



Project: Access to information – a source of greater quality of informing

The project is financed by the European Union

**RESEARCH ON THE APPLICATION OF THE RIGHT OF FREE ACCESS TO
PUBLIC INFORMATION ON THE PART OF JOURNALISTS**

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**RESEARCH ON THE APPLICATION OF THE RIGHT OF FREE ACCESS TO PUBLIC
INFORMATION ON THE PART OF JOURNALISTS**

Skopje, September 2012

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Introduction

Being an advocate for transparency, accountability and responsibility of the institutions, the Center for Civil Communications remains dedicated to the efforts for strengthening the role of the media in society, bearing in mind that they are of vital importance for the democracy and for creating conditions for a responsible and accountable working of the government officials.

In order to fulfill their societal role, the media, i.e. the journalists need information. In democratic societies, the access to information is secured by prohibiting censorship and by introducing legal mechanisms which provide a flow of relevant and accurate information. From the perspective of regulations, Macedonia fulfills both criteria, but there are serious weaknesses noted in their implementation – the **closeness** of the institutions and the limited transparency curb the flow of information and raise doubts about the freedom of the media in the country. This state of affairs brings us to the essence of the problem: how to uphold one of the basic human rights – the right to information – and how the media can secure access to it. One efficient instrument in this regard is the Law on Free Access to Public Information.

In order to get a clear picture of the current application of the right to free access to public information on the part of journalists, we have conducted the present in-depth research, which encompasses surveys of journalists, screening of institutions on how they respond to journalists' requests for information and a comparative overview of the legal deadlines for obtaining a response in the Republic of Macedonia and in other European countries, as well as in the European Union. The research provides us with a solid overview of the current state of affairs and is a good starting point for an efficient implementation of further activities in the direction of greater application of the Law on Free Access to Public Information on the part of journalists, which would in turn influence the improvement of the quality of reporting/disseminating information.

This analysis is part of the activities envisioned with the project titled "Access to Information – a source of greater quality of reporting," financed by the European Instrument for Democracy and Human Rights (EIDHR), which the Center for Civil Communications is implementing in cooperation with Access Info Europe from Spain and the Balkan Investigative Research Network – BIRN Macedonia. The purpose of the project is to make use of the positive experiences of both old and new member-states of EU in terms of educating Macedonian journalists how to use the access to public information in daily reporting, as well as how to request information not only in Macedonia, but also in other countries in the world which have this regulation, as well as in the European institutions. As part of the project, special emphasis will be placed on the application of the free access to information in investigative reporting, for which purpose the great experience of journalists from Bulgaria will be used, who, by means of this instrument, made public a series of

corruption scandals in their country, including the embezzlement of the money from the EU funds, among others.

Research Methodology

The research conducted with the purpose of evaluating the reasons for the poor application of the Law on Free Access to Public Information on the part of journalists entails a survey of a representative number of journalists from the country and an institutional screening as to how they respond to/process requests submitted by journalists. The survey was conducted by using a standardized questionnaire and involved 60 journalists from 30 media in the country, including 12 TV stations (7 national TV stations: Kanal 5, Sitel, Telma, 24 Vesti, Alfa, MTV, Alsat M, as well as 5 local TV stations: Iris-Stip, Tera-Bitola, Koha-Tetovo, Kanal Vizija-Prilep, Dalga KRT-Kumanovo); 11 newspapers (8 daily newspapers: Dnevnik, Utrinski vesnik, Vest, Fokus, Nova Makedonija, Vecer, Kapital, Den, as well as three weekly newspapers: Fokus, Globus and Javnost-Bitola); 4 radio stations (2 national radios: Makedonsko radio and Radio Slobodna Evropa, as well as 2 local radios: Radio Kocani and Super radio-Ohrid); 2 internet portals (Plusinfo and Diversity Media) as well as 1 news agency (MIA).

The survey of journalists was conducted in the period from February to April 2012. The survey questionnaire was specifically designed to obtain insights into the current state of affairs in terms of the application of the right to access public information, such as, to name a few:

- How acquainted the journalists were with the right to free access to public information;
- The current experience of journalists with the application of the right to access public information;
- Reasons for the poor application of the Law on Access to Public Information in their work;
- How acquainted the journalists were with the right to access information in other countries in the world and the institutions of the EU;
- What needs to be done in order to encourage the journalists to make greater use of the access to public information, etc.

