

**Analysis of the Compliance of Information Directories
on the Work of Public Authorities
with the Instruction for the Creation and Publication of the Information
Directory on the Work of Public Authorities**

Transparency Serbia

April 2013

Within the Scope of the Project

“Monitoring the Proactive Access to Information in Serbia 2012/ 2013”

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I About the Project

The transparency of the work of public authorities as one of the preventive mechanisms for fighting corruption is amongst the topics that Transparency Serbia has covered to a great extent up to now. In October of 2012, Transparency Serbia started work on the Project “Monitoring of the Proactive Access to Information in Serbia 2012/ 2013” within the scope of which information directories on work that are posted on web-sites of public authorities were analyzed for the period from November of 2012 to February of 2013. The Instruction for the Creation and Publication of the Information Directory of Public Authorities Work (“Official Journal RS” No. 68/2010) (hereinafter: “Instruction”), were used as a starting point for the analysis. These Instruction was prepared based on Article 40 of the Law on Free Access to Information of Public Importance (“Official Journal RS” No. 120/04, 54/07, 104/09 and 36/10), whilst the analysis itself was prepared in accordance with the methodology for analysis of the compliance of the information directories of public authorities with the Instruction, that was created by the organization Transparency - Serbia.

The analysis includes information directories on the work of a total of 70 bodies of public authorities, amongst which 6 are the highest level state authorities pursuant to the Law on Free Access to Information of Public Importance, ministries, public enterprises, independent public authorities, courts, provincial authorities, cities and municipalities.

Information directories were taken into consideration through a total of 37 categories that include the mandatory chapters, but also other elements such as the possibility of downloading the information directories from the web-sites of public authorities, whether the information is updated, the correctness of the links that are indicated and other. The assessment of whether the obligations were met for each category was also performed within the scope of the analysis (the grades are from 1 to 5), and based on the criteria determined by the methodology. This assessment should be taken with a certain reserve, as an attempt to numerically measure the degree of compliance of the information directory with the requirements from the Instruction that can only partially convey the complexity and varieties of the quality of the work in preparing this document.

Three focus groups were organized within the project, with an objective to obtain different target groups who are familiar with the obligation of preparing and publishing the information directory on the work of a public authority, to which extent is the information published in the information directory useful, comprehensive and reliable, to which extent they use them in their work (journalists) etc. The findings presented in the focus groups are summarized in a separate chapter of the analysis.

The objective of this analysis and the entire project is the enhancement of the application of the Law on Free Access to Information of Public Importance and the increase of the number and

quality of data on the work of public authorities that will be made publicly available in a simple, fast and cheap manner (through web-sites of the public authorities). Pursuant to this, recommendations were formulated for remedying the weaknesses and improvement of the public scrutiny of the authorities.

II Legal Framework

The legal framework for preparing and publishing information directories on work is Article 40 of the Law on Free Access to Information of Public Importance (“Official Journal of the Republic of Serbia” No. 120/04, 54/07, 104/09 and 36/10). This Article lays down that the Commissioner (for information of public importance and personal data protection) issues Instruction according to which information directories are prepared and published. The Commissioner met this obligation by adopting the Instruction for the Creation and Publication of Information Directories on the work of public authorities, that were published in the «Official Journal of the Republic of Serbia» number 68/2010, came into force on the 29th of September of 2010, and which replaced the previous Instruction (“Official Journal of the Republic of Serbia”, No. 57/05). The period for complying the information directories expired on the 29th of December of 2010. The obligation for publishing information directories is laid down for public authorities, provincial authorities, authorities of local self-governments and organizations that are entrusted with performing public powers (under Article 3 and 39 of the Law). The content of the obligation the public authority has under each item is explained in further detail in the analysis.

Information directories should be available on the web-sites of public authorities that adopts it, or from the web-site of the directly higher authority in the event when the public authority does not have its own web-site, as well as in the premises of the public authority, where it can be copied free of charge upon request. In Article 47 of the Law, a penalty in the amount of 5 to 50 thousand dinars is laid down for the responsible persons if the public authority fails to prepare the information directory with the prescribed data on its work. The request for initiating a misdemeanor proceeding for not publishing an information directory or publishing it contrary to the Instruction, can be filed by the Ministry of Justice and State Administration, and the damaged party (for example, a person who did not find the necessary information, that is prescribed to be published and the public prosecutor in charge would be according to the territorial jurisdiction of the seat of the public authority).

III Findings

Sample Research

The analysis included the following authorities:

Six of the highest state authorities from Article 22 paragraph 2 of the Law on Free Access to Information of Public Importance:

- National Assembly of the Republic of Serbia
- Government of the Republic of Serbia
- President of the Republic of Serbia
- Constitutional Court
- Supreme Court of Cassation
- Republic Prosecutor's Office

Ministries:

- Ministry of Internal Affairs
- Ministry of Finance and Economy
- Ministry of Foreign Affairs
- Ministry of Defense
- Ministry of Regional Development and Local Self-Government
- Ministry of Transport
- Ministry of Construction and Urbanism
- Ministry of Justice and State Administration
- Ministry of Agriculture, Forestry and Water Management
- Ministry of Science, Education and Technological Development
- Ministry of Health
- Ministry of Energy, Development and Environment Protection
- Ministry of Culture and Information
- Ministry of Natural Resources, Mining and Spatial Planning
- Ministry of Labor, Employment and Social Policy
- Ministry of Youth and Sports
- Ministry of Foreign and Internal Trade and Telecommunications

Public Enterprises:

- Srbijagas
- Srbijasume
- Roads of Serbia
- Serbian Railways
- PE National Park Fruska Gora

Other Republic Public Authorities (independent and/or regulatory bodies):

