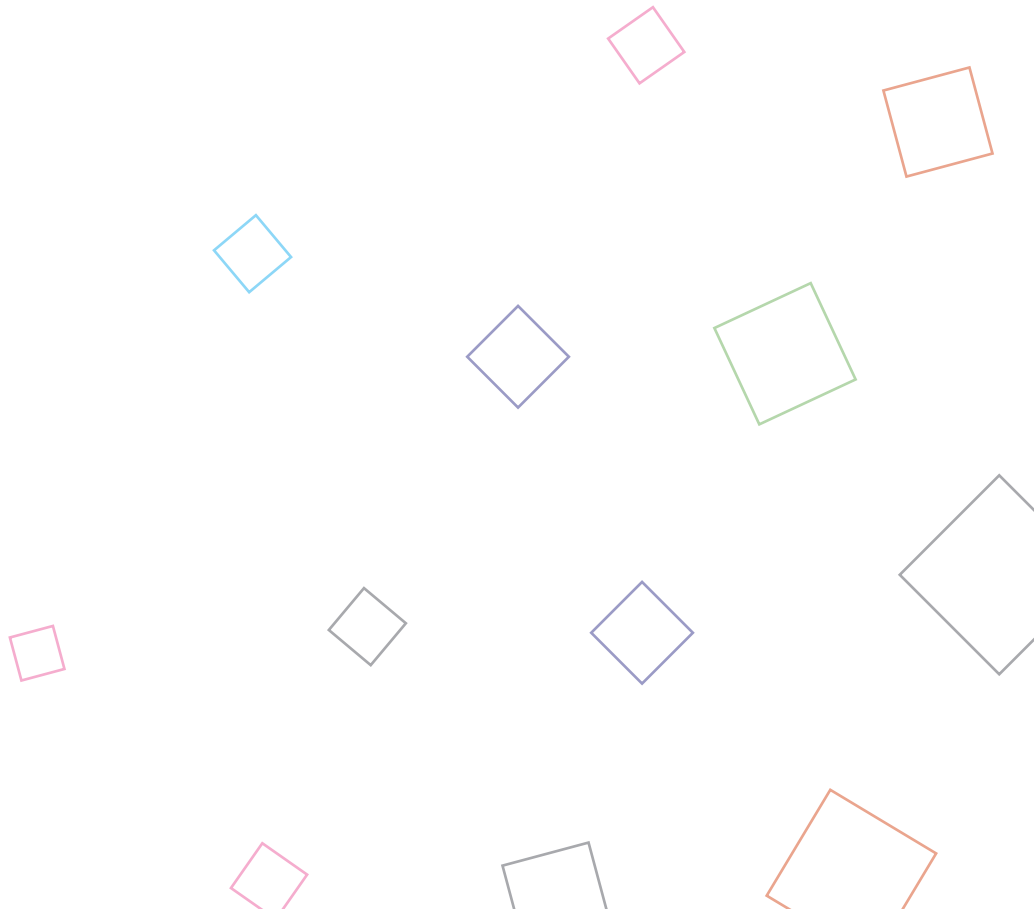


**JOINT REGIONAL REPORT ON ACCESS TO
PUBLIC FINANCE INFORMATION**



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PUBLIC FINANCE INFORMATION**



Open Society Institute-Assistance Foundation,
Azerbaijan

INTRODUCTION

Background

Starting from 2008, the Open Society Institute-Assistance Foundation Transparency of Oil Revenues and Public Finance Program launched a new program direction to improve the situation on access to public finance information. This new direction is called “Access to Public Finance Information.” During the first years of functioning, the Program covered only monitoring the response of various state agencies to a wide range of requesters, attitude of private and public enterprises, including quantitative and qualitative analysis of all requests. However, this initial monitoring was useful to pave the ground for comparative analysis in future.

In 2009, the Program’s direction on “Access to Public Finance Information” expanded its geographic scope. Expansion of the program was essential for local and regional advocacy activities. Another three countries Georgia, Kyrgyzstan and Ukraine joined this initiative, all of which had been post-Soviet countries, with similar economic and political situations in general. This publication covers the regional initiative mentioned above. The material is designed to present information on access to public finance and see comparisons, advantages and gaps relevant for each country.

The Project methodology included the following:

1. Indicators for monitoring the accessibility of specifically public finance information
2. The monitoring indicators were generalized to cover all 4 countries
3. Main definitions, characteristic features of legislation of each country were analyzed and presented
4. The requests were collected in excel table and classified by requestor type, recipient groups, number of days forresponding, status of replies and inquiry profiles. These were necessary for analyzing a) attitude towards different requestor groups – ordinary citizens, journalists, NGOs, etc b) attitude of different recipient groups – ministries, state companies, private companies, courts, other state bodies, etc. c) level of responding for different information types.
5. Balance regarding all request types (by requestor category, recipient groups, inquiry profile, etc.) was kept.
6. The inquiries were evaluated both in terms of quantity (number, structure, profile of inquiries) and quality (response level, share of complete, relatively complete and refused inquiries, structure of timely, late and never answered inquiries).
7. Special focus was on analyzing inquiries related to the budget, revenues and state procurement information

The project involved participants and experts from each country and those with expertise on Access to Information domain, as well as economists, brought together to form inquiries on public finance information.

With project methodology and country data analysis, the present publication includes an executive summary of common challenges on access to public finance information in all of the countries, as well as recommendations made to each government authorities and CSOs for improving the situation on access to information.

We are pleased to present such valuable and detailed work for your consideration, and hope that the given methodology will be useful to our colleagues from other countries and foundations.

Sincerely,
Fidan Bagirova
Transparency of Oil Revenues and Public Finance program
OSI-AF, Azerbaijan

PART 1

Key definitions

In order to make key definitions and monitoring indicators more comprehensive, the report includes the chart made by the regional project teams to explore the different principles, cases, and practices of domestic legislations in Azerbaijan, Georgia, Kyrgyzstan and Ukraine.

List of basic legal instruments regulating access to information*Azerbaijan*

1. The Constitution,
2. Law On Right To Obtain Information

Georgia

1. The Constitution;
2. The General Administrative Code, Chapter 3 - Freedom of Information;
3. Law of State Secret;
4. The Law on Freedom of Speech and Expression.