The screening of the institutions, done by submitting requests for access to public information on the part of journalists was conducted by submitting 40 requests. All requests were submitted to the institutions on March 22, 2012, with the help of the CCC (as part of the survey questionnaire, there was an option given for the surveyed journalist to indicate information for which he/she would make use of the Law on Free Access to Public Information in order to obtain it).

The requests were sent by regular mail and the form in which it was requested to obtain the necessary public information was a “photocopy” sent by mail. This meant an obligation on the part of the holder of the information, to provide, within the specified legal timeline, access to information in the form of a photocopy sent at the address designed by the journalist. This method precluded an additional “obligation” on the part of the journalist to

be imposed by the holder of the information, necessitating his to come to the institution in person and collect the requested information. The research was designed in such a way that the submitted requests for access to information referred to information that the holders possessed or ought to possess. The requested information was not the kind one would customarily expect not to be available, i.e. fall under a special protection protocol. Accordingly, the research did not delve into the application of exceptions (Article 6 of the Law on Free Access).

In concordance with the planned methodology, the responses that the journalists received were grouped in the following categories:

Obtained information: The requested information was submitted in writing (as requested). The obtained information respond to the pertaining question were mostly complete.

Partial access: The documents were supplied with parts that were darkened or parts of the information were “removed.” As far as the Law on Free Access clearly outlines the reasons for the unavailability of certain information, the partial access is considered an appropriate/legitimate response.

Written refusals: The refusal to supply the requested information has to be in written form of a decision and state the reasons for the unavailability of the information. The written refusals provide a basis for lodging a complaint, so care is taken the form of the refusals to be appropriate (for example, when the refusal form is a “statement”/“notice”)

Referral: The institutions either: (a) provides a written response in which it refers the citizen to another institution, or (b) it submits the request to another appropriate institution. The latter is the appropriate response, if the institution that received the original request is clearly the exact location of the information.

Inadequate response: The supplied information is, for the most part, incomplete, irrelevant or otherwise unsatisfactory, demonstrating a negligence of the right to access to information.

Silent refusal: This category refers to holders of information who did not supply any response, i.e. to these requests “the administration is silent.” In this case, there is no formal refusal and the information is not supplied in the legally stipulated deadline. This result has been noticed after the expiry of the deadline for responding to the request.

Late responses: This refers to responses supplied after the expiry of the legally stipulated deadline.

Inability to submit the request: A request is deemed as “impossible to be submitted” when the journalist cannot submit the request in person.

Key findings from the research

- Insufficient acquaintance on the part of journalists with the right to free access to public information. Only 50% of the surveyed journalists were completely familiar with this right of theirs.
- The journalists evaluated the availability of public information as difficult, either partly or fully. Moreover, none of the surveyed journalists stated that the access to information was easy.
- Poor application of the law for free access to public information. A substantial part of the surveyed journalists, i.e. 58% of them, have not once submitted a request for access to public information in the past six years.
- Only 3% of the surveyed journalists were familiar with the short deadline of 5 days for obtaining public information that was orally requested.
- There is a prevalent negative experience among journalists regarding the treatment state institutions award to their requests for free access to public information. A high 87% of the surveyed journalists that had experience in requesting public information evaluated the received responses as incomplete.
- Two key arguments of the journalists explaining the poor application of the right to free access to public information are the lack of trust that the institutions would provide the requested information and the long deadlines for receiving a response.
- Nearly half of the journalists were not familiar with their right to request public information in other countries in the world where a law on free access to information is in place.
- Low percentage of using the right to free access to public information from the institutions of the European Union. Only 7% of the surveyed journalists have submitted a request for public information in the institutions of the European Union, and 28% of them weren't even familiar with this right of theirs.
- According to the journalists, in order to increase the level of using the right of free access to public information, it is necessary for the institutions to consistently respect the law (78%), to shorten the deadlines for obtaining a response (75%) and to educate journalists about the possibilities that this law offers (68%).
- The screening of how institutions respond to journalistic requests for information, conducted as part of this research, showed that only 37.5% of the institutions have supplied the requested information.
- The state institutions do not consistently respect the Law on Free Access to Public information and want to keep the comfortable position of presenting only the kind of information that serves their own interests, and which do not always reflect the interests of the citizens.
- With its legal deadline of 30 days for providing a response to a request for public information, the Republic of Macedonia belongs to the group of European countries with the longest deadlines.