- Commission for Securities
- Commission for Protection of Competition
- Commission for the Protection of Rights in Public Procurement Procedures
- Republic Broadcasting Agency
- Anti-corruption Agency
- State Audit Institutions
- National Bank of Serbia
- High Judicial Council
- State Prosecutor's Council
- Republic Agency for Electronic Communications

Judicial Authorities:

- Appellate Court in Novi Sad
- Commercial Court in Belgrade
- Commercial Court in Pancevo
- Superior Court in Nis
- Superior Court in Kragujevac
- Primary Court in Pozarevac
- Primary Court in Subotica
- Primary Court in Novi Sad
- Primary Court in Nis
- Primary Court in Kragujevac
- Magistrates Court in Belgrade
- Magistrates Court in Gornji Milanovac
- Magistrates Court in Kikinda
- Magistrates Court in Nis
- Magistrates Court in Pancevu

Provincial authorities:

- Provincial Secretariat for Culture
- Provincial Secretariat for Interregional Cooperation and Local Self-Governement
- Provincial Secretariat for Finance
- Fund for Capital Investments of AP Vojvodina
- Guarantee Fund of AP Vojvodina

Local Self-Government:

- City Municipality of Palilula
- City Municipality of Lazarevac
- City of Belgrade
- City of Novi Sad
- City of Kragujevac
- City of Nis
- City of Jagodina
- City of Leskovac
- Municipality of Temerin

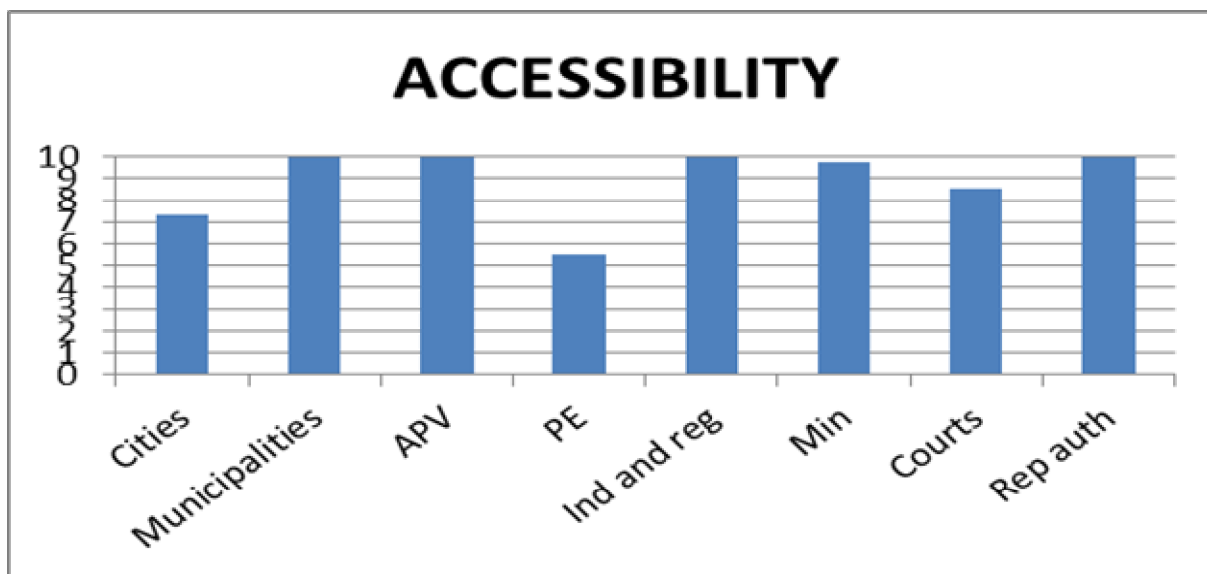
- Municipality of Negotin
- Municipality of Kovacica
- Municipality of Velika Plana

Findings by Categories

1. Accessibility

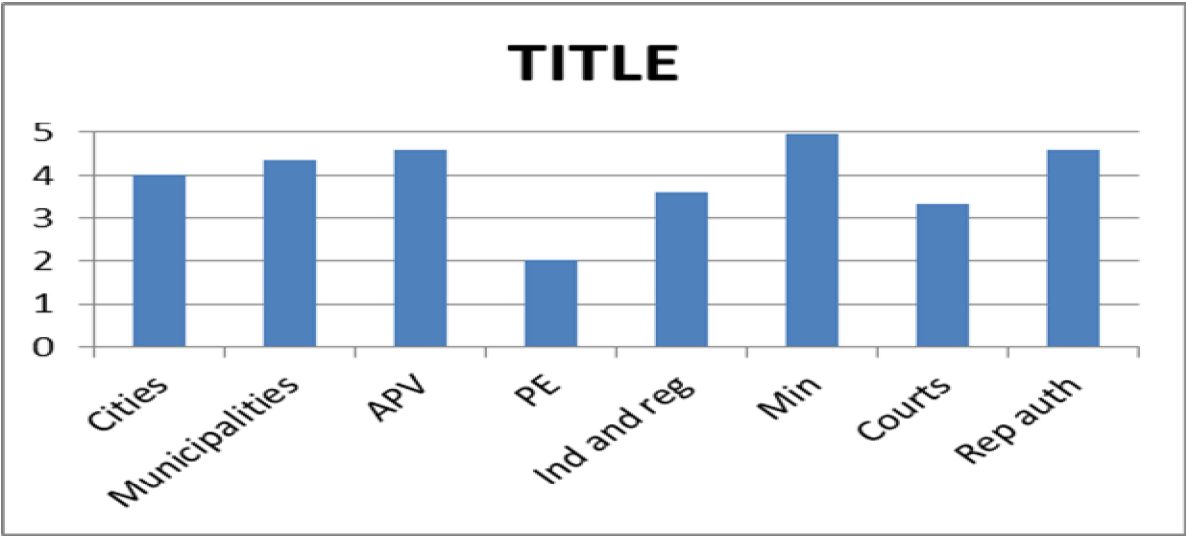
Regarding the accessibility of information directories on web-sites of public authorities, the findings are pretty good, or rather, the information directories can be accessed either through a special banner or they can be reached through the options provided on the main menu of the web-site. However, while the effort of the republic and provincial authorities was on the maximum level, public enterprises received only half of the possible points within this category, sometimes it was only possible to find the documents through search engines or after opening two or three sections, such as for the city of Kragujevac, Leskovac, PE National Park Fruska Gora and the Magistrates Court in Gornji Milanovac.