Kyrgyzstan

1. The Constitution
Law on “Access to Information which is Under Competence of State Authorities and Local Self-Governance Bodies”
Law on “Guarantees and Free Access to Information”
Law on “Protection of state secrets”
2. Law on “Compellations procedures”
3. Law on “Commercial secrets”
4. Law on “Bank secrets”
5. Law on “Personal data”

Ukraine

1. The Constitution
2. Law on “Information”
3. Law on “State Statistics”
4. Law on “State Secrets”
5. Law on “Fight against Corruption”
6. Code on Administrative Violations
7. The Civil Code
8. On the procedure of media coverage of activities of state and local governments in Ukraine

Public information definitions

<i>Azerbaijan</i>	Public information - any facts, opinions, knowledge produced or acquired in fulfilling duties as specified by legislation or other legal acts (Law On “Right to Obtain Information” Article 3.0.3.)
<i>Georgia</i>	Public information means an official document (including chart, model, plan, diagram, photo, electronic data, video and audio records), i.e. information held by a public agency, or that received, processed, created, or sent by a public agency or a public servant in connection with official activities (Article 2, m)
<i>Kyrgyzstan</i>	There is no definition for “public information” in the legislation of the Kyrgyz Republic.
<i>Ukraine</i>	Ukrainian legislation doesn’t have a direct definition of public information. The Law on " Information" defines public information as: “documented or publicly announced information about events and phenomena that occur in society, country and environment”.

Who can request public information in your countries?

<i>Azerbaijan</i>	<p>2.2. Any person is entitled to apply directly or via his (her) representative to the information owner and to choose the type and form for obtaining the information.</p> <p>2.3. Any person applying for the information to its owner is entitled to:</p> <p>2.3.1. Inquire on availability of the required information from the information owner, to get supporting details for obtaining the missing information;</p> <p>2.3.2. Obtain the requested information independently, with no restriction and on an equal terms, in case the information owner possesses it.</p> <p>Law On “Right to Obtain Information”</p>
<i>Georgia</i>	Each and every person may request public information irrespective of its physical form or the condition of storage. Each person may decide on the form of delivery of public information, in the event there are various forms of delivery, and gain access to the original of information. (Article 37.1)
<i>Kyrgyzstan</i>	Everyone has a right for access to information held by public and local self-governing bodies. (The Law on “ Access to Information which is Under Competence of State Authorities and Local Self-Governance Bodies”, Art.3).
<i>Ukraine</i>	<p>All citizens of Ukraine, legal persons and public bodies (Art.9 Law on "Information").</p> <p>However, according to Art.32, the requestor (those who may request information) can be citizens of Ukraine, government agencies, organizations and civil associations.</p>

How to request the information?

Azerbaijan	<p>Article 13. Methods on how to submit information request</p> <p>13.1. An applicant submits a request for information in a following manner:</p> <p>13.1.1. by applying verbally to the information owner's official directly or by phone;</p> <p>13.1.2. Delivering the information to the information requester personally or in a written form by sending it via post, fax, or e-mail.</p> <p>Article 14. Forms on Access to Information</p> <p>14.1. A requestor may require the provision of his request:</p> <p>14.1.1. through his access to the place designated for getting familiar with a document;</p> <p>14.1.2. Rewriting of the "Law on "Right to Obtain Information"</p>
Georgia	<p>In order to obtain public information, a person shall submit a written request. The applicant shall not be required to specify grounds or purpose for requesting the information. When seeking to obtain personal data of another person or commercial secret, the applicant shall also submit a written consent of the information subject, certified by a notary or an administrative agency, unless otherwise prescribed in the law. (Article 37.2)</p>
Kyrgyzstan	<p>The inquiry can be in a form of verbal communication (individual communication or telephone call) and in a written form. The letter of inquiry can be delivered directly, by mail, courier or by electronic communication services.</p> <p>The written inquiry should include:</p> <p>a) name of body and (or) a surname of the state official and the local government who is the addressee of inquiry;</p> <p>b) in case of citizens - a surname, a name, a patronymic, year of a birth, a residence (the post address); in case of legal bodies (their branches and representations) - a full name of the legal person (branch, representation), controls site (the post address), data on registration as the legal person, a surname and a post of the person who have signed the letter of inquiry;</p> <p>c) the subject of inquiry highlighting the type of information.</p> <p>(The Law on " Access to Information which is Under Competence of State Authorities and Local Self-Governance Bodies", Art.7,8,9).</p>
Ukraine	<p>There are two types of requests in Ukraine - request made on access to official documents and the one to get written or oral information. Both types of queries are submitted only in written form. Request via email can be submitted only if there is an electronic signature – pursuant to the Law on " Electronic digital signature" of 22 May 2003, N 852-IV, being equal to a handwritten signature.</p>

Time frame to respond to inquiries

Article 24. Term for Provision of the Request on Information

24.1. Request for information shall be processed as soon as practicable, not later than 7 working days.

24.2. In the event this information loses its effect within this period, the request should be processed immediately or, if impractical, not later than 24 hours.

24.3. In the event of major threat to life, health or freedom, the information requiring some time for search and arrangement should be presented within 48 hours (except for holidays and weekends).

24.4. In the event of incompleted or inaccurate request, the official shall inform the requestor about identified deficiencies within 5 working days.

24.5. The term for processing the request for information as specified in the present Law shall start on the working day following the date of registration of the request.

24.6. As specified in Article 24.4 hereof the period for processing the request shall start on the working day following the date the adjusted request has been submitted, and in such cases as specified by Article

23.1 hereof the time for review of the request shall start on the working day following the date of receipt of the request by the respective information owner, rather than the date of the first entry.

“Law on Right to Obtain Information”

Azerbaijan

A public agency shall release public information immediately, or not later than ten days if respond to a request for public information requires:

- (a) acquisition of information from its subdivision that functions in another area, or from another public agency, or processing of such information,
- (b) acquisition and processing of individual and large documents that are not interrelated, or
- (c) consultation with its subdivision that functions in another area, or with another public agency.

Georgia

If release of public information requires such period as 10 days, the public agency shall immediately inform the applicant thereof upon his request.

(Article 40)

Immediately shall be construed execution of the request on the same or the next-day since the request has been submitted and the registration with the public agency completed.

Kyrgyzstan

(The Law on “Access to Information which is Under Competence of State Authorities and Local Self-Governance Bodies”, Art.10). Terms of reply to written inquiry.

Preparation of the answer to the written inquiry is carried out within two weeks.