Results from the survey of the journalists

- **Only 50% of the journalists stated that they were fully familiar with their right to free access to public information. A high 48% of the surveyed journalists stated that they were partially familiar, while only 2% of them were not familiar with it at all.**

How much are you familiar with your right to free access of public information?

Completely	50%
Partially	48%
Not familiar	2%

The fact that only half of the journalists are completely familiar with their right to free access to public information speaks to the necessity of increasing the knowledge of the journalists of the possibilities that the Law on Free Access to Public Information offers in terms of increasing the quantum of information that the media avail themselves with, as well as in terms of improving the quality of informing. The fact that experienced journalists were prevalent among those surveyed may lead to the conclusion that the percentage of journalists that are not completely familiar with this right of theirs is even greater at the level of the whole journalistic profession, which is currently dominated by young and insufficiently experienced journalists. Hence, the logical dilemma as to how journalists will exert their influence on a greater transparency and accountability on the part of the institutions in the country if they are not sufficiently familiar with this right of theirs and, at the same time, by means of the media in which they work, they do not contribute towards familiarizing all citizens of the Republic of Macedonia with this right.

- **A substantial part of the surveyed journalists (68%) agree with the assessment that the Law on Free Access to Public Information is a useful tool for them, while 28% of the journalists do not regard the Law as a tool for obtaining information.**

Do you consider the Law on Free Access to Public Information a useful tool for journalists?

Yes	68%
No	28%
Don't know	4%

The fact that two thirds of the surveyed journalists see potential in the Law is encouraging and indicates that there is a possibility to increase the application of the right to access to public information in the future and to intensify the pressure on the institutions to provide a greater flow of relevant information as well as to demonstrate greater openness in their work. Namely, in a democratic society, it is of crucial importance for people to have access to a wide range of information, in order to truly and efficiently participate in activities/issues that concern them. Public institutions have at their disposal a lot of information in the name of the public. The information belongs to the public and thus all citizens have a right to access to this information, while the media are the ones that can provide a greater dissemination of the information.

- **A whopping 90% of the surveyed journalists stated that they had a need for public information, while only 10% stated that they did not have such a need.**

Have you ever had a need for public information?

Yes	90%
No	10%

This result is quite expected, since institutions have at their disposal a lot of information which, due to the nature of journalists' work, certainly proved to be necessary for media publishing. At the same time, the fact that a dominant part of the journalists stated that they had a need for public information certainly points to the need for using a more proactive attitude on the part of institutions in terms of presenting this information, which would mean their disclosure in the public without waiting for requests for access to be submitted for them.

- **77% of the journalists consider the access to information difficult, i.e. partially difficult. The fact that none of the surveyed journalists responded that the access to information was easy is concerning.**

How do you evaluate the access to public information in general?

Easy	0%
Partially easy	20%
Partially difficult	55%
Difficult	22%
Don't know	3%

This certainly leads to the assessment that the institutions do not respect the positive obligation to disclose information about their main activities, policies and results in a timely manner, thus enabling the wider public to know what is it that institutions do, to get involved in activities it would deem appropriate and, ultimately, to control the public institutions both at national and local level. Moreover, the assessment provided by more than two thirds of the surveyed journalists that the access was difficult or partially difficult points to the conclusion that the institutions inconsistently respect Article 10 of the Law on Free Access to Public Information, which binds the holders of information to regularly inform about programs, attitudes, opinions, studies and other similar documents that refer to acts within the jurisdiction of the holder of the information; to regularly publish data that refer to the tasks and activities that the holder of information performs within the jurisdiction as stipulated by law; to publish information bulletins, to establish other forms of informing, etc. The consistent application of Article 10 of the Law actually prescribes a proactive attitude on the part of institutions in procuring public information instead of waiting for someone to request the information to be supplied.

- **Up to 95% of the surveyed journalists stated that they knew who the holders of public information were, while only 5% of them stated that they didn't know.**

Do you know who the holders of public information are?

Yes	95%
No	5%

Still, part of the following responses of the surveyed journalists reveals that this is a subjective assessment on the part of the journalists that cannot be confirmed.

