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Institutional Transparency: Availability of Information

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ABBREVIATIONS

Commission for FOI	Commission for Protection of the Right to Access Information of Public Character
CRPM	Center for Research and Policy Making
CSO	Civil Society Organization
ESE	Association for the Emancipation, Solidarity and Equality of Women
FOI	Freedom of Information
Law on FOI	Law on Free Access to Information of Public Character
MISA	Ministry of Information Society and Administration
OGP	Open Government Partnership

ABOUT THE SERIES OF POLICY BRIEFS

This policy brief is part of a series of three papers on good governance which aim to offer a thorough and consistent analysis of the implementation of crucial pillars of good governance in the country, as are (1) transparency, (2) accountability and (3) participation – the essential topics of the three policy briefs. This trend of policy briefs is issued for the second time by the Center for Research and Policy Making (CRPM) in the framework of the regional project *Advocacy for Open Government: civil society agenda-setting and monitoring of country action plans*, funded by the European Union.

The three policy briefs use evidence collected through a careful (1) monitoring of the websites of 19 central level institutions, (2) questionnaires filled by civil servants in the targeted institutions, and a (3) public opinion poll. This year the British Embassy in Skopje has co-funded the research related with the websites of institutions and the publishing of the three papers. The institutions included in this research are all 15 ministries of the Macedonian Government, the Parliament, the General Secretariat of the Government, the Health Insurance Fund and the Pension and Disability Insurance Fund. The field public opinion poll conducted by CRPM in September 2015 has surveyed the experiences of citizens and helps offer a thorough and multi-perspective analysis on governance practices and policies. Besides a general analysis of the performance of institutions in the realm of good governance, this series of policy briefs also looks at the degree of implementation of the national commitments toward Open Government Partnership (OGP) as a strategic document that encompasses efforts of the country toward greater transparency, accountability and participation.

INTRODUCTION

Any definition of good governance necessarily puts the citizen in the cardinal position of the cycle as the engine behind governance and the owner of its outcomes and outputs. Because citizens are the taxpayers, the voters and receivers of final services, they are directly entitled to thorough scrutiny and engagement in the process of governance. Although the field of good governance is fairly broad, one crucial aspect of it that is indispensable to granting a central position to the citizen is the *availability of information*. *Information is the foundation of good governance, not only because it increases efficiency but also because it empowers people and enables a more equitable redistribution of the benefits of overall growth in a country, and challenges the consistent capture of those benefits by the elites.*¹

This paper focuses on the topic of institutional transparency, or what George Kopits and Jon Craig (1998)² refer to as ‘behavioral aspect of transparency’, aiming to evaluate and analyze performance of central level institutions against a set of indices regarding access to information. Specifically, we will look at the practices of targeted institutions to make information available to citizens. The results of a public opinion poll which informs this paper about the attitudes and experiences of citizens with central level institutions, also takes a crucial place in the overall research.

Finally, this paper will also review measures in the OGP Action Plan 2014-16 which aim to improve the availability of information of public character in the country to analyze their impact and remaining challenges in this field.

¹ Bellver A., Kaufmann D (2005), *Transparenting Transparency: Initial Empirics and Policy Applications*. The World Bank. September 2005.

² George Kopits and Jon Craig (1998), *Transparency in Government Operations*. International Monetary Fund. Washington DC, January 1998

1. ACCESS TO PUBLIC INFORMATION

1.1 Freedom of Information (FOI)

The Macedonian Law on Free Access to Information of Public Character (Law on FOI) was adopted in 2006 and amended several times since (2008, 2010, 2014). **It is a functional and modern law, ranked 13th by the Global Right to Information Rating out of 102 countries.**³ Indeed, in writing, it is a sound legislative foundation that harmonizes the right of citizens to know and their freedom to access information, yet its implementation faces serious challenges. The Commission for Protection of the Right to Access Information of Public Character (Commission for FOI) responsible for overseeing the implementation of the respective law, regularly conducts trainings and awareness raising activities for potential seekers of information as well as holders of information with the intention to improve the public use of the law.

One of the main advantages of this legislation, universally, is that it aims toward maximal disclosure by not requiring information-seekers to explain why they request the information, rather obliges information-holders to justify non-disclosure when applicable. It contributes to changing the attitude of civil servants regarding the information they possess, by challenging the approach that treats information that institutions possess as their property, and not as an asset they manage on behalf of citizens. Nevertheless, this approach remains dominant in Macedonian institutions. **In 2014, of the total 849 complaints submitted to the Commission for FOI, 785 of them (92.5%) are about administrative silence, or failure of institution to respond by the legislatively prescribed deadline.**⁴ The Commission for FOI also reports that there are frequent changes of staff responsible for managing requests for FOI in institutions – trained staff is replaced by untrained staff – what adds to their inefficiency in responding to requests.⁵ However, the Commission is very engaged throughout the process and it often acts as a mediator between the institution holder of information and the party requesting access to

- **92.5% of complaints received by the Commission for FOI in 2014 are about administrative silence.**
- **84% of these complaints come from CSOs and foundations**
- **58.6% of the complaints came from one CSO.**
- **In 2014, institutions, holders of public information, have received 4551 requests for FOI in total.**

³ Global Right to Information Rating. <http://www.rti-rating.org/country-data>

⁴ Commission for Protection of the Right to Free Access to Public Information (2015), "Annual Report for the Work of the Commission for Protection of the Right to Free Access to Public Information from 1 January to 31 December 2014". Skopje, March 2015.