Graphic number 1: Access to information directories



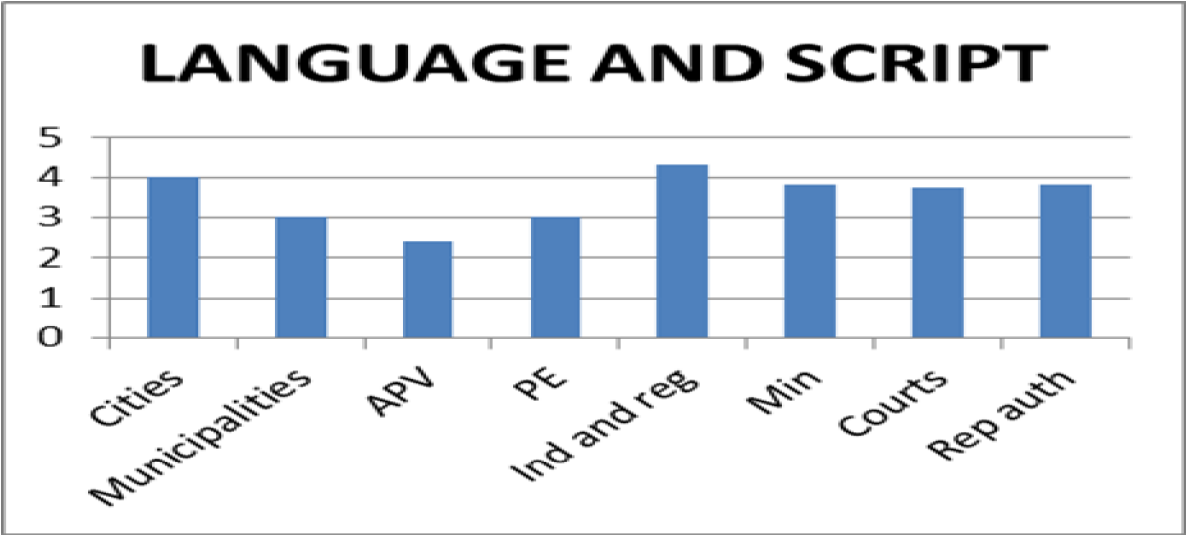
2. Title

The accurate indication of a document is often crucial, in order for the reader to be able to conclude that it is indeed an information directory. An inaccurate title sometimes indicates that public authorities prepare their information directories as annual publications (i.e. “information directory for the year of 2013”), and not as a permanent document that is updated on a regular basis. The worst average grade was observed for public enterprises, and the best was for ministries. Individually, the most problematic were the information directories of the Commission for Protection of Competition and the Magistrates Court of Gornji Milanovac.



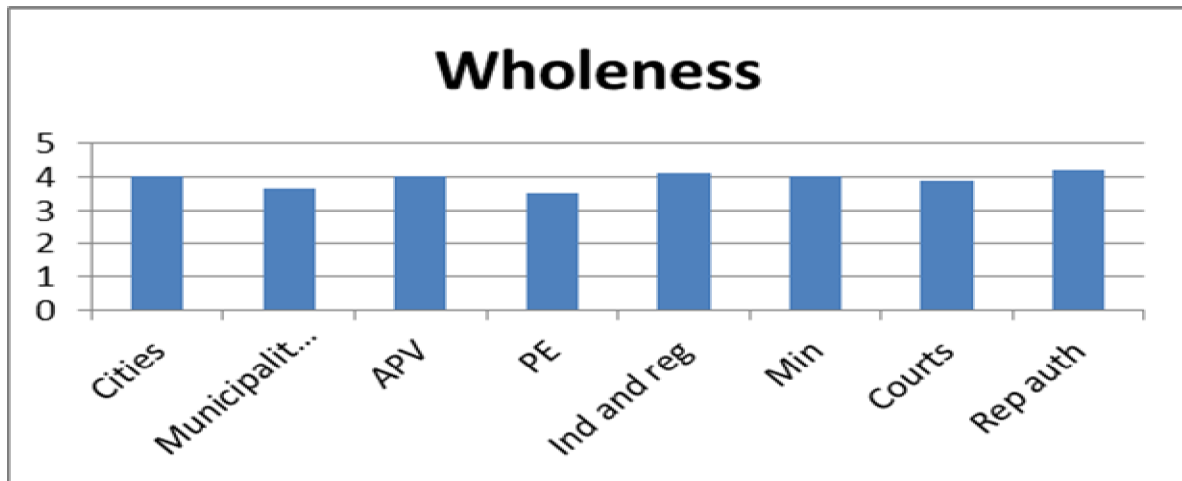
3. Language and Script

In the category “language and writing” there were numerous cases where the procedure was not in compliance with the Instruction, and the most common failure that occurs is that the information directories can be found only in one script, while the public authority has web-sites in cyrillic and in latin script, and for the public authorities of the Autonomous Province of Vojvodina also the fact that the information directories were not published in the languages of the national minorities that are in official use on that territory. Due to this non-compliance with the obligations, the provincial authorities have the lowest average grade in this category.