- **The journalists recognize the most the state and local government as holders of public information. Only one third of them knew that legal entities were not holders of public information, and about half of them knew that this responsibility lies also with private entities with public authorities.**

*Which of the following information refer to the Law on Free Access to Public Information?
(one response in each line)*

	Yes	No	Don't know
Information for the state government	94%	3%	3%
Information for the local government	94%	3%	3%
Information for public institutions	88%	2%	10%
Information for legal entities	36%	32%	32%
Information for private entities that are authorized to perform public functions	52%	14%	34%

A high 94% of the surveyed journalists knew that the institutions at both state and local level were holders of public information. The remaining 6% either stated that the state and local government were not holders of public information or that they didn't know. In terms of the public institutions, there is a growing number of journalists who do not know that these institutions too are holders of such information, i.e. 88% of the surveying journalists identified them as holders, while the remaining 12% stated that they weren't or that they didn't know. The percentage of recognizing private entities that are authorized to perform public functions as holders of information is the lowest. Namely, half of the journalists stated that these were holders of public information, while the other half thought otherwise. Only one third of the journalists knew that legal entities were not holders of information. These results certainly support the assessment that there is insufficient familiarity with the right to access to public information on the part of journalists.

- **The insufficient familiarity with the right to access public information on the part of journalists is confirmed with the obtained responses to the question concerning the legally stipulated deadline for receiving a response.**

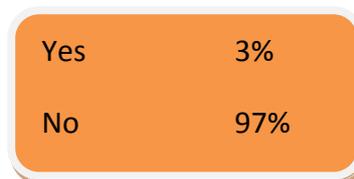
Do you know what is the legally stipulated deadline for receiving a response to a request submitted in written form?

Yes	68%
No	32%

Nearly a third of the journalists were not even familiar with the final deadline in which the institutions should respond to a response submitted in writing. In line with Article 21 of the Law, the holder of the information is obligated to respond to a request immediately, up to 30 days at the latest from the day of the receipt of the request.

- **Only 3% of the surveyed journalists were familiar with the short deadline of 5 days for obtaining public information that was orally requested.**

Do you know what is the legally stipulated deadline for responding to an orally submitted request?



There is an exceptionally low degree of familiarity with Article 13 of the Law on Free Access to Public Information, which stipulates that if the person requesting information submits an oral request, the holder of the information is bound, in a period of 5 days, to provide access to that information, either through inspection or a transcript, photocopy or electronic record of the requested information. The familiarity with this right is especially important for the journalists and their efforts to obtain the necessary information more quickly and to publish them.

- **A high 78% of the journalists knew that there were certain sanctions for the institutions if they did not supply the requested information or if they did not respond in the legally stipulated deadline. Only 22% of the journalists did not know about this possibility, i.e. about the competencies of the Committee on protection of the right to free access to public information.**

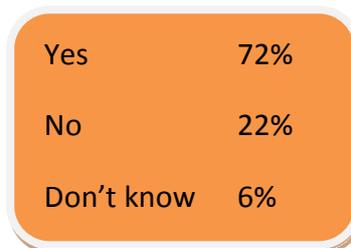
Do you know that there are certain sanctions if you do not receive a response to your request and if you were answered after the legally stipulated deadline?



Still, bearing in mind that this concerns journalists whose job is to inform the public, maybe this share of 22% of experienced journalists that were not familiar with this right should be looked upon as unfavorable. In line with Article 44 of the Law, a fine of 300 to 500 euro (payable in denars) is stipulated for an offence committed by a public official for intervening in information with the holder of that information if in the legally stipulated deadline the official does not intervene in the supplying of the information without ground.

- **A High 72% of the journalists stated that by means of the Law on Free Access to Public Information it is possible to obtain relevant information which, through the media, should be made available to the wider public. Only 22% of them stated that they did not see such potential in the Law, while 6% stated they didn't know.**

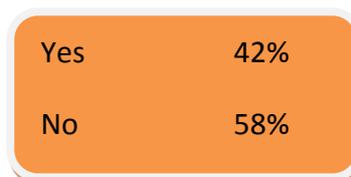
Do you believe that by means of the Law on Free Access to Public Information it is possible for one to obtain relevant information which should be available to the wider public through the media?



This result is encouraging and speaks to the fact that there is a high degree of awareness among journalists about the possibilities the Law offers, which may serve as a good starting ground for increasing its application in the future.

- **A substantial part of the surveyed journalists, i.e. 58% of them have not once used their right to free access to public information in the past six years. 42% of them requested information, calling upon their legal right.**

Have you ever submitted a request for public information?