⁵ Ibid.

information. According to its annual report, it has halted the processing of 406 complaints (almost half of all complaints received in 2015) because, with the mediation of the Commission for FOI, information holders have provided the requested information, although after the prescribed deadline.

Generally, there are significant challenges in the process of receiving information from public institutions in Macedonia, despite the consistent awareness raising and capacity building activities of the Commission for FOI. Even nine years since the adoption of the Law on FOI, there are still institutions which do not provide contact information of the person responsible for managing requests for FOI, as are, for instance, the Ministry of Transport and Communication and the Ministry of Defense. Their contact information can be found on the website of the Commission for FOI but not on the websites of the respective institutions. On the other hand, information-holders also fail to report to the Commission for FOI, according to the legal obligation, and often, although they may submit annual reports, they present incorrect or incomplete information.⁶

Additionally, it is also noteworthy that 84% of complaints submitted to the Commission for FOI in 2014 came from civil society organization and foundations in the country, and only 16% from individual citizens. In 2014, a total of 4551 requests for FOI were submitted to all institutions – holders of public information in the country. The data from the Commission for FOI coincide with the data collected from the opinion poll conducted by CRPM which show that **only 9.4% of respondents have at some point submitted a request for access to information.**

The overall awareness and use of the Law on FOI remains low among citizens. Indeed, this right is mainly practiced by a small number of CSOs which burden institutions with large number of requests for short periods of time, often all at once. For instance, the Association for Emancipation, Solidarity and Equality of Women in Macedonia -- ESE has submitted 58.6% (498) of all the complaints the Commission for FOI has received in 2014.⁷ This number illustrates that the overall understanding and practice of FOI in the country remains very weak among the general public.

⁶ Ibid.

⁷ Ibid.

1.2 Websites as the main platform for transparency

In the age of internet, when most institutions have websites (all institutions targeted by our study have websites), freedom of information can and must be practiced in a proactive and consistent way. Institutions have the opportunity and must publish as much information as possible on their websites to make them functional and informative. Making most information readily available may be an initial step to reducing the number of requests for FOI by CSOs and citizens, yet at the same time improving communication with them.

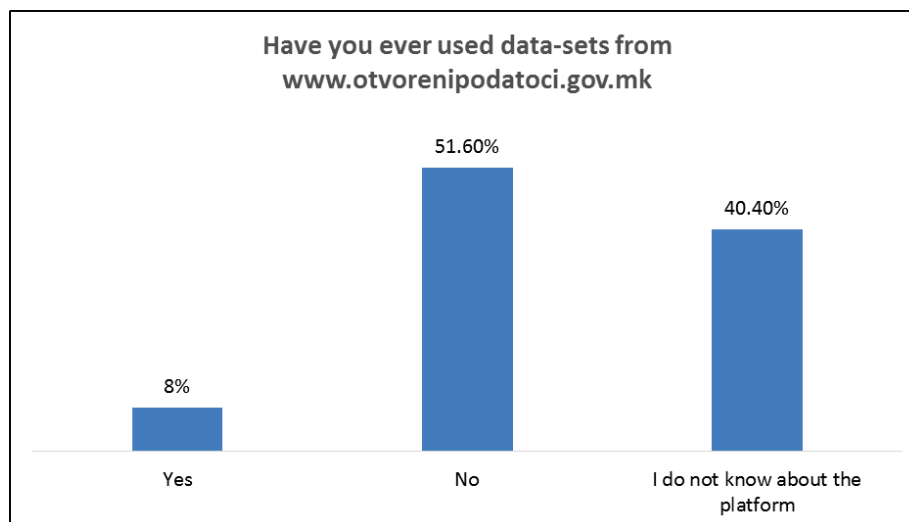
Additionally, institutions can use websites as basic platforms to publicize all information that are requested through FOI so as to increase dissemination of the data and overall transparency of institution. None of the ministries in the Government of Macedonia or the other institutions targeted with this study practice publicizing requests for FOI and their responses on the website or other 'frequently asked questions'.

However, there are two such websites that provide support regarding the procedure for FOI requests and respective complaints, as well as a 'database of knowledge' where several requests and responses for FOI are available. These websites (www.spinfo.org.mk and www.slobodenpristap.mk) are not maintained by public institutions rather by local CSOs and supported by foreign donations.

