming from weak accountability, insufficient professionalization of the public administration, and a lack of responsibility among managers.

* **CONCLUSIONS AND RECOMMENDATIONS**

### **Conclusions**

The analysis for the period January 1 - June 30, 2025, confirms that the administration's silence remains one of the most profound systemic weaknesses in the implementation of the right to free access to public information. This phenomenon can no longer be treated as an isolated or technical problem, but as an indicator of entrenched institutional deficits, which undermine transparency, accountability, and the rule of law.

The presence of silence in **70,27%** of the appeals points to a serious structural problem in the public administration. It is particularly pronounced in local self-government bodies and several key ministries, where non-engagement, as well as the absence of internal procedures, create an environment in which failure to act becomes a practice, not an exception.

The management's silence, year after year, occurs in almost identical institutions, which suggests that the problem does not stem from ignorance but from chronic institutional disinterest in transparency issues. This shows resistance not only to the Law but also to the very logic of publicity and accountability.

Despite the Agency's continuous efforts through education, manuals, and instructions, the analysis indicates that the effects remain limited. The main obstacle lies in the lack of political will and administrative discipline among the management structures of the institutions, which often ignore this right or reduce it to a technical formality.

Proactive transparency, as a strategic approach to reducing the number of requests and preventing administrative silence, is still poorly understood and rarely implemented. The websites of the institutions often do not even offer basic, up-to-date information, which undermines public trust and stimulates applicants to contact them directly, without practical results.

At the same time, the growing number of requests for information, especially from civil society organizations and the media, but also from citizens, testifies to increased awareness and increased expectations from the public. It is a positive trend, but also a challenge for the institutions, which currently do not have the capacity or will to respond adequately and on time.

Overall, it can be concluded that the silence of the administration is not only an administrative barrier – it is a symptom of a deep-rooted culture of closure, which must be addressed through clear institutional interventions, accountability, and active support of the culture of openness. Without substantial changes in the approach of the institutions, any improvement will be temporary and declarative.

**Recommendations to institutions - holders of public information**

**Establishing a functional internal organization for handling requests**

Each institution should designate a responsible person/department with clear responsibilities and establish a standardized procedure for recording, processing, and responding to requests promptly. Internal monitoring (through monthly or quarterly checks) should be mandatory, with clear accountability to management.

**Regular and mandatory education of officials**

Institutions must ensure the attendance of the Agency's training for all persons acting on requests for information. These trainings should be part of the annual plans for professional development and should include testing and checking for the obligations of the Law on FAPI.

**Develop and implement a proactive transparency plan**

Institutions' websites must be regularly updated with the most frequently requested information, documents, and data of public interest. Article 10 of the Law should be consistently respected. Institutions should appoint a person responsible for updating and ensuring accountability regarding the published information on the websites.

**Publication of anonymized requests and responses**

Each institution should establish a rubric for the publication of all received requests and given answers, in an anonymized form. This practice will reduce the number of repeated requests and improve public awareness.

**Follow up and report on non-compliance with requests**

Any failure to act (silence of the administration) should be recorded internally, specifying the reasons. The management of the institution should review reports on such cases quarterly, which should not be a practice.

**Use of digital tools for requirements analysis**

It is recommended that institutions introduce digital databases that will enable automatic monitoring of deadlines and classification of requests. In this way, it will be easier to identify the most frequently requested information, which can then be proactively published.

**Inter-institutional exchange of good practices**

Municipalities, ministries, and other stakeholders should establish communication and exchange of experiences in cooperation with the Agency and civil society organizations.

The administration's silence must not be accepted as a regular administrative practice, because it represents a direct deviation from the basic principles of good management. It is more than passivity – it is a signal of institutional indiscipline, disregard for legal obligation, and systemic resistance to public accountability. When silence becomes the rule and not the exception, it means that public institutions deny their primary function – to serve citizens through open, accessible, and transparent operations.

The right of access to information is not a technical mechanism, but a fundamental democratic instrument that enables informed participation, prevention of abuses, and strengthening of public trust. Any disregard for it – through the administration's silence – represents an act of institutional exclusion of the public from decision-making processes.

Therefore, silence must be identified, documented, and sanctioned as a serious violation of public interest. Only through a proactive and accountable administration can an institutional culture be built in which information is not only accessible, but also recognized as a fundamental value of democratic governance.

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