These results unequivocally speak to the exceptionally poor application of this right on the part of the journalists. Having in mind that only experienced journalists were the subject of

the survey, it can be concluded that there is no positive climate in the media newsrooms regarding the application of this legal right for the purposes of increasing the flow of information, which would in turn influence the improvement of the quality of informing.

- **The following results from the survey correspond with the poor application of the right to free access to public information – namely, that the surveyed journalists have so far submitted only 205 requests, of which 95 requests were submitted in 2011.**

How many requests have you submitted so far?

In total:	205 requests
In total 2011:	95 requests

Thus, it follows that nearly half (46.3%) of the requests were submitted in 2011, which points to the trend of increasing the application of the Law on Free Access to Public Information, which has been in place since September 1, 2006 and to some, however minor, positive changes.

- **The journalists, for the most part (46%) requested from the institutions to have the information submitted electronically.**

In what form have you mainly requested the information? (multiple answers are possible)

Inspection	11%
Transcript	20%
Photocopy	14%
Electronic copy	46%
Other	9%

In the second place, with a representation of 20% according to the form in which the journalist request information is the transcript, followed by a photocopy with 14% and inspection with 11%.

- **Not surprisingly, given the form in which they requested the information, the journalists received the majority of the requested information by email, to be exact, 34% of them.**

In what manner was the requested information mostly supplied?

By regular mail	13%
By phone	9%
By fax	7%
By email	34%
Other	9%
It wasn't supplied	28%

13% of the information was supplied by email, 9% by phone and 7% by fax. Still, a high 28% of the journalists stated that they did not receive any response whatsoever for the requested information.

- **The average time of waiting to receive the requested information is 25 days.**

State the time of waiting (in days) for the information you have requested (several numbers of days can be stated for multiple requests)

Time of waiting for a response: _____ 25 _____ days

This timeframe results from the fact that the biggest part of the institutions inconsistently abide by point 1 of Article 21 of the Law, where it is stated that the holder of the information is bound to immediately respond to the request of the person who submitted it, up to 30 days at the latest from the receipt of the request. Namely, only a small part of the institutions supply the requested information within only a few days, unlike most of them, which literally wait for the 30th day to supply the responses.

- **Up to 87% of the journalists assessed the received responses to the submitted requests as incomplete. Only 13% of the surveyed journalists were satisfied with the responses.**

How do you generally assess the received responses?

Complete	13%
Incomplete	87%

These findings are highly disappointing, and, of course, speak to the inconsistent application of the Law on the part of the institutions, which, with their rapport, bring into question the purpose of passing this legal act, which entails the opening up of the institutions to the citizens, increasing the control of the public on the work of the state institutions and all holders of public offices, which should ultimately lead to increasing the trust of the citizens in the holders of public offices and the state administration.

- **A dominant part of the journalists, i.e. 58% of them, used the obtained information by publishing/broadcasting them in their media.**

Did you publish the obtained information in your texts?

Yes	58%
No	42%

This means that the journalists still succeeded in using even the incomplete information for their journalistic stories, i.e. beats. The fact that 42% of the journalists did not publish the obtained information testifies to the formal character of the obtained responses, which in essence failed to provide the requested response.

- **More than two thirds of the journalists said that as a result of the fact that they did not obtain the information or obtained incomplete information, they were forced to publish information based on incomplete data. Moreover, one third of them stated that they could not publish at all the story they were researching.**

What were the consequences of the fact that you did not receive at all the requested information or you received incomplete information?

I couldn't publish the story I was researching	32%
I published information based on incomplete data	68%

These consequences of the inconsistency with which the institutions respect the Law have, of course, a highly unfavorable effect over the quality of the media informing.

- **A prevalent part of the journalists, i.e. 92% of them, have never filed a complaint for not having their request answered. Only 8% of the surveyed journalists have filed a complaint.**

Have you ever filed a complaint for not having your request answered?

Yes	8%
No	92%

This result, of course, testifies to the poor application of the right to a complaint to the Committee for Protection of the Right to Free Access to Public Information. The person who requested the information has the right to file a complaint either when his request was denied or when he was faced with administrative silence.

- **Of the three filed complaints by the surveyed journalists, the Committee for the Protection of the Right to Free Access to Public Information accepted two, and did not respond to the complaint of one journalist.**

Was your complaint answered?

