

POLITICAL INTEGRITY DATA SCOPING IN SERBIA

INTEGRITY WATCH WESTERN BALKANS &
TURKEY

Transparency Serbia is a branch of Transparency International for Serbia.

Political Integrity Data Scoping in Serbia

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INTRODUCTION

Serbia is perceived as a country with widespread corruption, with CPI score of 36/100 for 2022 and the worst ranking since 2012. In the context of EU integration more effective fight against corruption is among priority issues. However, the fight against corruption is not accorded much importance by the Government, and the rules for the fight against corruption have continued to be openly disregarded, which is most visible in the field of professionalization of the management of public enterprises and in the state administration.

While many elements of the legal framework relevant for open data on political integrity exist, the implementation is rather limited. The general legal duty of public authorities to publish their information in open format, introduced in 2018, along with the centralised open data portal, is not subjected to oversight and is therefore implemented on voluntarily bases only. While digitalization is promoted as one of Government's key priorities, it is understood in a narrow way, covering mostly digital services of the administration, with minor to no effect when it comes to the transparency of the work of the Government, political parties and public officials.

The level of data transparency, as well as the role of institutions, depends on other legislation, by-laws, donor support and software solutions used by various institutions. For example, the public procurement portal, while not without flaws and lacking interconnection with other datasets, provides for a relatively high level of data openness. On the other hand, data on public officials' assets and political party financing are not published in user-friendly format, while data on lobbying activities are not published at all.

The Serbian Law on Free Access to Information of Public Importance (2004) has for years been considered as one of the best in the world, mostly due to the absence of absolute exceptions and the existence of an independent appeal body (the Commissioner). The Law also provides for proactive publishing of certain information about each public authority on the centralized portal of "Information booklets". However, in practice, there are numerous obstacles to exercise the right, including overt reluctance of public authorities to provide information following the Commissioner's order, the inability to appeal with the Commissioner when the request is rejected by seven high level authorities and the busyness of the Commissioner.

GRECO's Fifth round evaluation (report due for September 2023), provided for some recommendations that would improve the situation (lobbying and free access to information), but there is no activity related to their implementation yet.

LIST OF DATASETS ASSESSED

There is a total of twelve datasets which went through data scoping.

Directories of public officials and asset and incomes of public officials are crucial sources for the prevention of conflict of interest and they were chosen because they are complimentary data sources that can be connected with other sources with the aim to identify risk indicators.

Political financing is an area where, while there is a lot of public funding, there is not enough transparency. Risk indicators can be identified through comparison with other datasets, such as **company register, beneficial ownership and land and real estate cadastre**.

Public procurement and public procurement, privatization and other procedures datasets were chosen because public procurement and privatization are one of the areas identified as especially vulnerable to risks of corruption in Serbia.

The Register of Lobbyists is highly relevant for political integrity, however, the current one does not contain any information about lobbying meetings. **Government budget and spending, as well as voting records** dataset are a valuable source of information that can indirectly reveal undue political influence.

Indicative list of data sources
D1 – Directories of public officials: containing a list of all public officials above a certain level of seniority, along with details of their role.
D2 – Assets and interests of public officials: containing the key assets and interests of public officials above a certain level of seniority (and in some cases their families)
D3 – Political financing: containing data on the financial contributions received by a politician, a political party, their committees, and third parties during a period of time.
D4 – Lobbyists register: containing a list of registered lobbyists, details of who they are lobbying and on whose behalf they are lobbying.
D5 – Government budget: including the national government budget at a high level (e.g. spending by sector, department, sub-department, etc.).
D6 – Government spending: records of current (and past) national government spending at a detailed transactional level: at the level of monthly government expenditure on specific items (usually this means specific records of spending amounts under \$1 million, or even under \$100,000).
D7 – Public procurement: details of the contracts published by the national or federal government, including contract award data and not just requests for bids

D8 – Voting records: containing registers on individual voters in the national legislature (including session, chamber, and law category – amendment, new bill, nomination, etc.).

D9 – Company registers: containing a list of every company legally registered to operate within a jurisdiction. They should include information on when companies were established and whether they are still active, as well the details of company directors.