The date of receiving the inquiry by the state body and local government shall be the date of the term beginning and finished at the day of the delivering the reply to the mail service branch, personally to the author, either its courier or the representative or sending, faxing by means of ` electronic communication channels.

If according to requirements of the Law the inquiry requires resending to other state body and local government, the date of the term for the answer to inquiry shall begin on the date the inquiry has been received by other state body or the local government, and shall provide the information in compliance with the Law.

If the inquiry is not responded within two weeks, the state body has to explain the person who has sent an inquiry the reason of prolongation.

Absence of answer in terms according to the Law and absence of the notice about prolongation shall be construed as refusal to access to information.

Ukraine

Timeframe for reviewing the request is - up to 10 days. During that time should be a response, whether request will be satisfied. Timeframe to respond the request - within 1 month. If the request can not be satisfied within a month, the government may postpone the process (the fact of delay and the time of delays are reported back to requesting person).

Those responsible to provide information

Article 9. Information Owners

9.1. Those listed below are considered information owners:

9.1.1. state authorities and municipalities;

9.1.2. legal entities fulfilling the public functions, as well as private legal entities and individuals engaged in the spheres of education, healthcare, cultural and social domains based on legal acts or contracts.

9.2. Information owner’s obligations, established by the present Law, pertain to legal entities and individuals as defined in Article 9.1.2. hereof only in relation to the information produced or acquired as a result of public duties carried out, or services provided in the spheres of education, healthcare, cultural and social sphere based on the legal acts or contracts.

9.3. Those considered equal to the information owners are:

9.3.1. legal entities holding the dominant position, as well as a special or privileged right at the products market, or being a natural monopoly – in relation to the information associated with the terms of offers and prices of goods as well as the services and changes in such terms and prices;

9.3.2. fully or partially state-owned or subordinated non-commercial organizations, extra budget funds, as well as the trade associations in which the state is a party or a participant – with regard to the information related to the use of the State Budget funds or properties contributed to them.

“Law Of The Republic Of Azerbaijan On Right To Obtain Information”

Azerbaijan

Law on Freedom of Information applies to all governmental and self-governing agencies and institutions but not limited to only that. A similar approach is applied to other institutions authorized by the government or those who receive a part of full funding from the state budget or local government budgets. In accordance with the law, all these private entities, agencies, organizations and institutions are grouped into one category designated as Public Agency.

Georgia

The list of the organizations that are to provide information include:

State or local self-government agency or institution;

Artificial person of Public Law (except for political and religious associations);

Any other person that exercises public authority in accordance with law.

An artificial person of Private Law funded by the State or local government budget, but only within the scope of such funding.

According to the Law on “Access to information kept by the bodies of public and local self-government of the Kyrgyz Republic” states bodies and local self-government are obliged to provide information (Art.2).

The Article 2 of the Law states that «State bodies are organizations founded on a constant basis according to the Constitution of the Kyrgyz Republic, constitutional and other laws of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic authorized to carry out function of the legislative, executive or judicial systems, and also to make obligatory decisions for execution and to ensure its enforcement, totally financed from the state budget, also any territorial division or structural unit, carrying out functions or a part of functions of the central state body».

Kyrgyzstan

The local self-governments are representative, executive-administrative and other bodies formed by the local community for the solution of local issues, and also any territorial division or structural unit, carrying out functions or a part of functions of local government.

Terns such as "state body" and "local self-government" also mean any establishment, including its territorial division or structural unit, financed in full or in part from the state or local budget and carrying out the functions not connected with realization of the governmental authorities or functions of local government, including establishments of public health services, formation, informational, statistical, consulting, on delivery of credits».

Ukraine

Legislative, executive and judicial authorities of Ukraine, their officials.



PART 2

Comparative analysis

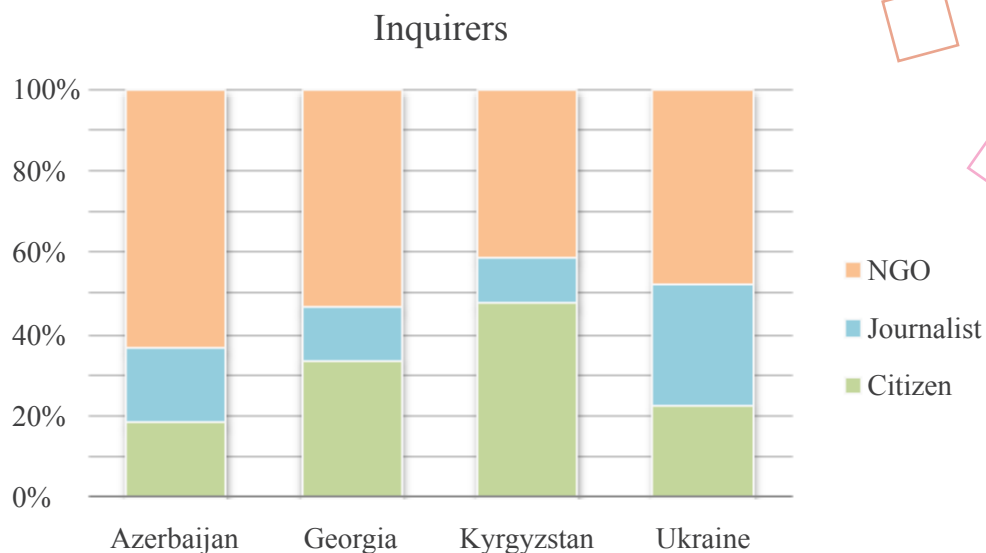
The regional project had been implemented in 4 countries during 2009 to 2010. The same methodology was followed in this project, however there is a slight difference in the classification of inquirers and their recipients due to country-specific priorities. Thus, in order to make analysis of the project report apt for better understanding, tables and diagrams were used largely. As such, the legislation of each country has been applied using specific indicators during the analysis. For instance, according to the legislation of the Republic of Azerbaijan, an inquiry has to be replied during 7 working days, whereas legislation of the Republic of Ukraine establishes a time period equal to 30 days. So, while an inquiry in Ukraine may be replied after 15 days from the date of submission and considered legal in terms of timely provision, however it would be decided to be late and a breach of law in Azerbaijan.

Classification of Inquirers

According to joint methodology, inquiries have been addressed by 3 main groups:

- Citizens (non-affiliated person)
- Journalists
- NGOs (a number of NGOs and NGO coalitions)

The number of sent inquiries are shown in the table, as illustrated by diagram.