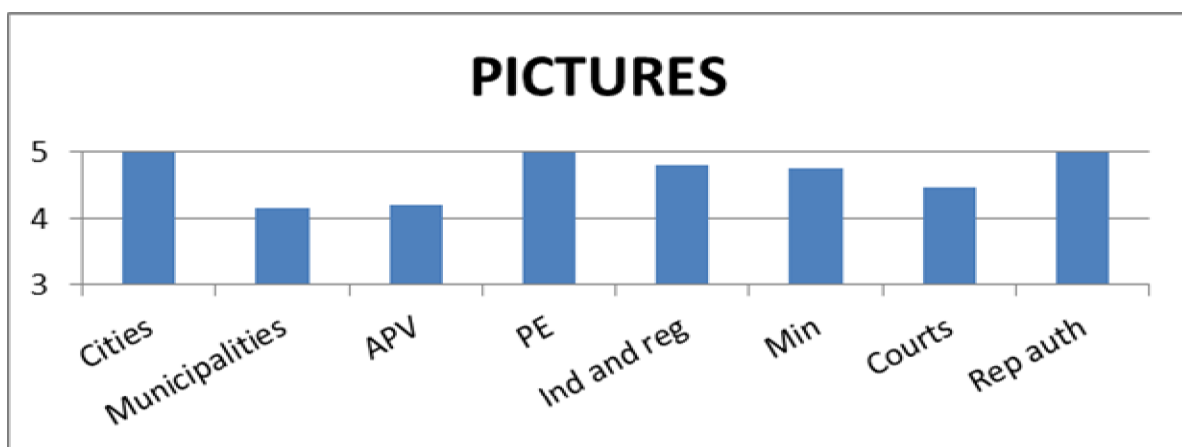
4. Wholeness

Regarding the wholeness, or rather posting the information directory so that it can be downloaded in the most convenient manner for the applicants (mandatorily as a whole document, and preferably in parts as well), the effect of their work was similar for all categories of the observed public authorities.



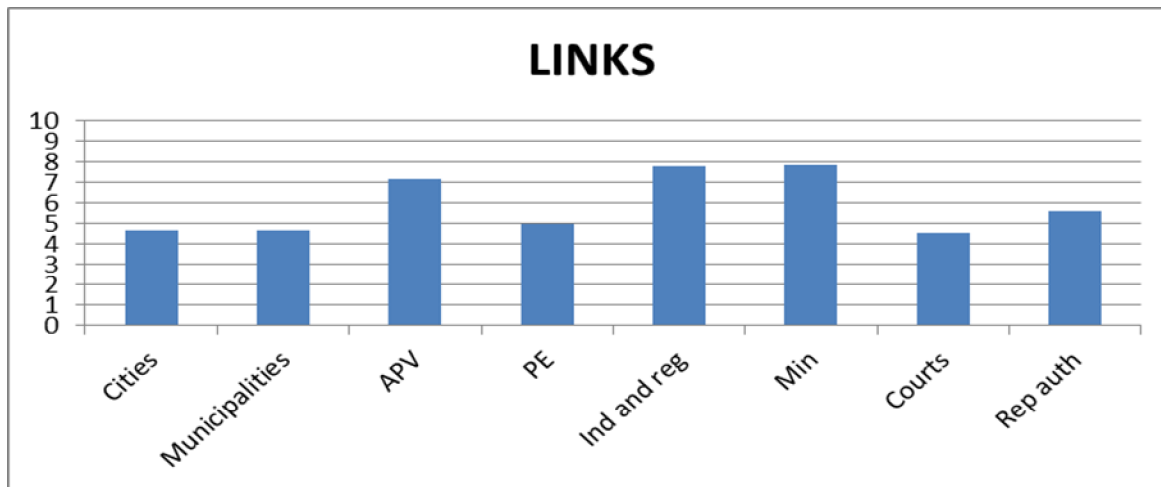
5. Pictures and Scanned Documents

The Instruction lay down the requirement of not including scanned documents into information directories as well as excess pictures that burden the text and make it difficult to download documents, and make it difficult to conduct a search within the document. This is one of the rare categories where public enterprises received the highest grades, and the most problems were found in a couple of provincial authorities, but also for the Magistrates Court in Belgrade, municipality of Velika Plana and the Ministry of Science.