1.2.1 Machine-readable data

Law on FOI is the foundation of principles of institutional transparency aiming to release data held by institutions for citizens. However, with the advancement of technology the standards of transparency have also advanced so as to emphasize the importance of format in which data are made available so as to increase their use.

Only 8% of respondents have visited the www.otvorenipodatoci.gov.mk portal and 40.4% of them do not know it exists.



The usefulness of machine readable data goes beyond the making of particular information publicly available – it indeed allows the generation of new information– and contributes genuinely toward giving data held by institutions back to citizens.

Some states have amended their Laws on FOI to oblige information-holders to publish requested information as open data or machine readable data while Macedonia has adopted a new law in 2014 called *Law on the Use of Data from the Public Sector* which obliges public institutions to publicize data they poses and work with in an open format for further use by the public.



There are currently 154 open data-sets on the open data portal, publicized by 24 institutions.

Certainly, institutions possess way more data than they publicize on the internet either as closed or open format, however, given that the open data portal was launched in 2014, it is a sign of progress that **in one year**

60% of ministries have proven to have the technical capacities to work with open data. The *Ministry of Labour and Social Policy* ranks first according to the number of data-sets published on the web-portal (29), followed by the *Ministry of Economy* (21). Open data require proactive commitment from institutions. To this point, it is mainly up to them to decide which of the information they poses should be publicized as open data. Hence, it remains to be seen if institutions will find the incentive to increase the number of data-sets and improve their quality in time. At the same time it is important that public awareness about the use of these data grows – and the best tool to do this is through more transparent policies in institutions. Distrust in the responsiveness of institutions to requests by the public is the main cause of inactive citizens.

Although processed open data serve ordinary citizens greatly, it is highly likely that the user community of raw open data will never grow too big in Macedonia as it does require technical skills to operate with. Hence, it is significant to emphasize that although open data and FOI may be complementary, they do not substitute each other. Institutions still need to invest great efforts to improve their performance with FOI, simultaneously as they grow capacities to work with open data. Unlike open data, FOI works generally reactively, upon requests, and provides ordinary citizens, journalists, researchers the right to gain access to particular information that is not readily available online. It may be the most practical tool when the requested information is a textual explanation. Additionally, the added value of FOI is that it gives feedback to institutions about what information the public is interested in.

1.2.2 What information do institutions make public?

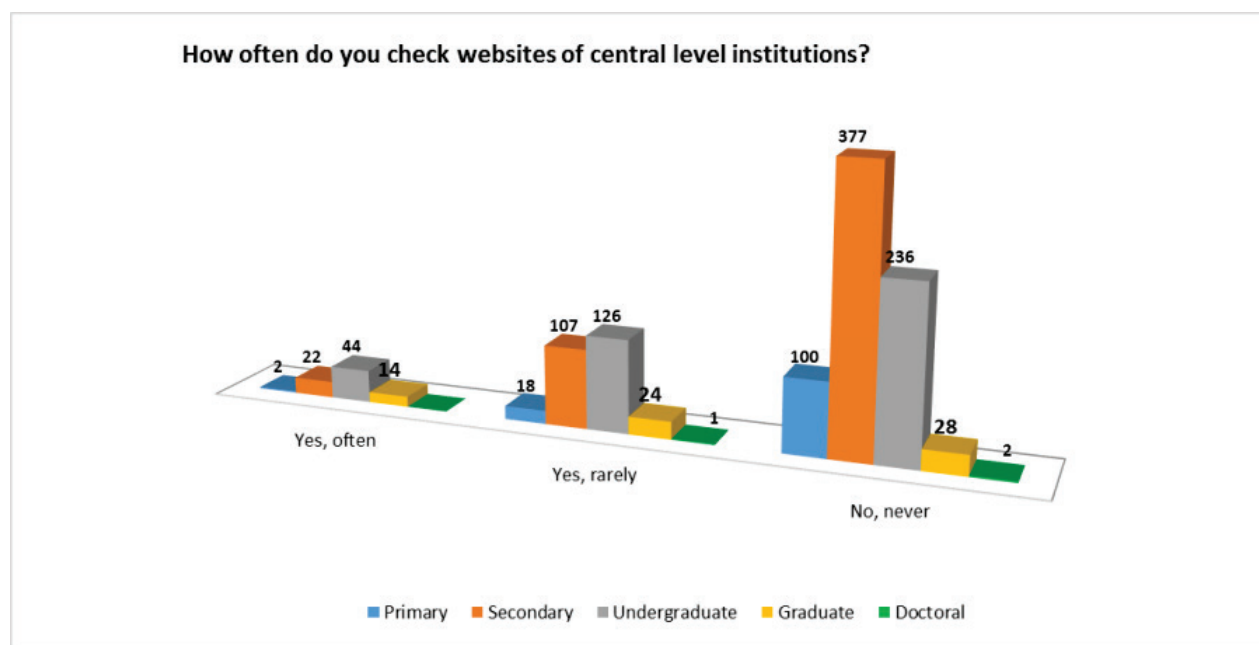
Websites are, so far, the best means institutions can use for proactive transparency and efficient communication with the public. Investing in the quality of their interface and the information they contain would increase the number of visitors and performance of institutions in meeting standards of transparency. Penetration of internet in Macedonia is high, at 68.3%, and is constantly growing.⁸

The country ranks 36th in Europe and 60th in the world for internet penetration.⁹ According to our opinion poll, 71.1% of citizens use smartphones.