	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
NGO	69	80	92	72
Journalist	20	20	25	45
Citizen	20	50	106	34

Profile of Inquiries

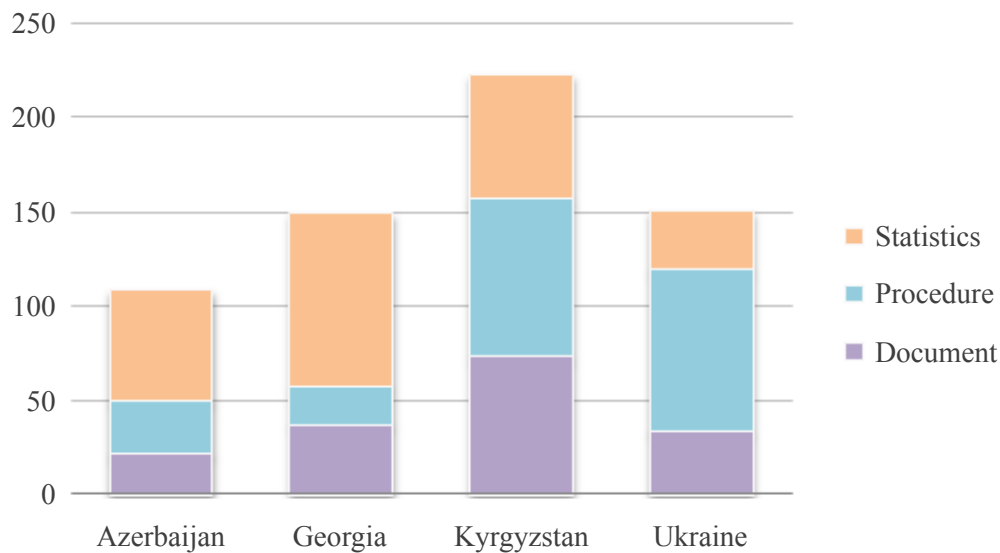
Profiles of the inquiries in the joint methodology can be summarized into 3 groups:

- Documents (A copy of publicly open document required)
- Procedures (Description of implementation of specific duties and procedures required)
- Statistics (Data or figures required)

Different types of information were requested in the inquiries.

The number of posted inquiries with specific profile is presented in the table as illustrated by diagram.

Profile of inquiries



	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
Statistics	59	93	66	32
Procedure	28	20	84	85
Document	22	37	73	34

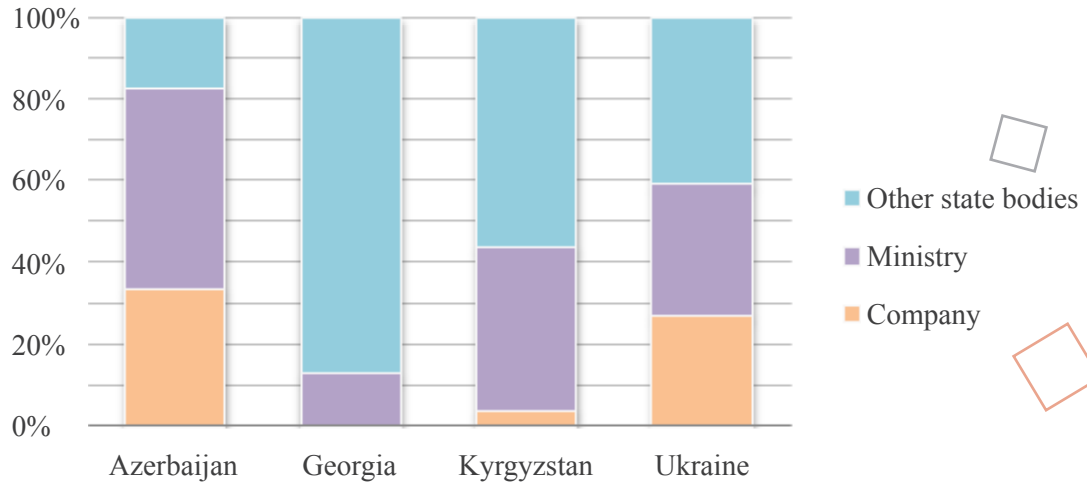
Recipients of the inquiries

The inquiries were submitted placed into three different recipient groups:

- Ministerial
- Other governmental body (including state committees, agencies, parliament, executive branch, etc)
- Companies (State-owned, oil and mining transnational companies- 3)¹

The number of posted inquiries with specific profile is presented in the table as illustrated by diagram.

Recipients of inquiries



	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
Other state bodies	19	131	126	47
Ministry	54	19	89	56
Company	36	0	8	47

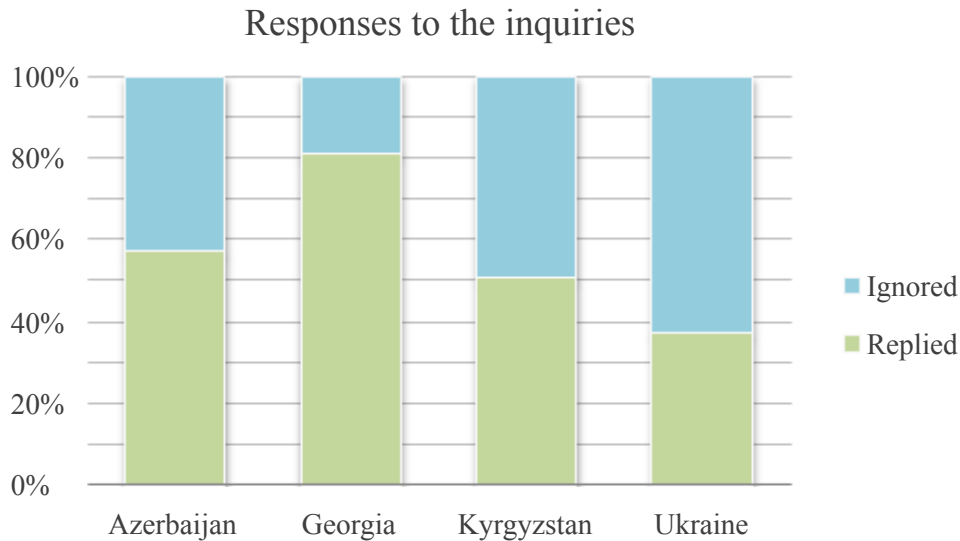
¹ It is worth mentioning that in Azerbaijan, Kyrgyzstan and Ukraine the significance of extractive companies is higher than in Georgia, which is explained by the presence of natural resources and extractive industries in the given countries. Thus, Georgia lacked inquiries sent to extractive companies.

