#

# Free access to information: Information Booklets

Monitoring of status from November 2013 to May 2015

***Monitoring findings***

**There were no changes** of the Law on Free Access to Information of Public Importance, which would, if adopted, increase the number of organs that are obligated to publish Information Booklets and provide more adequate supervision over implementation of that Law. Deadlines for the Law amendments (that were prepared in late 2011) are constantly prolonging (e.g. in strategic acts), and just recently that matter was moved from „a standstill“ (working group of Ministry for Public Administration and Local Self-governance was established).

**Practice of publishing Information Booklets** hasn't changed a lot. **Greatest problem is still missing update of information** (six months and longer), which decreases usefulness and reliability of these documents. Generally speaking, Ministries and other organs that were subjected to the monitoring show positive trends. Media more often use data from Information Booklets as a material on work of state organs.

**What are Information Booklets?**

Information Booklets are the most important form of proactive publishing of information on work of authority organs in Serbia. Publishing of these documents represents **obligation from the Law on Free Access to Information of Public Importance,** and obligatory content and method of publishing was regulated by Commissioners Guidelines[[1]](#footnote-1). Among other, Guidelines instruct publishing of Information Booklets on web-pages and **update at least once a month.**

Organ is obliged to publish in Information Booklet **detailed data** on its structure, method of work, services provided to interested parties, assets used and many other data in predefined twenty chapters. Not all authority organs have obligation to publish Information Booklet, just state organs, APV organs, municipality organs and „organizations entrusted with public authorities“, which doesn't include numerous local public enterprises and institutions. This loophole should be resolved through amendments to the Law on Free Access to Information.

# Monitoring findings in 2015

In the desire to check whether there was progress in respecting obligations prescribed by Commissioner's Guidelines compared to status from April 2014, in March 2015, we have conducted second round of verification and analysis of Information Booklets on the same sample of 35 organs. Results of this research show that missing update still represents great problem, as well as missing to publish precise data on deadlines for providing services, budget execution, awarded and received financial assistance.

Main criteria for including organs into research sample was satisfying need of citizens, with special emphasis on potentially vulnerable groups or wider circle of clients. Municipalities and education institutions were enlisted by random sample principle. Total sample includes five municipalities from various parts of Serbia, five high education institutions, four social protection institutions, three organizations of obligatory social security, one organization with public authorities, six other republic organs and institutions, one provincial secretariat and 10 public enterprises.

Monitoring and analysis were performed in March 2015. Subject of monitoring were not all provisions from Information Booklets, just those that refer to **fulfilling of basic obligations from Guidelines, description of services provided to interested parties and financial management**. Same four organs from the sample **didn't have Information Booklets or web-site** (in some cases improvement came after publishing of our findings).

*Availability of Information Booklets*

Results in this category have significantly improved compared to other categories. Most of monitored organs (77%), which published Information Booklets, did it in compliance with Guidelines, so that Information Booklet is easy to notice on home page or as part of basic menu or as special banner. In slightly less than 20% percent of cases, Information Booklet was published in web-pages' sections „about“, „documents“ or „reports“.

*Update of information*

Out of 31 organs that published Information Booklets, **in just 4 cases (12%) information were updated** in compliance with Guidelines (by the end of each calendar month), and in 22% delay was of less importance (up to 2 months). In more than half cases (20) newest information was from previous or even earlier years. In such situation, citizens cannot rely on Information Booklets**,** even when data stated in them are detailed and accurate.

*Listing of data on services*

Guidelines instructs publishing of information on services that organ provides to interested persons, stating of categories of persons that are entitled to service, stating of conditions that persons have to meet in order to receive a service, how to receive a service (e. g. request, appeal), data on taxes and procedure expenses, evidences submitted by requester, procedure for providing services, whether there is deadline for providing services and its duration, deadline for providing services, whether it is regulated or not and if the expected deadline is different from regulated one, review of provided services and other useful data on services (address, office number, desk, web address, e-mail address, working hours for clients etc., as well as information from whom and in what way information can be obtained during procedure).

**Results of analysis show that there was no progress in this area compared to April 2014.** Seven organs (23%) didn't have anything in these chapters, and as much as so stated merely general data. Like in previous years, **authority organs most often do not publish real or typical deadline for providing service**. Just in two cases precise information of this kind were published. Also, forms for receiving services are rarely published.

*Budget information*

In just two cases Information Booklet stated data on approved budget for current 2015, while none of the sample organs had data on execution of budget or financial plan for current year. Data on budget and its execution are in most cases outdated and date several years back.

Data on budget audit were published by just one sample organ, although it is clearly evident that financial reports of others were subjected to audit (on the basis of insight into State Audit Institution web-site).