D10 – Beneficial ownership: Referring to the natural person(s) that are the beneficial owner(s) of an asset, including at least companies or land registrations

D11 – Land and real estate registers: including national level information on land ownership, tenure and location. These are usually kept by a land registration agency and/or national cadaster.

D12 – Public procurement, privatization and other procedures: contains a list of procedures in which a company where a public official has shares has participated

ASSESSMENT OF THE DATA CHARACTERISTICS

Each of the indicators measured in the eight areas of public policies was assessed with a simple YES/NO answer. A final score will result from the aggregated values for each of the questions.

- Each 'Y' value is equal to 1.
- Each 'N' value is equal to 0.

An exception to the above is the question D-Formats, the measurement of which is elaborated below under the description of the indicator (Bullet point 6).

D-Exist Does this information exist in any form, even if not publicly accessible? YES/NO/NO EVIDENCE (Please describe the evidence and if applicable include links that may point to the existence of the data.) If the answer to this question is 'NO' for any of the datasets evaluated then you don't need to continue with the rest of the 'D-' questions for that dataset, given that they won't be applicable

D-Data Is this data available online in any form? YES/NO (Include links to the available data as evidence.) If the answer to this question is 'NO' for any of the datasets evaluated then you don't need to continue with the rest of the 'D-' questions for that dataset, given that they won't be applicable

D-Timeliness Are the available datasets timely and updated? YES/NO (Include last update date and update frequency as evidence.)

D-Completeness Does the dataset include all units/items/subjects that are required to be reported? (For example, in the case of assets and interests of officials, does the dataset include all the relevant officials, or are there missing ones.) YES/NO (If no, describe the extent of the missingness and provide any key examples. Very often this will be impossible to assess without in-depth research, so this question will be treated as a pilot).

D-Granularity Does the government release datasets at the finest level of granularity available without data aggregations? YES/NO (Describe any existing aggregation as evidence.) For example government spending can be reported at its most granular at the level of each invoice paid or aggregated by spending category or institution.

D-Formats Does the government release datasets in machine-readable and reusable formats? YES/NO If YES, is it through: a) a machine readable file or b) APIs. If NO, is it a) image/hand-written text or b) digital text? (Include the list of all available formats as evidence.) Some examples of

machine-readable and reusable formats are: csv, xls, xlsx, ods, xml, shp, px and json. **The scoring for this question is as follows: YES(a) = 1; YES(b) = 1.5; NO(a) = 0; NO(b) = 0.5.**

D-Openness Does the government release open data that is free of charge and under an open and unrestricted licence? YES/NO (Include references to any applicable charging policy and licence as evidence.) An open licence must clearly state that anyone has permission to reuse it and does not restrict what the data can be reused for, more than attribution and share-alike. Refer to the Open Definition and the list of conformant licences for a detailed overview of what counts as an open licence.

D-Accessibility Does the government release the datasets without mandatory registration? YES/NO (Include links to any required registration process as evidence.)

D-Interoperability Does the government make use of common identifiers when collecting and publishing data? YES/NO (Include references to any implemented standard as evidence. If Yes, please provide information on whether these common identifiers are shared with other key datasets.)

D-Metadata Does the government ensure that the datasets include consistent core metadata including at least a descriptive title, data source, publication date and available formats? YES/NO (Include links to any existing metadata descriptions as evidence.)

D-Documentation Does the government provide clear accompanying documentation for the published datasets with sufficient information to understand the source(s) and analytical limitations of the data? YES/NO (Include links to any accompanying documentation as evidence.)

D-Extent Is the dataset available at the national level? YES/NO. (If NO, please include in notes the geographic area covered).

ASSESSMENT RESULTS

A total of twelve data sources have been analysed and graded. The general assessment is that the vast majority of datasets achieved a high and medium result, while only one dataset had a score of 0 points. Shortcomings of the datasets which achieved higher scores are mostly related to the format of the published data and to the lack of accompanying documentation which would serve either as a source for such data, or as a tool for further analysis. Almost every dataset is free to use, and can be accessed without any registration requirement. Difficulties during evaluation were found for indicators of granularity, timeliness and completeness. For the timeliness and completeness indicators, standards prescribed by relevant laws were used as a benchmark, while for the granularity indicator an extra step was required in order to be positively evaluated (for instance, for the political financing dataset).