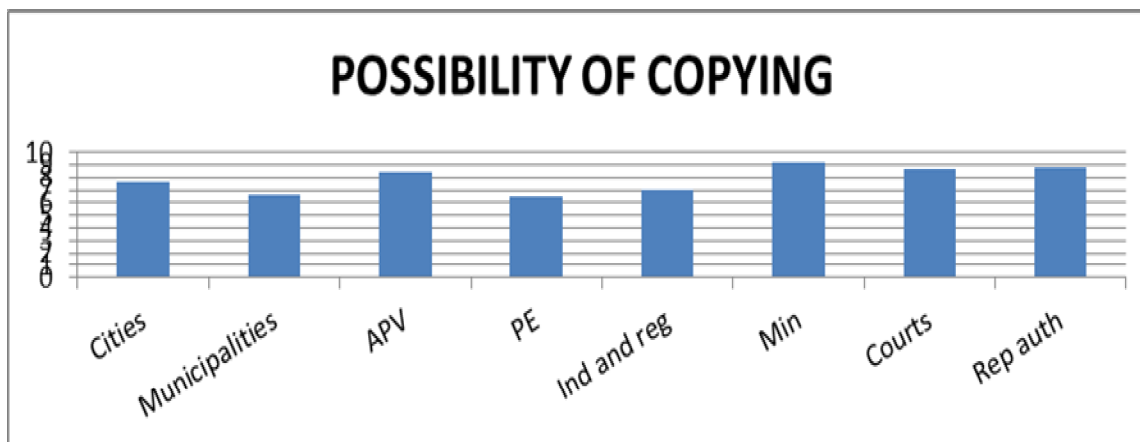
6. Links

The research examined two issues: whether the public authorities post internal and external links at all (towards other parts of their web-sites, in places where they can obtain additional information) and whether the posted links are operative. None of the categories of public authorities received an average positive grade close to the maximum grade. The independent and regulatory authorities were the best and the worst were cities (particularly Nis, Leskovac and Novi Sad), but also certain authorities from other categories (i.e. the Ministry of Transport).



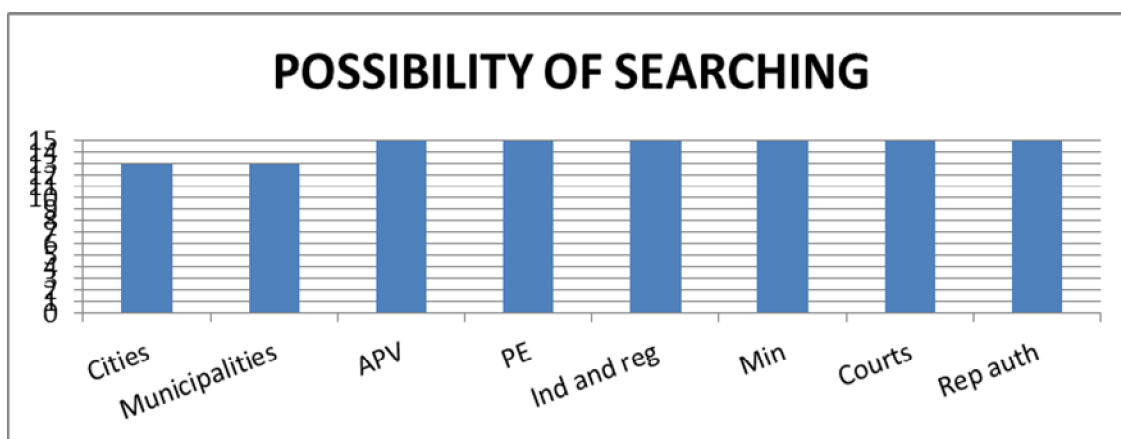
7. Possibility of Copying

Sometimes it can be important for users of the information directory on work to be able to copy a smaller or larger part of the text into their own documents and further use this information. However, the most common obstacle for satisfying this need is the publication of the information directory in the form of a protected PDF document or posting scanned documents (i.e. inventory lists, contracts) into the information directories, which has already been mentioned. Even when it is possible to copy the text, the PDF form of the text gets lost, especially when copying tables. Republic authorities more often than others worked in accordance with the Instruction, and posted information directories in Word format, while most problems were encountered regarding copying for the authorities of municipalities and particularly for the information directories of the city of Nis, municipality of Trgoviste and the Fund for Capital Investments of the APV.



8. Possibility of Searching

Unlike previous years, there have been very few cases where the information directory could not be searched by keywords. The majority of public authorities received the maximum grade in this category, and serious problems of this kind were observed only in two cases (the city of Nis and the municipality of Trgoviste).



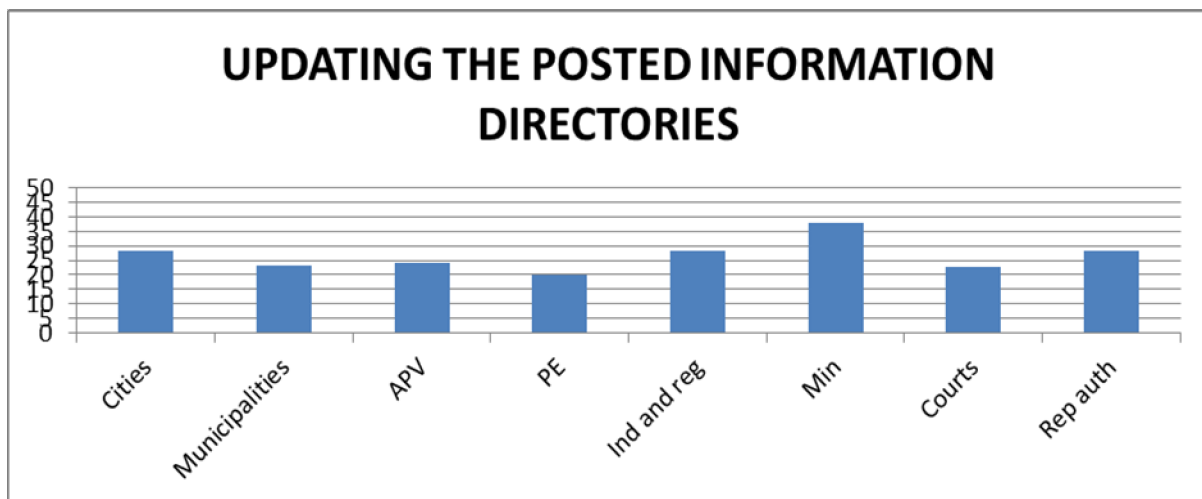
9. Updating the Posted Information Directories

Regular (monthly) updating of the information directory on work is the most important obligation that is laid down in the Instruction. Not only is the outdated information not useful for citizens, journalists and the economy, it also undermines the accuracy and wholesomeness of all the published information.