Yes, the Committee accepted the complaint	2
Yes, the Committee rejected the complaint	0
I did not receive a response	1

- The epilogue of the appeal procedure is that, in one case, the Committee for the Protection of the Right to Free Access to Public Information enabled the requested information to be received, but did not succeed in doing so in the other two cases.

What happened after the response of the Committee?

The institution supplied me with the requested information	1
The institution did not supply me with the requested information	2

- The question concerning the reasons for the complete lack of using or the poor application of the Law for Access to Public Information in the everyday work of the journalists reveals that the biggest culprit for this state is their lack of trust in the institutions, from which they do not expect to obtain the requested information.

What don't you use at all or why do you use poorly the Law for Access to Public Information in your work? (multiple answers are possible)

Due to the long deadline for receiving a response	53%
I don't expect to obtain the requested information	56%
I was discouraged by my experience so far	34%
A large part of the information we need are declared confidential	32%
I don't know how to fill out the request and who to submit it to	5%
I don't know whether the information I need are available	10%
Other	17%

This is a number 1 problem for a high 56% of the surveyed journalists. A second considerable problem for 53% of them is to do with the long deadline for obtaining a response. One third of the journalists stated that they were also discouraged by their previous experience and that a large part of the information they need are declared

confidential. It is notable to state that 10% of the surveyed journalists said that they did not know whether the information they needed were available, while 5% of them didn't know how to fill out a request and how to submit it to.

- **According to the journalists, in order to make a greater use of the access to public information, it is crucial for the institutions to abide by the law more consistently (78%), to shorten the deadlines for receiving a response (75%) and to educate the journalists about the possibilities this law offers (68%).**

According to you, what needs to be done in order to increase the application of the access to public information on the part of journalists?

To shorten the deadlines for obtaining a response	75%
The institutions have to abide by the law more consistently	78%
The journalists should be educated about the possibilities his law offers	68%
Other	2%

- **Nearly half of the journalists, i.e. 47% of them, do not know that they have a right to submit a request for public information in other countries in the world where such laws are in place.**

According to you, do you have a right to submit a request for public information in other countries in the world where such laws are in place?

Yes, and I have used this right	13%
Yes, but I haven't used this right since I didn't need information	32%
Yes, but I haven't used this right since I don't know how to submit a request	8%
I don't know	47%

Only 13% of the journalists know about and have used this right. One third of them stated that they know about this right of theirs, but that they haven't used it since they did not

need any information, while 8% of them know about the right, but they haven't used it since they didn't know how to submit a request. The responses to this question certainly are in line with the assessment that it is crucial for the journalists to become familiarized with this right of theirs, but also to acquire knowledge as to how to use it.

- **Only 7% of the surveyed journalists submitted a request for public information to the institutions of the European Union, while 28% of them don't know about this right of theirs. A prevalent number of the journalists, i.e. 60% of them, stated that they were familiar with this right, but that they haven't used it since they didn't need any information. Part of the journalists, i.e. 5% of them, stated that they knew about this possibility but that they haven't used it, since they didn't know how to submit the requests.**

According to you, do you have the right to submit a request for public information to the institutions of the EU?

Yes, and I have used it	7%
Yes, but I haven't used it since I didn't need any information	60%
Yes, but I haven't used it since I don't know how to submit a request	5%
I don't know	28%

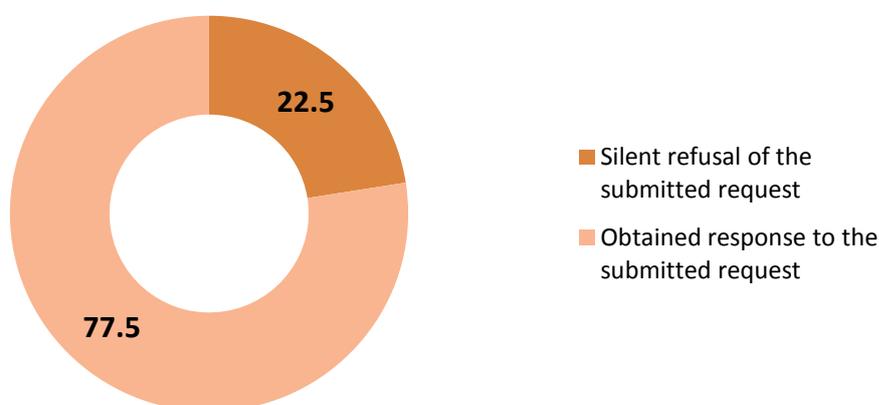
These findings about the poor application of the right to access to public information in the institutions of the EU are unfavorable if one bears in mind the candidacy status of the country and the strong European aspirations that necessitate an intense collaboration of Macedonia with the EU institutions. Hence, it can be rightfully inferred that the institutions in Brussels have at their disposal information whose publishing would be of interest to the Macedonian public. Taking this into consideration, there is a need to work in the future on increasing the awareness of the journalists of this right, but also on a greater familiarity with issues regarding what kind of information can be obtained from the EU institutions.