These circumstances call on institutions to exploit the possibilities the technology and internet provide for the purpose of reaching out and opening up to the public.

Hence, publicizing information on the bulletin board in front of institutions is not an excuse for not providing the same information on the websites where a considerable greater number of interested citizens can be reached. Additionally, there are mechanisms to alert them when new data or information come out.

- **Penetration of internet in Macedonia reaches 51%, ranks 36th in Europe and 60th in the world**
- **71.1% of citizens use smartphones.**



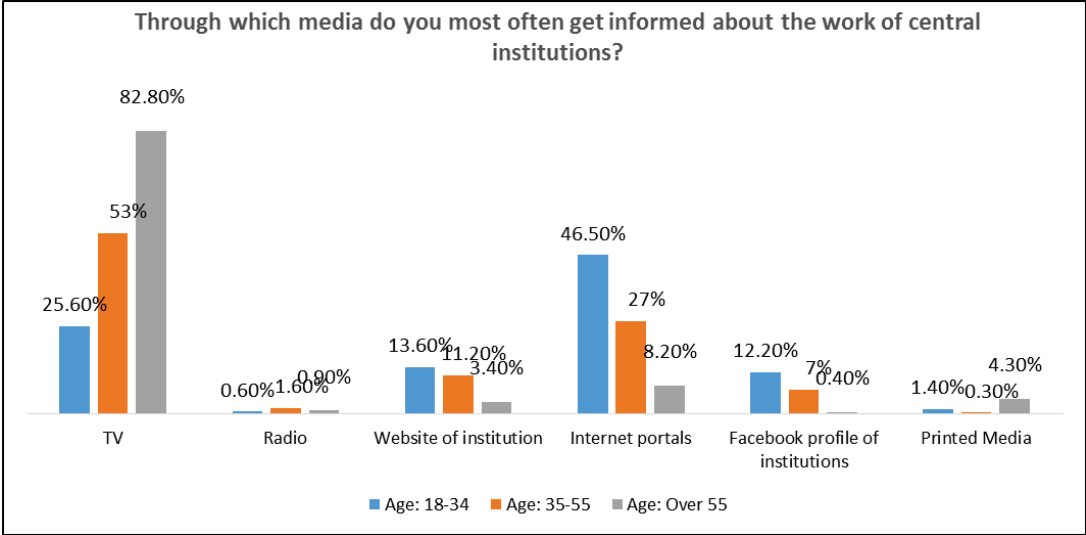
The CRPM polling shows that institutions' websites are not among the most preferred media for following information regarding the work of institutions, however, numbers vary according to age and education. Respondents of the age group 18-34 prefer internet portals as a source of information about

⁸ State Statistics Office (2015), Macedonia in Numbers. <http://www.stat.gov.mk/Publikacii/MakBrojki2015m.pdf>

⁹ Macedonia ranks 36th in Europe according to number of users of internet. *Nova Makedonija*. 02.02.2015. <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=2215934209&id=10&setIzdanie=23384>

the activities of central institutions, followed by television, websites of institutions and then Facebook profile of institutions. In the age groups 35-54 and over 55, television is the preferred source of information, followed by internet portals – although with a drastic difference (27% and 8.2% respectively).

In general, 32.5% of the respondents say that they visit the websites of central level institutions, although most of them do it rarely (25.1%). Keeping in mind that most public services are decentralized, the low number of visits of central institutions’ websites does not come as a surprise. 32.5% is a satisfactory percentage of the population visiting websites of central institutions.



The main information citizens may seek from central level institutions have to do with their obligation to be transparent and accountable to citizens rather than direct services provided to them. If we look cumulatively at the answers ‘yes, often’ and ‘yes rarely’, the *opinion poll also shows that there is a positive correlation between education and the habit of visiting the websites of institutions.*

Those who visit websites most often read news section (83%).

Television, web portals and other mass media cannot substitute the space websites provide for institutions to share in detail with

the public strategic documents, procurement procedures, financial reports, reports about daily activities and much more.

Certainly, the public may not look into these documents often as they do not feel directly affected on a regular basis – unless professionally concerned; and as for the activities of the institutions, some of these information reach the public through the mass media, although abbreviated. Those who say they visit the websites of central level institutions also say that they most often read the news section of the websites (80.45%), public procurement documents (54.2%), calls for scholarship, support, donations (70.6%).