However, regarding the question of updating, other big problems still exist. The average grade is slightly higher than 2.5, which indicates that the average “age” of the published information is around half a year, while the Instruction lay down that they shall be updated as soon as the change occurs and no later than once a month.

By category of public authorities, the highest accuracy/updating was observed in the APV and in ministries and the lowest in municipalities. Only slightly more than one fifth of the public authorities (14 of 68) met the legal requirements entirely. On the other hand, the information directories in the moment of checking were one year old or more, or the date of the last update was not indicated at all for the case of the city of Leskovac, the municipality of Temerin and Lazarevac, PE Srbijasume and NP Fruska Gora, High Judiciary Council, Ministry of Transport, Magistrates Court in Kikinda, Primary Court in Kragujevac, Nis, Novi Sad, Subotica, Commercial Court in Belgrade and Pancevo, Superior Court in Nis and the Republic Public Prosecutor's Office (a total of 17, or rather $\frac{1}{4}$ of the sample).

On the other hand, the Assembly of the City of Kragujevac, the city of Novi Sad, the Provincial Secretariat of Finance, the National Bank of Serbia and 10 ministries had up to date information directories on work, while ten more public authorities prepared amendments in the information directories within the past month, however failed to amend the obsolete data in all chapters.



10. Information Directory Contains All Required Chapters

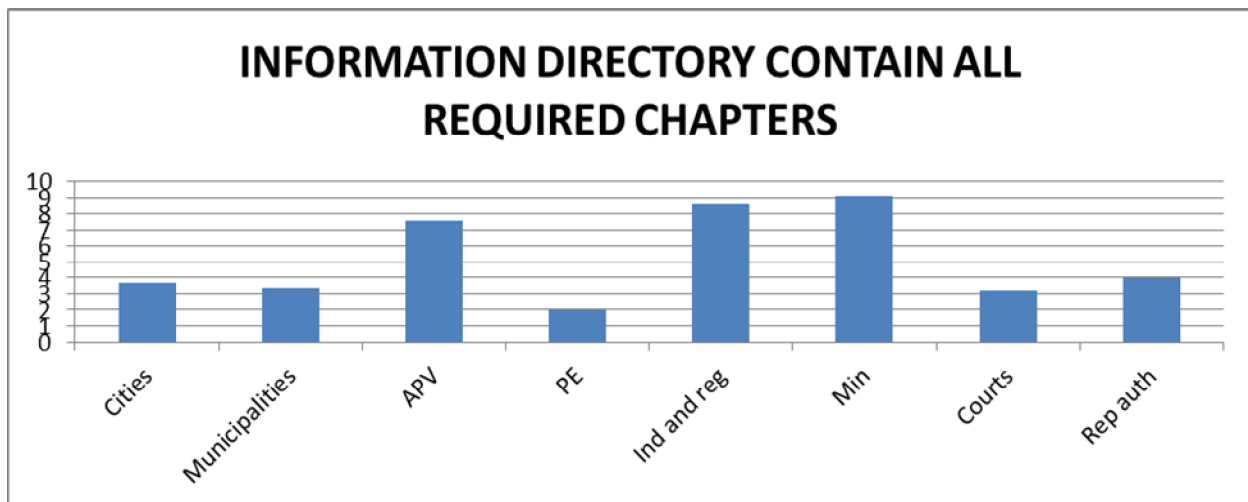
The second crucial obligation of the public authorities is that the information directories contain all the required chapters, even if it turns out that they do not contain all the necessary information. The existence of the required chapters in advance significantly facilitates reaching the information by individual categories of users – the representatives of non-governmental organizations and media that search for data on the work of a number of public authorities by following a certain area of their work. Namely, as time passes and the public authorities display more information about their work in these documents, it is not sufficient that the information is only published, but also that the user spends the least possible time to retrieve this information.

In the research, each grade lower than the maximum indicates that a certain chapter is missing. An average of 2.24 chapters was missing. The shortcoming was mostly not of serious nature, because the most often occurrence observed was compressing three chapters regarding services

into one chapter. However, there are serious cases of failure to comply with the Instruction, or rather the situation in which entire parts of the text are missing, and they are not rare at all:

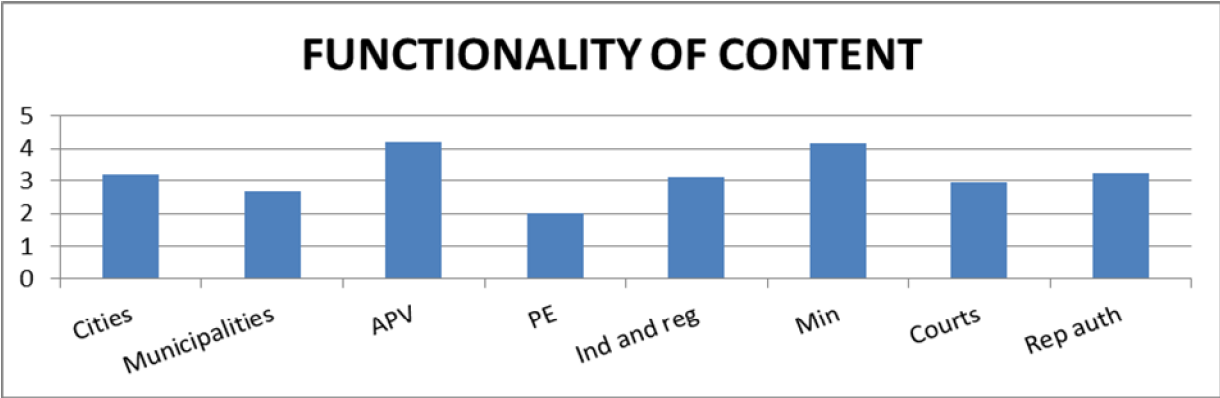
- The Supreme Court of Cassation
- The Constitutional Court of Serbia
- The Republic Prosecutor’s Office
- The Superior Court in Nis
- The Superior Court in Kragujevac
- The Commercial Court in Pancevo
- The Commercial Court in Belgrade
- The primary courts in Subotica, Nis, Novi Sad and Kragujevac
- The Magistrates Courts in Pancevo, Gornji Milanovac and Nis
- The State Prosecutor’s Council
- The Roads of Serbia
- PE Srbijasure
- The Guarantee Fund of Vojvodina
- The municipalities of Negotin, Temerin, Trgoviste, Velika Plana and Palilula
- The cities of Belgrade, Jagodina, Kragujevac and Leskovac