Results from the institutional screening

The analysis of the results arranged according to the above stated categories provides the answer as to why journalists rarely reach for the Law on Free Access in order to obtain information, regardless of whether the real reason lies in the prolonging of the legally stipulated deadline (if the number of late responses is greater) or in the inadequate responses that make them apathetic and unwilling to use the tool for free access, or in the great number of silent refusals on the part of the holders of the requested information.

In order to provide you with a comprehensive overview of the attitude of the institutions towards the requested information by the journalists, the following image gives the ratio of the obtained responses (without taking into account their contents) and the institutional rejections to provide any kind of response to the submitted requests. According to this criterion, the institutions responded to 77.5% of the submitted requests for information, while in the remaining cases, i.e. in regards to 22.5% of the submitted requests, the journalists were faced with administrative silence, i.e. a silent refusal was noted.

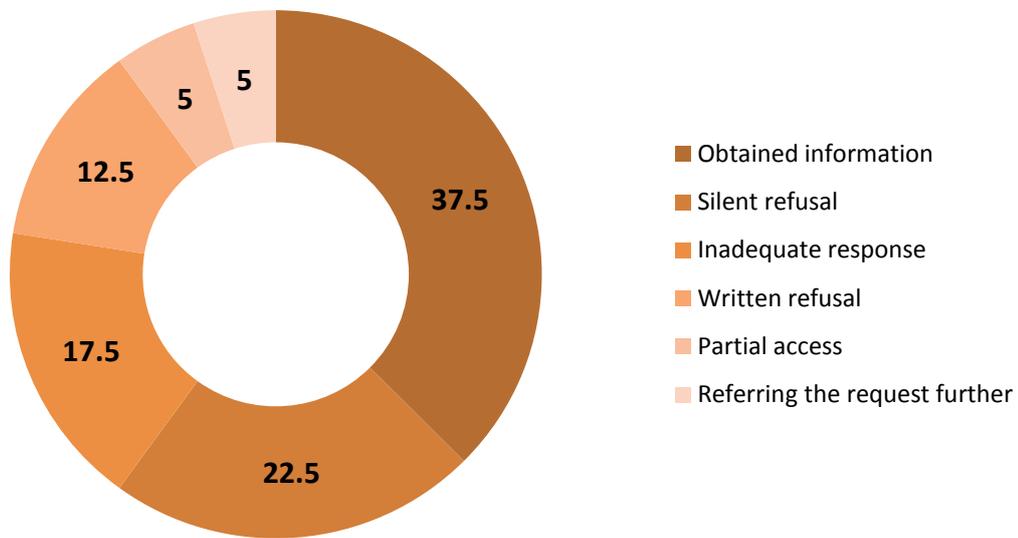
Obtained responses from the institutions to requests for information submitted by journalists



At first glance, this ratio appears satisfactory since it points to the conclusion that over 3 quarters of the institutions responded to the submitted requests for public information.

However, a more accurate picture can be gained by the following level of distribution of the obtained responses in terms of whether the delivered responses provided the requested information or they represented inadequate responses, a written refusal to provide a response, as well as responses by means of which the person requesting the information informed of their being followed through and other distributions in line with the methodology of this research. The following structure provides a more detailed analysis of the obtained responses:

Structure of the obtained responses



The obtained information were recorded in 37.5% of the submitted requests and they include responses whereby the requested information were fully obtained as requested by the journalists.

Partial access was secured in 5.0% of the submitted requests, whereby in both cases the holder of the information responded that in order to provide a complete answer to the request, he needs an opinion from the Agency for the Protection of Personal Data, i.e. a response to the question whether by supplying the requested information he would break that law.