Responses to the inquiries

The addressed inquiries have caused different reactions from the recipients. The following diagram demonstrates the general reaction of the inquiry recipients to the inquiries:

- Replied (inquiry recipient has provided complete answer, incomplete answer or expressed refusal by replying. Replies have been accepted by post and email)
- Ignored (inquiry recipient hasn't reacted to the inquiry at all)

The number of posted inquiries with specific profile is presented in the table as illustrated by diagram,



	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
Ignored	47	29	110	95
Replied	62	121	113	56

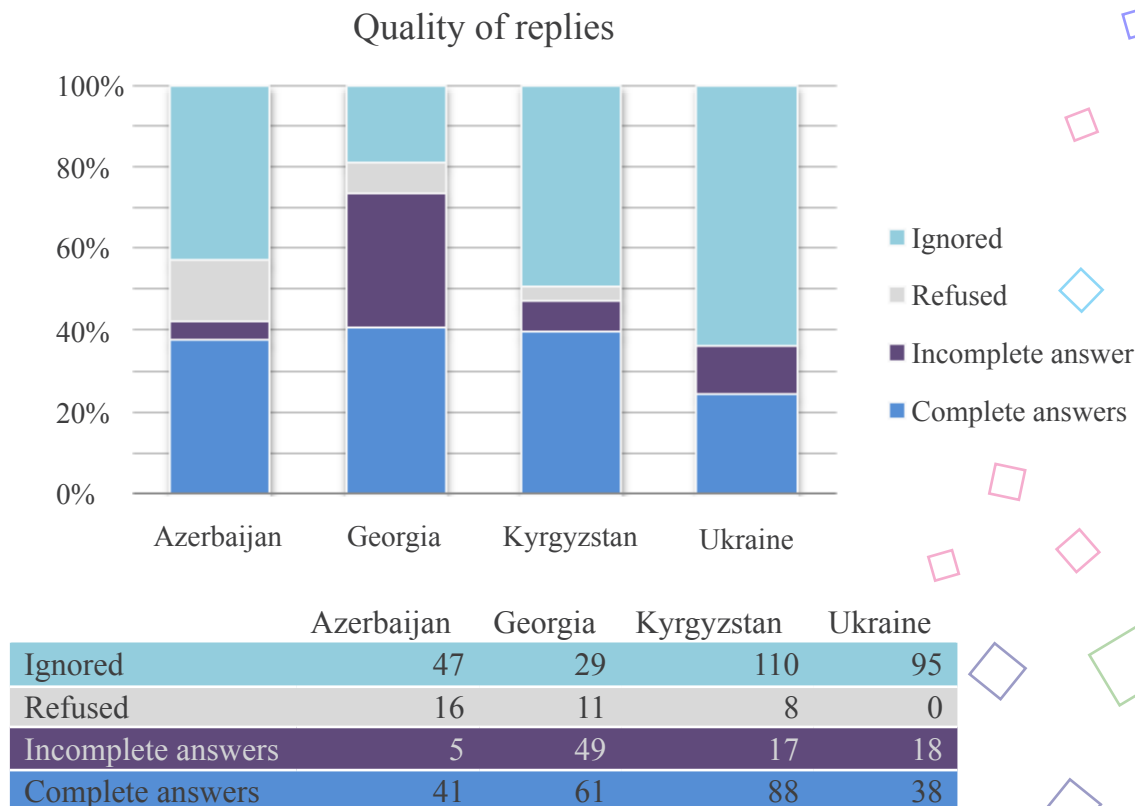
As shown in the diagram, the highest level of responsiveness was in Georgia (80%); and the lowest in Ukraine. In Azerbaijan and Kyrgyzstan the number of responded and ignored inquiries showed similarities, more or less being the same.

1.1 Quality of responds

Quality of responds Inquiry recipients have reacted differently to the addressed inquiries with a different quality of responds. Overall the answers have been:

- Complete (fully provided)
- Incomplete (partly provided)
- Refused (written or oral refusal in breach of legislation)
- Ignored (no reaction on the part of inquiry recipient at all)

The number of responses classified by quality can be seen in the table as illustrated in the diagram.



The number of complete answers was the highest in Georgia and Azerbaijan, while in Ukraine only 38 out of 151 inquiries were responded completely. Ukraine lacked refused inquiries.

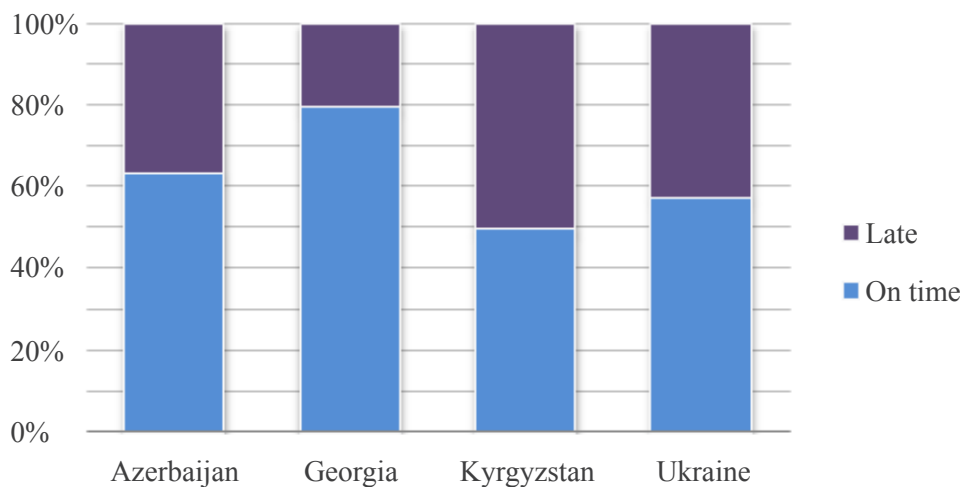
1.2 Responding to the inquiries on time as stipulated by the local legislation

As mentioned above, all four countries had different timeframes for responding to the inquiries. Information replied has been:

- On time
- Late

The number of responses classified by time can be seen in the table as illustrated in the diagram:

Responding to the inquiries on time as stipulated by the local legislation



	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
Late	23	25	57	24
On time	39	96	56	32

The diagram indicates, Georgia has the highest number of timely responded inquiries – which is over 70%.