Nevertheless, majority (including those who say they never visit websites of central level institutions) still consider strategic information important and relevant to be publicized on the websites of institutions. For instance, 63% think it is important that central institutions publicize a plan for public procurement for the ongoing year and 46.7% think institutions need to publicize a list of companies which may not compete in tenders due to conflict of interests. However, none of the ministries and only the Health Insurance Fund (of the 19 institutions we monitored) has publicized a public procurement plan on its website, and none of them have a declaration confirming absence of conflict of interest.¹⁰ Additionally, citizens also deem important that central level institutions publicize their part of the adopted national budget (66%), explanation about the relationship between the strategic plans of the government and the adopted budget (54%), and midterm financial reports (59.2%). The public deems important that institutions share information about ongoing activities and plans, yet institutions still fail to share very significant documents and information with the public – raising the gap and distrust between them. CRPMs monitoring of institutions' websites showed that only 8, out of 15 ministries have publicized the ongoing strategic plan of the institution, through which the public can learn about the priorities and intentions of the activities of institutions. Indeed, institutions are obliged to publish all the mentioned documents – what goes beyond the preference of citizens to have them available on the websites of institutions.

Citizens think it is important that institutions publish:

- **Plan for public procurement (63%)**
- **List of companies which may not compete in tenders due to conflict of interest (46.7%).**
- **Institutions' part of the national budget (66%)**
- **Explanation about relationship between strategic plan and adopted budget (54%)**
- **Midterm financial reports (59.2%)**

Indeed, this illustrates that the absence of habit and interest of citizens to visit website also comes as a consequence of the fact that, often times, strategic documents are either absent or very hard to find by browsing through the website. In this line of thought, it is important that institutions make public the organization structure and contact information of different departments within the ministries, so citizens know who to contact for specific issues. Indeed, 8 ministries, Parliament, Health Insurance Fund and Pension and Disability Insurance Fund provide contact information of at least some sectors within the institution, besides the general contact email; and 10 ministries have made the organizational structure public on their website.

There is generally need for making websites more interactive and informative, yet the installment of tools to allow citizens with disabilities equal access to the same information calls for urgent attention. This basic right of having access to strategic documents, contact information, and others must be extended to the public with visual, sound impairment and other disabilities.

¹⁰ Center for Research and Policy Making (2015). *Index of Good Governance in Macedonia*. December 2015.

From the monitoring of the websites, CRPM was able to identify only one – Ministry of Environment and Urban Planning, out of 19 institutions, which provides the tool for the enlargement of font of text. No other tools were identified in any of the websites.

Institutions are responsible themselves for measuring public interest, carefully considering requests for FOI and open data sets and put efforts to make information the public is interested in proactively available and update them timely. Engaging the public and responding to their interest would certainly raise public interest in the website. It is important that central level institutions allow the public to subscribe to receiving newsletter and specific updates about the institutions – making sure that they are directly and timely informed about activities that interest them and do not have to browse through. **So far, only two ministries and the Parliament provide the service of subscribing for newsletter.**

2 OGP ACTION PLAN 2014-16 AND TRANSPARENCY

The impact the Open Government Partnership initiative has on governments around the globe is growing by the year. Governments are continuously learning how to adapt it to the circumstances in their countries and make the best of it. For instance, Macedonia began its efforts toward open-data directly influenced by the OGP initiative, and in the first action plan 2012-14, membership in OGP was justified mainly with the benefits of open-data. OGP has also given voice to calls of the civil society for transparency and closer engagement of the interested public in decision making processes.

What has been different with the second action plan for OGP (2014-16) in Macedonia is the formation of working groups for each of the six active priorities of the action plan. The members of the group are responsible for the implementation of specific measures within their priority and a considerable number of them come from the civil sector. There are considerable remarks about the performance of the working groups as well as with the general implementation of the action plan; however, as OGP encompasses the values of good governance that this series of policy briefs analyzes, the OGP action plan 2014-16 is also subject to analysis.

The following paragraphs aim to present the measures undertaken in the country as commitments toward OGP, which contribute to raising transparency of institutions – specifically, improving access to information that institutions poses.

2.1 Freedom of Information

Priority 3 is dedicated to measures that aim to improve the implementation of the Law on FOI. The implementing parties of this priority include the Ministry of Justice, the Commission for FOI and several CSOs. The first two measures target the need to raise awareness among information-seekers and capacities among information-holders. CSOs have mainly worked with journalists, CSOs, students to introduce them to their rights and the procedures for seeking access to information of public character. On the other hand, the Commission for FOI has conducted several trainings for officers responsible for managing requests for FOI, courts and prosecutors around the country. Trainings for FOI are consistent in Macedonia, since the adoption of the Law on FOI, hence, it is unfortunate that such grave weaknesses remain in the process of guaranteeing citizens this right. Consequently, despite the completion of the measures of the action plan dedicated to trainings, it is not clear whether they have had an impact in the quality of the FOI procedures in the country.