When it comes to datasets which had low scores, there are data about lobbying and government spending. Regarding lobbying, there is a duty for lobbyists to submit reports to the Agency for Prevention of Corruption, the register of accredited lobbyists and duty of public institutions to track lobbyists' activities (publishing the latter is not mandatory). In reality, there is a Register of Lobbyists published on the website of the Agency for Prevention of Corruption, but it is not a record of their activities. When it comes to government spending at a transactional level, there is no available data, not even for monthly expenditures. It should be noted that this practice exists in Serbia, in some local self-government units (even daily transactions are recorded and published).

A special note should be dedicated to the real estate cadastre. Namely, the real estate cadastre wasn't working for two weeks in June, when the initial data scoping took place. However, during the second data scoping, which was performed in July, the real estate cadastre was functioning and accessible and was evaluated accordingly.

Dataset	Exist	Data	Timeli-ness	Com-plete-ness	Granu-larity	For-mats	Open-ness	Accessi-bility	Interop-erability	Metadata	Docu-ment.	Ex-tent	Total score
Lobbying regis-ter	Y	Y	Y	N	N	N(b)	Y	Y	N	N	N	Y	6.5
Asset and in-terests of pub-lic officials	Y	Y	N	Y	Y	N(b)	Y	Y	N	N	N	Y	7.5
Company reg-isters	Y	Y	Y	Y	Y	N(b)	Y	Y	Y	N	N	Y	9.5
Beneficial own-ership	Y	Y	Y	Y	Y	N(b)	N	N	Y	N	N	Y	6.5
Public officials	Y	Y	Y	Y	Y	N(b)	Y	Y	N	N	N	Y	8.5
Government budget	Y	Y	Y	Y	Y	N(b)	Y	Y	Y	N	N	Y	9.5
Government spending	N	N	N	N	N	N	N	N	N	N	N	N	0
Public procure-ment	Y	Y	Y	Y	Y	Y(a)	Y	Y	Y	N	N	Y	10
Political financ-ing	Y	Y	Y	Y	Y	N(b)	Y	Y	Y	N	N	Y	9.5
Voting records	Y	Y	Y	Y	N	N(b)	Y	Y	N	N	N	Y	7.5
Land registers	Y	Y	Y	Y	Y	N(b)	Y	Y	N	N	N	Y	8.5
Public procure-ment, privatiza-tion and other procedures	Y	Y	N	Y	Y	N(b)	Y	Y	Y	N	N	Y	8.5

RECOMMENDATION

1. Increase the proactive transparency of state authorities, by encouraging and obliging them to use the Open Data portal, which would also enhance the interoperability of datasets.
2. Provide accompanying documentation for published datasets, which could serve as a source for published information, but also for further analysis. Datasets and documentation should be published in formats that are suitable for further analysis, and not as scanned documents or even photos.
3. Increase the number and quality of information that will be published on the Public Procurement Portal, including those related to the execution of contracts, as well as procurements to which the law does not apply, the number of bids per procurement procedure, and connection with databases kept by other bodies (e.g., Serbian Business Registers, Treasury, data on budget execution, data on the performed audit, monitoring and supervision, initiated procedures, etc.) to provide a more comprehensive insight into public procurement and its effects.
4. It is necessary to amend the Law on Lobbying, since the current legal provisions do not serve the purpose for which they were adopted, i.e., lobbying contacts are not recorded and do not exist, although the actual situation is different.
5. The Government should enable the execution of the decisions of the Commissioner for the Protection of Information of Public Importance and Personal Data, and the Government itself should start responding to FOI requests.

ENDNOTES

Transparency Serbia
(<https://www.transparentnost.org.rs/en/>)

Open Data Portal,
(<https://data.gov.rs/sr/>)

Public Procurement Portal
(<https://jnportal.ujn.gov.rs/>)

Registers of Agency for Prevention of Corruption
(<https://publicacas.acas.rs/>)

Serbia Business Registers Agency
(<https://www.apr.gov.rs/home.1435.html>)

Real estate cadastre
(<https://katastar.rgz.gov.rs/eKatastarPublic/PublicAccess.aspx>)