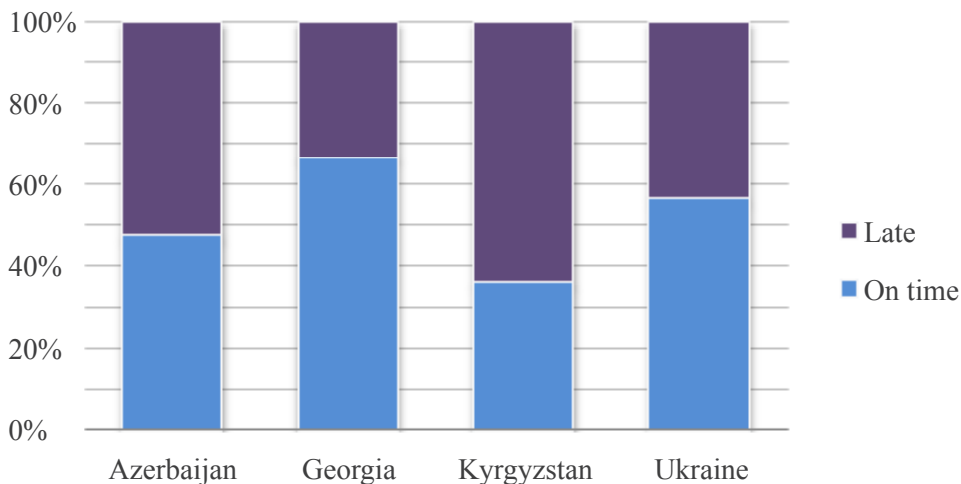
1.3 Degree of openness of Ministries

In all four countries, the ministries have been the main information holders. Openness of these ministries can be described in two different diagrams:

Openness of Ministries according to timely responses and quality of their responses.

The table below demonstrates the number of inquiries replied and the general proportion is shown in the diagram. Generally, the share of inquiries sent to different ministries in Azerbaijan, Georgia, Kyrgyzstan and Ukraine was 49%, 13%, 39% and 37% respectively.

Degree of openness of the Ministries



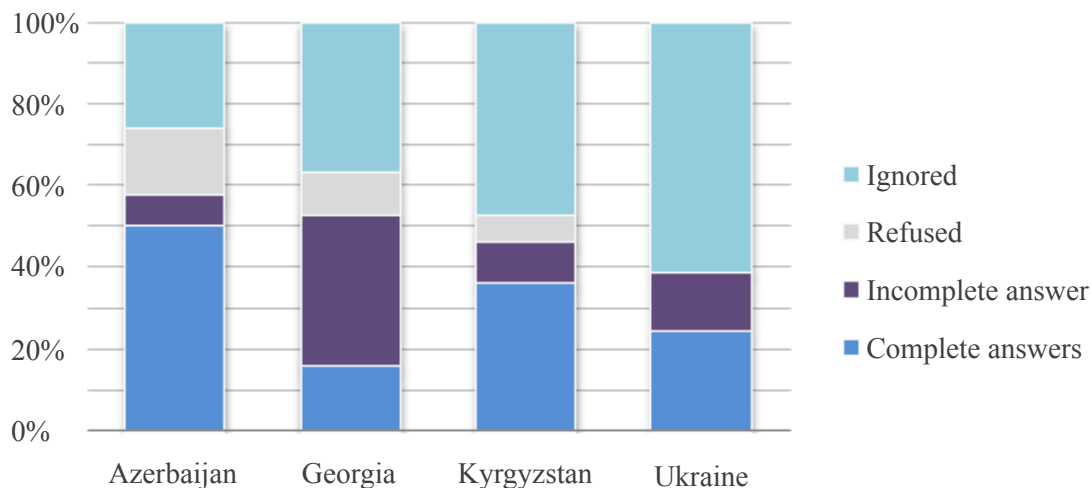
	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
Late	21	4	30	10
On time	19	8	17	13

Degree of openness of the Ministries

The chart shows, the share of on-timely replied inquiries was the highest in Georgia. Kyrgyzstan had the lowest level of on-timely responded inquiries and the highest level of ignored responses in absolute mean.

The table below demonstrates the quality of replied inquiries and general proportion can be seen in the diagram.

Degree of openness of the Ministries



	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
Ignored	47	29	110	95
Refused	16	11	8	0
Incomplete answers	5	49	17	18
Complete answers	41	61	88	38

As you see in the diagram, Azerbaijan had the highest number of completely responded inquiries, Georgia the lowest.

Five Ministries (with the same functions) in each country have been selected for comparison of reaction to inquiries.

This table presents the number of inquiries addressed to the ministry.

	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
Ministry of Finance	3	1	13	10
Ministry Of Economic Development	2	1	1	5
Ministry of Environment and Natural Resources	3	2	2	6
Ministry of Foreign Affairs	3	1	3	8
Ministry of Energy	4	1 (state committee)	5	5

In the table below you can see the number of timely and completely responded inquiries addressed above.

	Azerbaijan	Georgia	Kyrgyzstan	Ukraine
Ministry of Finance	0	0	0	1
Ministry Of Economic Development	0	0	0	1
Ministry of Environment and Natural Resources	1	1	0	3
Ministry of Foreign Affairs	0	0	0	2
Ministry of Energy	0	0	0	1

As seen above, Ministries in Ukraine had the absolute highest number of complete and on-timely responded inquiries. Other countries were almost the same with no complete and on-timely responds.

However, to illustrate a more comprehensive view of the for having better view on-different ministries, additional detailed information is detailed given below. In Azerbaijan, the Ministry of Economic Development responded to one inquiry completely, but late. The Ministry of Environment and Natural Resources had one on-timely and completely responded inquiry, and the Ministry of Finance had two belated, but completely responded inquiries

In Georgia, The Ministry of Foreign Affairs completely responded to every inquiry, with the exception of one late response. had one lately, however completely responded inquiry.

In Kyrgyzstan, The Ministry of Economic Development had 1 late (but complete) and 1 on-time, but incomplete inquiry that was responded to inquiries. The Ministry of Finance had 3 that were late, but completely responded inquiries, The Ministry of Foreign Affairs had 1 complete, but lately responded inquiries, the Ministry of Environment and Natural Resources 1 complete, but lately responded inquiry and the Ministry of Energy 3 complete, but lately responded inquiries.