As an effort to improve quantity and quality of information offered by Commission for FOI, it has received a new web location with the support of the Ministry of Information Society and Administration (measure 3.3). The Commission will receive an addition of 500 000 MKD in its budget as five new members will be added to their staff by next year (measure 3.6). Some CSOs as well as the country

progress report of the European Commission¹¹ also recommend the extension of responsibilities of the Commission to be able to ‘impose penalties’ on institutions not complying with the law on FOI, but the OGP action plan has only aimed toward the growth of the team. The action plan also encourages cooperation of the Commission for FOI with CSOs through officially signed memorandums of cooperation (measure 3.7). This commitment comes as a previously planned project activity of specific CSOs and should be realized by December. Nevertheless, this activity would have been realized even if the OGP action plan did not exist, hence, it cannot be analyzed as a direct result of the OGP action plan measures.

Freedom of Information	
Measure	Level of completion
3.1.Raising public awareness about the right to free access to public information through the created and conducted media presentations and educational campaign	Completed
3.2.Educating officers and officials at the information holders (Commission for Protection of the Right to Free Access to Public Information)	Completed
3.3.Making a new web site of the Commission (Ministry of Information Society and Administration)	Completed
3.4.Regular posting and updating the list of information holders	Limited
3.5.Availability of all public information on the web sites of the information holders (all holders)	Limited
3.6. Improving the financial and human resources of the Commission.	Completed
3.7. Increasing the cooperation of the Commission with associations and foundations and municipalities in RM through Memorandum of Cooperation	Not started
3.8. Publishing information about budget and program implementation of health budgets, with particular focus on the budgetary and financial implementation of preventive programs of the Ministry of Health, obtained through a procedure of access to public information	Completed
3.9. Amending the Law on Free Access to Public Information	Not started
3.10. Establishing of inter-sector working group for determining the compliance with the Convention of the Council of Europe for access to public documents and setting national legal requirements for accession to the Convention.	Not started

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¹¹ European Commission (2014), the former Yugoslav Republic of Macedonia Progress Report. October 2014. http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf

¹² European Commission (2014), the former Yugoslav Republic of Macedonia Progress Report. October 2014. http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf

OGP action plan has only aimed toward the growth of the team. The action plan also encourages cooperation of the Commission for FOI with CSOs through officially signed memorandums of cooperation (measure 3.7). This commitment comes as a previously planned project activity of specific CSOs and should be realized by December. Nevertheless, this activity would have been realized even if the OGP action plan did not exist, hence, it cannot be analyzed as a direct result of the OGP action plan measures.

Other measures tend to encourage institutions – holders of information to increase the availability of information on websites of institutions. Many institutions continue not to update the list of information of public character that they possess, or do not publicize it on their websites at all although measure 3.4 aimed exactly toward increasing number of institutions that publish such information. A study conducted by the Association for Emancipation, Solidarity and Equality of Women (ESE) confirms this, as it has found that only 5 (or 27%) of the 18 websites of institutions they monitored (different from the ones CRPM monitored) contain a list of public information that they possess.¹³ Additionally, as has been discussed earlier, many institutions fail to proactively publicize information of public character of their websites – even strategic documents as programs, budget, procurement and financial reports. ESE has encouraged the Ministry of Health to make public information about health programs implemented by the Ministry and their respective budgets by requesting the information through requests for FOI. The same information are now made public on the website of the institution – successfully completing measure 3.8.

Several CSOs have requested that the Ministry of Justice take the initiative to amend the law on FOI, yet no activities have been made in this regard yet (3.9). Similarly, measure 3.10 is also not started although it is a continuing measure from the previous action plan for OGP 2012-14. It refers to the ratification of the Convention of the Council of Europe for access to public documents which Macedonia has already signed. It is also not mentioned in any of the official quarterly reports or mid-term report of the government about the implementation of the Action Plan for OGP 2014-16.

Evidently, the listed measures, to this point, have only limited impact on the overall improvement of availability of public information for the public. Only the update of the website of the Ministry of Health to provide significant information about its work can be emphasized as a successfully completed and effective measure which has clearly improved the availability of public information on the website of the respective institution.

Although the process of drafting the action plan 2014-16 was considerably better than that of the previous one, the measurability and impact of its measures are almost as weak as of the previous action plan. It has been noted in an earlier analysis of CRPM that among the main issues of the OGP action plan 2014-16 is the fact that most of its measures are pre-existing commitments in other strategic documents of engaged institutions or planned activities in projects of CSOs and only few are originally intended for OGP. Hence, their impact on the enhancing the pillars of OGP in the country is limited at best.