*Public procurement information*

Information on planned public procurements in 2015 were published by just 12% of monitored organs, while data on announced procurements in current year can be found only exceptionally, and not in Information Booklets, but in special section of web-site. Data on implemented procurements in 2014 were published by just 4 organs from monitored sample.

*Information on state aid*

**Merely 45% of organs has, at least formally, fulfilled their obligation of publishing** data on financial or other assistance provided to citizens or business (subsidies, donation and similar). This category is characterized by great misunderstanding of what data should be published and therefore instead of publishing data on state aid that authority organ awards to other persons in compliance with Guidelines, often states that authority organ hasn’t received state aid or data on received donations.

*Information on received donations*

Data on donations received (any form) in the moment of analyzing were published by just ¼ of organs (out of which one had such information in another chapter).

**Information Booklets of the Ministries**

We have analyzed how is the obligation of proactive publishing of data in Information Booklets and level of their compliance with Guidelines being respected, comparing data from March 2015 with status from September 2013.

When it comes to update of Information Booklets, situation is slightly better with sample of Ministries compared to other authority organs. From total of 16 Ministries, 11 have Information Booklets updated in past month, while remaining 5 was updated in past 2-6 months.

Information on approved budget for 2015 had 9 Ministries, from total of 16. Information on budget execution not older than one month had 6 Ministries, 4 had data not older than 3 months, while remaining 6 had data older than 3 months.

Information on budget audit was stated by 6 Ministries (offering link to web-site of State Audit Institution where report or data on whether there was any audit were published), while remaining 10 ministries do not have any data in this section of Information Booklet.

Public Procurement Plan for 2015 was published in Information Booklets by 7 Ministries, 15 had public procurement plans for 2014, and 10 even for 2013.

Five Ministries had data on implemented public procurements updated with status from 2015, 12 Ministries had data on procurements implemented in 2014, 9 Ministries data on procurements implemented in 2013.

All above stated shows serious problems in meeting legal obligations of proactive publishing of information, but also that there are cases where information published in Information Booklets are better updated and more complete compared to previous period. Example is Ministry of Interior that accepted our recommendations referring to harmonization of Information Booklet with Guidelines and improved text of this document.

Still existing situation that Information Booklets are completely missing represents special problem. According to annual Report of Commissioner[[2]](#footnote-2) Information Booklets were missing in 20,2% of courts, 75,3% public prosecution, 33,3% provincial organs, 26,5% cities and municipalities, 18,2% public enterprises and as much as 89,2% of other organs.

Supervision over implementation of the Law on Free Access to Information of Public Importance is in jurisdiction of Administrative Inspection, administrative organ of Ministry of Public Administration and Local Self-government. Administrative Inspection, as stated in its Report[[3]](#footnote-3), performed in 2014, 147 inspections in regards to obligation of publishing Information Booklets, out of which 144 in municipalities. Administrative inspection, as stated in the Report, submitted 4 requests for initiating misdemeanor procedure, without stating organs against which requests were initiated. Commissioner's Service disposes with information for submitted requests in three cases: against Head of Municipality Administration Odžaci, for missing to submit annual report to Commissioner, against President of National Council for High Education, for missing to publish information Booklet in compliance with the Law and one request against Head of Municipality Administration for Finances City of Niš, for failing to act upon decision of Commissioner that orders publishing of Information Booklet in compliance with the Law. That should be complemented with data that Administrative Inspection hasn't submitted requests for initiating misdemeanor procedure in the period 2011-2013.[[4]](#footnote-4)

Results of research clearly indicate the need to provide initiating procedures against organs that dramatically violate their obligations. One of methods to accomplish that is to amend Law on Free Access to Information as soon as possible (increasing number of organs that are obligated to create Information Booklets and providing authority to Commissioner for initiating procedures), and by then active engagement of authorized Ministry of Public Administration in initiating misdemeanor procedures.

Transparency – Serbia

Belgrade, 25.5.2015

1. <http://www.poverenik.rs/images/stories/dokumentacija-nova/podzakonski-akti/uputstvo-informator/uputstvozainformatorecir.doc.doc> [↑](#footnote-ref-1)
2. <http://www.poverenik.rs/sr/o-nama/godisnji-izvestaji/2048-izvestaj-poverenika-za-2014-godinu.html> [↑](#footnote-ref-2)
3. Report of Administrative Inspection no. 011-00-00012/2014-01 from 16.1.2015. [↑](#footnote-ref-3)
4. From the Report of Commissioner for Information of Public Importance and Protection of Personal Data on implementation of the Law on Free Access to Information of Public Importance for 2014. [↑](#footnote-ref-4)