Written refusals to supply the requested information were noted in 12.5% of the requests; in one case, the institutions declared the information as confidential, while in the other cases they offered poor argumentation for rejecting the request.

Referring the requests further was noted in 5% of the cases in which the institutions to which the requests were submitted informed the journalists that their requested was referred further to other appropriate, i.e. authorized institutions. By the time this analysis was made, only one of the requests which were followed through was answered.

Inadequate responses, in which the supplied information was largely incomplete, irrelevant or otherwise unsatisfactory, demonstrating a neglect of the right to access to information, were noted in 17.5% of the cases.

The institutional screening did not note any cases of late responses or inability to submit a request.

This result, obtained from the institutional screening regarding submitted requests by journalists certainly points to the conclusion that, on the one hand, a substantial number of journalists obtained relevant data through this instrument, which later, according to the assessment of the journalists themselves, formed a basis for solid journalistic reports, while on the other hand, the institutions still demonstrate a low level of awareness of their responsibility to respond to the submitted requests for public information in a timely and comprehensive manner.

Comparative data in regards to the deadlines for obtaining a response to a request for public information

The stipulated deadline for obtaining a response to a request for free access to public information in the Republic of Macedonia, in accordance with the Law, is 30 calendar days (or even 40 days in certain cases) and is one of the longest in Europe. The timeframe for Bulgaria and Poland is 14 calendar days, in Romania and Slovakia it is 10 working days, while in Hungary, Serbia and Bosnia and Herzegovina it is 15 working days. The final deadline for the institutions of the EU to respond to the requested information is 15 working days.

Timeframe for responding to requests for access to public information

Country	Working days	Calendar days	Deadline extension
European Union	15		
Albania		40	10
Armenia	5		25
Bosnia & Herzegovina	15		15
Bulgaria		14	14
Croatia	15		30
The Check Republic	15		10
Denmark	10		
Greece		30	
Hungary	15		
Kosovo	15		15
Latvia	15		10
Macedonia		30	10
Poland		14	
Portugal	10		
Romania	10		30
Serbia	15		
Slovakia	10		10
Slovenia	20		30
Sweden	immediately		

Several arguments go in favor of the need for an initiative to shorten the deadlines for obtaining public information.

Firstly, the Law has been implementing for six years now, which means that the institutions have experience and set mechanisms in place that could be functional, even in a shorter time period.

Secondly, part of the institutions manage to supply a response within only a few days, which proves that the remaining institutions that stick to the final deadline of 30 days do so not because they are unable to respond sooner, but because they use the legal maximum.

Thirdly, most of the European countries and member-states of the EU have shorter deadlines and Macedonia should harmonize with them.

Recommendations

- The journalists should become acquainted better and in more detail with the legally guaranteed right to free access to public information.
- Given the simple procedures for submitting requests for public information, the journalists need to use this instrument on a daily basis as a potential source of significant information that are relevant to be published.
- The journalists should increase the pressure on the institutions to consistently abide by the Law on Free Access to Public Information, not only by increasing the number of requests they submit, but also by publicly disclosing cases in which the requested information was not supplied.
- The journalists should overcome the problem of arbitrariness of the domestic institutions by a greater application of the right to access to public information in other countries, potential holders of information relevant for the Macedonian public as well.
- The journalists should make greater use of the right to access to information in the institutions of the EU as well, on all topics that are relevant for the relations of Macedonia with the EU.
- The journalists should nurture in their own media rooms a culture of greater application of the right to access to public information, which should by no means rest solely on the will of certain journalists.
- The holders of public information should consistently abide by the Law on Free Access to Public Information and supply the requested information in a complete form as they were requested.
- The holders of information should promote the legal right to access to information, respecting the obligation to post the information on a visible place on their web pages: the list of public information they hold, the manner of submitting the requests and the responsible official in the institution in charge of observing this right.
- The Committee on Protection of Public Information should take concrete measures to increase the pressure on the institutions to consistently abide by the Law and to abandon the present practice of a selective application of the legal responsibilities.
- Given the fact that the greatest number of the institutions do not respond to the submitted requests immediately or within only a few days, but rather wait for the expiry of the final deadline, it is necessary to shorten this current deadline of 30 days in order to increase both the flow of relevant information and the transparency of the institutions.

You can find more information about the project on:

www.freeinfo.mk and www.ccc.org.mk

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