¹³ Association for Emancipation, Solidarity and Equality of Women in Macedonia.
<http://www.esem.org.mk/pdf/Publikacii/2015/ESE%20transparency.pdf>

2.2 Open Data

The information open data make available do not necessarily serve the purpose of making institution more transparent and accountable; yet, they carry great value for the society (when duly processed) and practically, give back to the public its own statistics. Therefore, below we will also discuss the second priority of the OGP action plan, open data, to briefly analyze if the implementation of this priority has so far contributed to increasing the availability of public information possessed by institutions.

Open Data	
Measure	Level of completion
2.1. Open data of public bodies and institutions	Completed
2.2. Setting technical standards for the data format and the way of publishing them	Completed
2.3. Establishing a Central catalogue of public sector data published for use	Completed
2.4. Establishing a database for the contact person in the bodies and institutions of the public sector where a contact person is appointed responsible for the technical adaptation and publishing of data for use, their publication on the website of the authority and for updating the data catalogue (www.otvorenipodatoci.gov.mk) updated	?
2.5. Introducing possibility for submission of requests by interested parties for new datasets for use.	Completed
2.6. Establishing a platform for data mashing (pilot 11 institutions)	Completed
2.7. Trainings for the implementation of the Law on Use of Data from the Public Sector	Completed

The implementing parties of all measures in this priority are state institutions, mainly the Ministry of Information Society and Administration (MISA). Two CSOs that participate in this working group are there for consultation and monitoring of the activities, only.

All measures of this priority are completed because they are also preexisting commitments planned in the state budget. As planned, a platform for publishing open data from all institutions has been created and it allows the mashing of up to three data sets. The number of institutions publishing data sets has reached 24 in a year and there are continuing efforts to engage more institutions to share data they collect and work with. The platform also allows interested parties to request the publication of new data sets through a regulated procedure.

According to the self-assessment report of the Government for the implementation of the OGP action plan 2014-16 a catalogue of contact persons from institutions responsible for managing open data and requests to publish new ones has been created but such a document cannot be found on the open data government portal.

On the other hand, a rulebook has also been issued to define the technical aspect of publishing open data by institutions, accompanying the Law on the Use of Data from the Public Sector which obliges institutions to publish open data sets.

The efforts to create an enabling environment for institutions to issue open data sets is crowned with the capacity building trainings conducted by the MISA in cooperation with the Open Data Institute from the United Kingdom.

Simultaneously, the Foundation for Internet and Society Metamorphosis has conducted trainings for CSO representatives which have helped the cause of raising awareness and capacities about the use of open data, although this activity is not included in the OGP Action Plan 2014-16.

Although all of the measures contribute toward creating the conditions for more open data sets to be published, only the first measure which refers specifically to opening up the datasets by institutions has an evident impact in the amount of available information and it is directly responsible for all 154 datasets available on the web platform so far. These data carry significant importance for researchers and others professionally concerned, yet their usefulness for the broader population grows when they are used in various applications. However, the success of the publication of the open data sets will be measured by the creativity of application that will use them. Last year Microsoft organized the Open Data Hackathon where participants were encouraged to create applications based on the available datasets on the government open data portal. Although this activity is not part of the OGP action plan 2014-16 it has contributed to making public information held by central level institutions useful to the general public. The three applications that were awarded in this ceremony are: nowPARK.me (informs users about closest parking spaces), Smart Phonebook (informs users if their contacts have changed operators and how much the call would cost them), and CultureApp (informs users about the repertoire of all cinemas and theaters in the country).

CONCLUSION

Any efforts to improve availability of information on the websites of institutions need to initially tackle the overall persuasion that transparency makes institutions more vulnerable, hand in hand with the belief that information that institutions possess belongs to them. *(1) The absence of satisfactory transparency can be partially related to low awareness about the potential value of huge amounts of information that institutions possess and work with.* Macedonian institutions are still recovering from the understanding that pinning reports and other strategic documents for several days on the bulletin board at the entrance of the building is an acceptable and sufficient tool of being transparent and accountable to the public. In many cases the bulletin board and websites are considered supplementary, as it in a way ticks the box of making a document available, despite the fact that the bulletin board only reaches an extremely limited audience. Consequently, the institutional culture of releasing more detailed information is practically weak. As has been noted, there are significant differences between the performances of institutions at the central level – some being more open than others – although all of them represent the same government. Yet it is still legitimate to generalize that most institutions fail to publish basic strategic documents as are their budgets, midterm financial reports or public procurement plans.

Another important justification for the challenges of institutions in this regard is the varying technical/administrative capacities of institutions, hand in hand with the little attention paid to public relations by central level institutions. Particularly when speaking about institutional transparency and other pillars of good governance it is important to distinguish between intentional secrecy and the lacking know-how and awareness of the civil servants about the importance of certain processes. The technical capacities of institutions to maintain an up-to-date website and communicate effectively with the public through FOI requests or other forms of communication vary significantly – and they become obvious when in direct contact with the institutions. The generally poor management and technical capacities are part of the overall chain of problems of the administration that challenge its efficiency in all aspects – and certainly, the chain begins with the recruitment policies practiced in the country. Nevertheless, it is also noteworthy that what marks the differences between the performances of institutions in transparency is their internal policies and how much they give value to being transparent and responsive to the public. Unfortunately, many reports show that Macedonian civil servants most often do not act with accountability toward the public and are often hard to communicate and cooperate with citizens – in some institutions more so than others. As discussed in this paper, this is also the case with responses to requests for FOI, when civil servants often unrightfully claim the requested information is confidential and cannot be shared.