Again the situation was the best in Ukraine. Most of the inquiries were responded timely. However the Ministry of Finance lacked complete answers in 4 and the Ministry of Foreign Affairs in 2 inquiries.

The current initiative was designed to evaluate the access to information in public finance (specially: budgets, tenders, state procurements, revenue spendings, etc.) in Azerbaijan, Georgia, Kyrgyzstan and Ukraine. Special attention was paid on the information sent to different institutions on mentioning these issues. The number of inquiries on each specific budget, revenue and state procurement was 38 in Azerbaijan, 74 in Georgia, and 89 in Kyrgyzstan. In Ukraine almost all of the inquiries were related to energy. The tables below give a general view on the behavior of different agencies regarding the requested information covering public finance.

Azerbaijan

Inquiries	No	Number of inquiries		
		Replied on time and completely (number)	Refused (number)	Replied incompletely (either late or not properly for content)
Budget related	21	5	11	2
Revenue related	6	2	3	0
State procurements/tenders	11	0	7	1

Georgia

Inquiries	No	Number of inquiries		
		Replied on time and completely (number)	Refused (number)	Replied incompletely (either late or not properly for content)
Budget related	52	5	22	25
Revenue related	0	-	-	-
State procurements/tenders	22	7	6	9

Azerbaijan

Type of requestee			Inquiry profile		
Ministry	Company	Other state body	Document	Procedural	Statistic data
9	10	2	5	3	13
3	0	3	0	1	5
7	1	3	0	3	8

Georgia

Type of requestee			Inquiry profile		
Ministry	Company	Other state body	Document	Procedural	Statistic data
12	1	39	52	0	(also-38)
-	-	-	-	-	-
1	0	21	22	0	(also – 15)

Kyrgyzstan

Inquiries	No	Number of inquiries		
		Replied on time and completely (number)	Refused (number)	Replied incompletely (either late or not properly for content)
Budget related	64	11	25	28
Revenue related	11	3	7	1
State procurements/tenders	14	-	14	-

Ukraine

Inquiries	Number of inquiries		
	Replied on time and completely (number)	Refused (number)	Replied incompletely (either late or not properly for content)
Energy related	36	98	16

Kyrgyzstan

Type of requestee			Inquiry profile		
Ministry	Company	Other state body	Document	Procedural	Statistic data
28	-	36	37	9	18
-	6	5	1	3	7
8	-	6	12	2	-

Ukraine

Type of requestee			Inquiry profile		
Ministry	Company	Other state body	Document	Procedural	Statistic data
56	47	47	34	84	32

Part 3

Recommendations

Azerbaijan

Duties of state bodies are to:

1. Adopt a normative document on “Access to Information on activities of government and executive bodies” (including full list of information necessary for public disclosure);
2. Adopt a normative document for substantiating limitations (list) for access to information;
3. Adopt a normative document confirming list of restricted information;
4. Define and adopt rules for a physical person to get familiar with personal information, and make clarifications if needed according to requirements of the Law on Access to Public Information in the Republic of Azerbaijan
5. (further Law);
6. Prepare an amendment giving suggestions to the Law, adjustment of rejections of information, and inquiries to accessibility and availability of information. Information holders should be more specific in their use of state resources, or with any entity established by the government, with government share, or appointment of positions;
7. Adopt normative document for tracking the provided responses to information inquiries and creating a follow-up system;
8. Establish a state information reserves, with a special Law to protect and back its usage;
9. Improve international agreements joined by Azerbaijan and normative acts of international organizations (in the field of international information exchange);
10. Introduce new law on legal protection of intellectual property objects in the field of information;
11. Classify all expenditures for improving information technologies of state bodies as a single “Information” expense item;
12. Make amendments to the Law on Budget system (inclusion of “Information supply” expenditure item under budget expenses section);
13. As included in the Law, but not yet implemented – establish Public Information Centers, supply of these centers and libraries with computer-internet for broad public and provide accessibility of electron legal document archives;
14. Determine information list necessary to be posted on websites of municipalities;
15. Include articles on determination of structures (officials) responsible for providing responses to inquiries and their activity directions in the guidelines of state bodies;
16. Prepare and apply national standards for information exchange between state bodies;

17. Establish information portals for more broad and effective information accessibility to information resources of general importance in different fields (Entrepreneurship, state service, education etc). For example:
 - a. On public registration
 - b. On registration of legal and physical persons
 - c. On registration of state property
 - d. On registration of different properties listed by the government
 - e. On land cadastre
 - f. On cadastre of natural resources
 - g. On classification of different types of information countrywide;
18. Establish solid information system for systematic learning of application of information technologies in the activities of state bodies and preparation of assessment mechanisms for results of projects on information implemented by different state bodies;
19. Apply the Law without exceptions during the court cases on the right to obtain information and lifting artificial obstacles to the process;
20. Active application of legislation in case of administrative violation of the Law by the information holders;
21. Immediate selection of Ombudsman on Information issues and involvement of professionals into this institute;
22. Strict overview over application of adopted laws and acts;
23. Organize full disclosure of public information in internet information reserves;
24. Prepare single system for accepting/responding to inquiries through internet and obligatory participation of all information holders in this system;

What should public institutions and civil society do:

1. Organize broad enlightenment campaign (officials and physical persons) for improving application of the legislation;
2. Hold systematic monitoring, prepare short-length videos and announcements for public awareness;
3. Closely cooperate with information holders;
4. Exchange information with state bodies and prepare recommendations (basing on held monitoring results);
5. Bring strategic cases to court and present “friend recommendations”;
6. Present an educating means to the judges;

Georgia

As a result of monitoring we have following problems in the sphere of access to the information:

Problems identified in public institutions:

1. Failure of public institution to deliver public information in time
2. Poor interpretation of legislation
3. Unreasonable refusal on gaining access to information
4. Violation of procedures classifying information as a state or commercial secrecy
5. A complicated process of filling administrative complaints against persons/institutions who refuse to release public information
6. A limited availability of public information online, non-transparent and partly regulated official web-space

Based on above mentioned problems it is possible to recommend following activities:

1. Initiate legislative amendments for imposing administrative fines when information is not delivered within the period prescribed by law.
2. Improve internal procedures regarding public information release described in procedural rules of the public agencies.
3. Public institutions have to fulfill obligations required by law and take reasoned decisions in case of denial of the request to deliver information.
4. Impose the liability of public servants in case of illegal actions: such as unreasonable refusal to gaining access to information.
5. Pass the legal regulations to disclose salaries, bonuses and business trip expenses of public officials.
6. Public institutions have to follow the rules of procedure regarding the classification of information related to state or commercial secrecy. Clarification of the scope and application of the article has to be done more judiciously so that public officials will not be able to leverage its possession of classified information.
7. Impose legal obligations of making documents public at the initiative of public authorities to fulfill commitment under Convention on Access to Official Documents of Council of Europe signed by Georgia in 2009.
8. Rectification of the 3rd Chapter of the General Administrative Code of Georgia (chapter on Freedom of Information) in which all above propositions and an international practice and experience will be taken into account.
9. Gradual development of the new initiative The Public Online Information Act, with an aim to expand the public information accessibility onto a official web-space and to enable the development of the public information online resource database by the government.

10. Constant training of public servants to improve their qualification and consciousness.
11. Initiate and define new legislation amendments that will obligate public agencies to display a detailed procedural description of requesting and releasing public information both on their official web pages and at the public institutions itself.

Kyrgyzstan

Based on the monitoring results, we have observed the following problems in the sphere of access to the information:

Problems related to the population:

The main problem among the population is a low level of legal consciousness among its citizens and an insufficient level of awareness of the opportunities that the legislation of the KR could have towards enabling its citizens to demand information from state authorities and challenging its refusals of providing access to information in court. Therefore, in Kyrgyzstan, there is no adequate practice among citizens to demand information from state authorities. We came to this conclusion by working with civil activists and NGOs, and listening to the requests which we tracked under the project.

Problems among state institutions:

1. Under Article 5 of the Law on “Access to Information Which is Under Competence of State Authorities and Local Self-Governance Bodies” (Restrictions of access to information) the data classified in accordance with laws on various kinds of secrets refer to the restricted information. Thus, the request for information may be denied just due to the existing secrecy label, without explanations of how distribution of information may threaten the legally protected interests. In practice, the information of public interest, or for instance, the expenses for meals for people detained in the confinement place, often gets the secrecy label.
2. Internal normative legal acts of state authorities regulating the procedure of providing information are not brought into compliance with the Law on Access to Information (in breach of Decree #240 of the President on implementation of the Law on Access to Information).
3. For insufficient judicial practice in cases of freedom of information, the judges do not understand the basic principles of transparency and access to information.

Considering the above information, the following recommendations may be given:

For the civil sector:

1. Training of civil activists on basic principles of access to information, practical skills of demanding the information;
2. Consultations of activists in the regions on practical use of tools of access to information and judicial demand of information;

For the state institutions:

3. Trainings for public servants on access to information;
4. Bringing the internal normative acts of state authorities regulating the procedure of access to information into compliance with the law on “Access to Information Which is Under Competence of State Bodies and LSG”;
5. Creating the court rules for raising legal consciousness and expansion of the judicial practice;
6. Adopting the Resolution of the Plenum of Supreme Court summarizing the practice of consideration of cases on access to information.
7. Making amendments to the Law on Access to Information more explicitly determining the restrictions to access to information. It is necessary to include three criteria for restricting access to information (legality, evaluation of damage, priority of public interest)
8. Access to information may be restricted if its distribution may threaten the legally protected interests.
9. Restriction in access to information should be grounded by the state authorities.
10. If distribution of information threatens the protected interests, but its withholding resents serious danger, the information may not be disclosed.

Ukraine

I. Recommendations for public authorities regarding access to information (they also can be a subject for lobbying campaigns of NGOs)

- 1) improvement of legislative regulation of the "confidential information" formulation: implementation of external procedures assigning certain types of information as "confidential". In our opinion, an act that must regulate the procedure of reference to confidential information, should be a law (not the Resolution of the Cabinet of Ministers of Ukraine).
- 2) unification of access to official information in the government, local governments and state enterprises. Today they can singly interpret an ambiguous law and at the same time hinder access to official information.
- 3) Amendments to the Law of Ukraine on " Information" on introducing the institute of electronic information request and electronic requests for oral and written information receiving.
- 4) To introduce a simplified mechanism of access to the official operational information for media (today, actually, the government can provide a response to the journalists during a month).
- 5) To strengthen the responsibility of officials for not providing of information or providing of incomplete information;
- 6) To improve the list of information which is required to be on the government' sites, to improve the process of updating the information on websites.
- 7) To introduce a national program for local authority's presence on the Internet (up to now, their presence is very poor).

II. Recommendations for NGOs

- 1) To realize a series of campaigns sending requests to the authorities to obtain official information to law enforcement on access to information;
- 2) In case of violations of human rights in access to information, to introduce the practice of demonstration lawsuits concerning the action (inaction) of the government;
- 3) To improve the awareness campaigns to inform citizens about their rights to be informed and officials' responsibilities for not providing the information (implementation of information campaigns).

III. Concerning the accessibility of the government's sites

- 1) All the government authorities in Ukraine have their own websites. Their presence in the Internet is regulated by the Decision #3 of the Cabinet of Ministers of Ukraine dated January 4, 2002 On " The Rules of information about the government's activity promulgation". Besides, the internal decisions in the high-level government bodies are also made.
- 2) It is hard to evaluate the level of openness/availability. The following conclusions could be made:
 - Today, in fact, all government bodies have their own websites, there is a unified information that is published on the websites;
 - All the laws of Ukraine, acts of the Verkhovna Rada of Ukraine, President of Ukraine, Cabinet of Ministers of Ukraine, National Bank of Ukraine, the Constitutional Court of Ukraine and others are fully accessible in Ukraine. The level of efficiency in publicizing in the Internet these acts is very high;
 - The acts of ministries and other central government bodies, local government administrations published in the Internet are found no systematized; acts of local governments, with few exceptions, are weakly published on the Internet;
 - A lot of the information on the government's sites is outdated; The information is only updated, which is no reflection of its actual practice
 - There are some positive steps in consulting by government's authorities via Internet, including the Department of Civil Service, Tax administration, etc. However, the overall level of advisory work is quite low;
 - There is no influence mechanisms on local governments to publish their information on the Internet, which makes them closed enough.

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