Among certain categories, ministries received the highest grade in this category, which could be interpreted through the influence of the Commissioner for Information of Public Importance that is directed towards these types of public authorities.



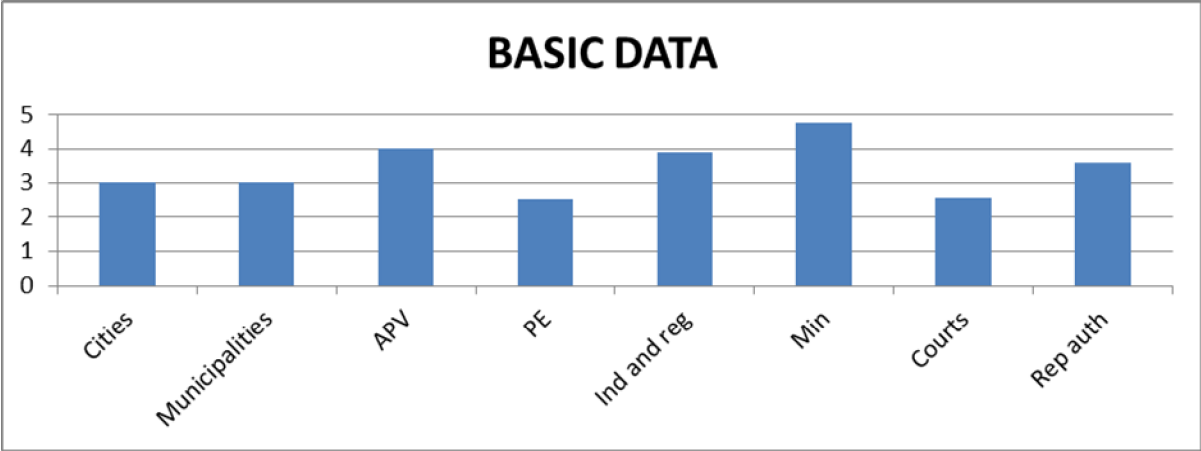
11. Functionality of the Content

A simple technical requirement from the Instruction, that the information directory contain contents that enables simple access to the desired chapter has not been met in most cases. The weakest performance in this regard was by the public enterprises, and the strongest by the provincial authorities and ministries



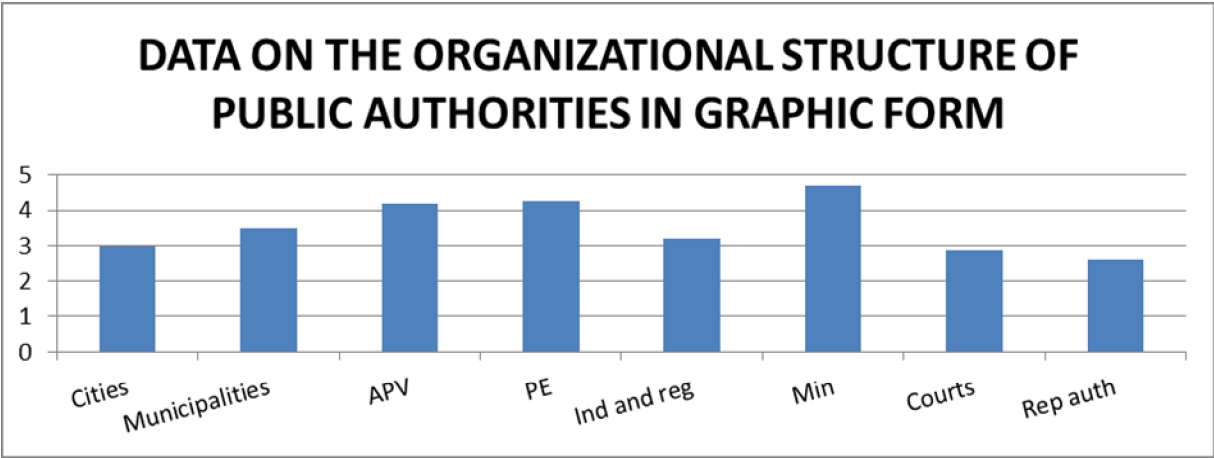
12. Basic Data

Presenting the basic data on the information directory and the public authority is defined as an obligation of publishing certain data that each public authority has in advance (i.e. address, tax identification number, date of first publication and updating of information directory, person responsible for its accuracy and completeness, etc.). However, this information was never complete, and the most shortcomings were observed for public enterprises and courts, although other public authorities, except for ministries, were not much better in this regard.