If transparency and public relations were to reach up high in the lists of the priorities of the management of public institutions, it is highly likely that most of the problems mentioned in this paper would be softened, at least. Although additional budgeting may be needed, or may be one of the causes of the current challenges, it is certainly not among the main problems. Organizational changes that would oblige trained staff for FOI to do their job properly, for instance, are likely not obstructed by financial reasons. On the other hand, creating interactive and user-friendly interfaces of websites as well as applying appropriate software to allow citizens with visual or hearing impairment equal access to available information require special budgeting, but are not hard to achieve. Nevertheless, no reasons

related to finances or preferences may justify the absence of strategic documents on websites or the low amount of information shared in some of the websites of central level institutions. The general impression is that institutions do not invest a lot of effort in improving public relations, or their transparency and accountability toward citizens, hence it comes as no surprise that the interest of citizens to visit websites of institutions is fairly low.

Hence, to truly guarantee the public access to information of public character, it is of paramount importance that the government adopts standards about what information institutions are obliged and encouraged to share. Regulations must make sure that when it comes to availability of information, the discretion of institutions to decide what information to share with the public is minimal. So far, the civil society in the country has played a very active role in guiding and encouraging institutions to be more transparent and accountable toward the public by monitoring their performance and offering recommendations as well as criticism. Certainly, some of the good practices of institutions are directly influenced by these cooperation.

The OGP Action Plan consist of activities that evidently prioritize public availability of information and transparency of institutions, nevertheless, it does not prove to be particularly innovative or original as a strategic document. As has been noted in previous papers by CRPM, the OGP action plan is a collection of preexisting measures from other strategic documents or project activities of the civil society. Similar activities have been going on in the country prior to OGP action plan 2014-16 or are ongoing parallel with the action plan yet aiming at the same purpose. However, the one special change that activities around the OGP membership of the country has brought with regard to transparency is the attitude that all information institutions poses is relevant and all of it belongs to the general public. This is, indeed, the way open data are promoted and justified. OGP has also engaged the civil society so closely that, as an added value, it serves as a platform of cooperation between civil servants and civil society organizations where the challenges of institutions are discussed openly and constructively.

As institutions 'risk' being more transparent, be it due to external pressure or internal policies, its public benefits will gain more visibility in time. Not only does transparency not make institutions vulnerable, it rather improves the outcome of their work by opening them to scrutiny and allowing public feedback. Only the development of transparent systems that consistently, rather than irregularly, publish and update information about the work of institutions will eventually gain the public interest and will, thereof, contribute to the overall quality of the policies of institutions.

RECOMMENDATIONS

To all central level institutions:

- **The government needs to establish standards about what central level institutions must and are encouraged to release on their websites.**
- Deep organizational reforms in the public administration, with strong emphasis on recruitment policies which would significantly improve institutional transparency.
- Enhancing administration's accountability toward the public should become a priority internal policy of the management of each institution. Improving public relations will significantly raise public trust in institutions.
- Create internal regulations about how to prevent and manage situations of conflicting interests.
- Institutions should invest in the improvement of the interfaces of their websites to make them more user-friendly, as well as ensure means to sustain its maintenance continuously.
- Institutions should allow subscription to electronic newsletters and updates to improve public relations with the interested public.
- Institutions must urgently begin using software to allow citizens with disabilities equal access to all information.
- Institutions should feel encouraged to engage CSOs working on transparency to assist them with developing efficient internal policies for greater transparency.
- Institutions - holders of public information – should use requests for FOI as feedback about what information the public would like to see, hence should release and update the same regularly.
- The government should continue encouraging institutions to release more open data sets.
- Local level self-government units (and institutions that operate under their management as schools and hospitals) should also be trained and encouraged to open up data in machine-readable format.
- The government should engage IT students from all universities in the country in workshops about open data as an enthusiastic and informed target group for open data – also very useful partners for the OGP working group on open data.
- The measures of the OGP Action Plan must aim for innovative measures that will have significant impact in the priorities of OGP.

To the Commission for FOI:

- The Commission for FOI must be vested with the power to enforce penalties on institutions (holders of public information) violating the public's right to seek access to information of public character for more efficient implementation of the Law on FOI. It would also be able to enforce penalties for institutions that still do not provide contact information of staff responsible for managing FOI and list of public information they possess.
- The Commission for FOI needs to rethink its capacity building activities with information holders to make the trainings more influential.

IMPLEMENTING PARTNERS