13. Data on the Organizational Structure of Public Authorities in Graphic Form

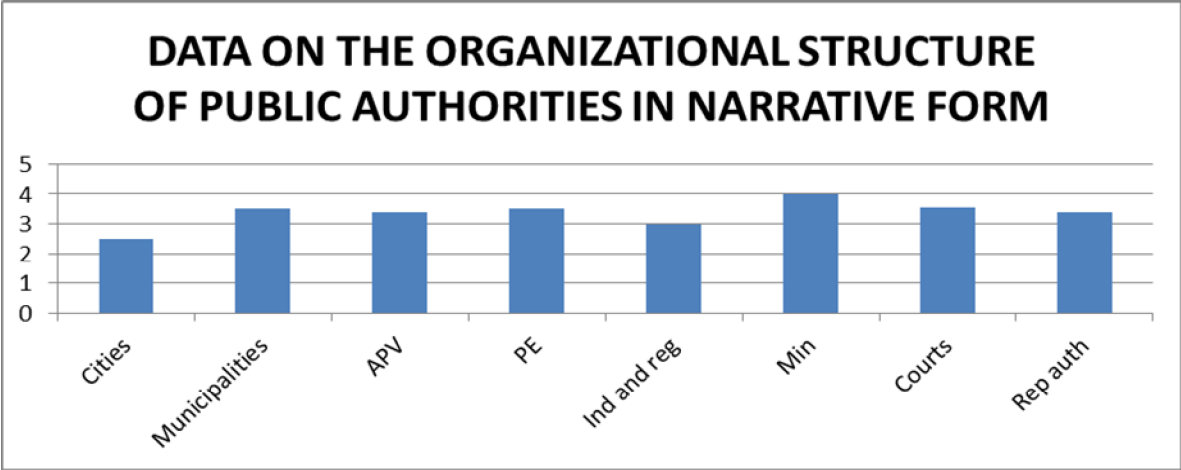
The Instruction lay down the requirement for public authorities to portray their structure in graphic form, in order to show the hierarchy structure, the relations of subordination and superiority and all organizational units. The research shows that public authorities either met this requirement entirely accurately or did not meet it at all. However, ten cases were observed where the graphic structure was displayed, but in a way where a certain relevant part is missing (i.e. the titles of the smallest organizational units were not shown or were not readable). Based on these findings, an average grade was concluded, which is the lowest for courts (2.87) and the highest state authorities (2.6), and the highest for ministries (4.71).



14. Data on the Organizational Structure of Public Authorities in Narrative Form

A significant amount of effort is needed to prepare a good text in the organizational structure of public authorities in narrative form. In this chapter the work certain organizational units within the public authority are supposed to perform should be presented, whether they actually perform this work, who manages these organizational units, what their contact information is etc.

The majority of the data is contained in acts of the organizational structure. Although the Instruction lay down that this data should be taken from the Regulation on the Organizational Structure of Job Descriptions in order for it to be not only legal, but also the factual state of affairs, public authorities mostly opted for the simpler option – to copy the chapters from the acts on their internal organization, not explaining to which extent they reflect the actual state. Due to the fact that we had no way of determining to which extent this portrayal is accurate, public authorities for which the actual division of work significantly differs from the prescribed division received high grades. Grades by diverse categories are different, but not drastically. Independent and regulatory authorities received the worst grades and ministries received the best.

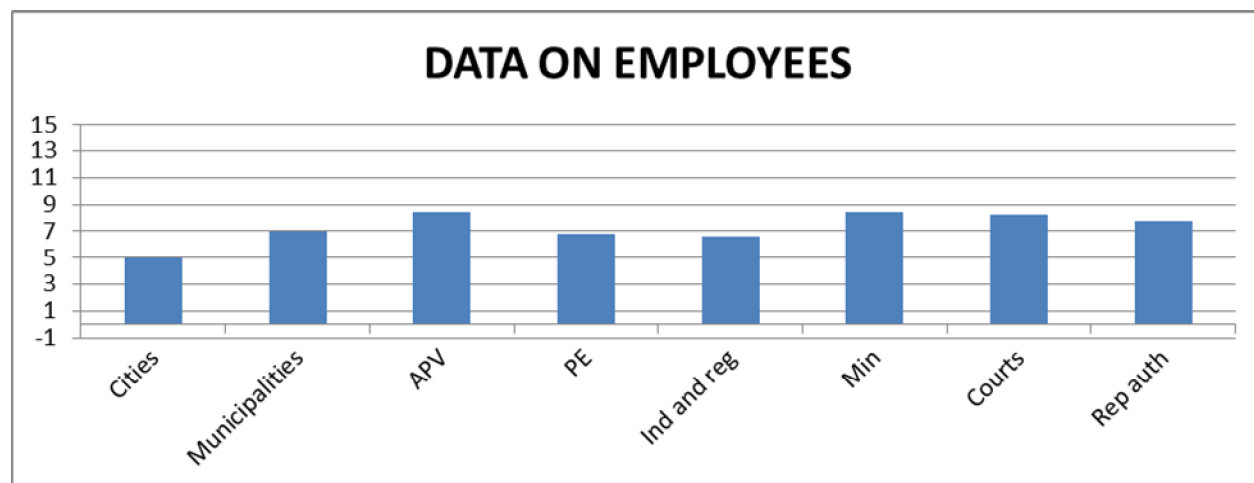


14.a Data on the Employed and Engaged Persons

Within the organizational structure of the public authorities, data on the number of employed and engaged persons should be separated according to three criteria – how many are foreseen, how many there actually are and in which organizational units they work in. This obligation from the Instruction is closely related with the obligation public and local authorities have based on other legislation – the law regulating the maximum number of civil servants. However, these laws, adopted a few years ago, are not respected, at least in the sense regarding the publication of information, which is a result of the lack of system control.

The shortcomings of the information directories in this category are diverse. The most common problem is the fact that data on the number of persons engaged based on a working contract or for a limited time period or the job description is not indicated and in which organizational units is not indicated, and also the fact that only the actual state or only the foreseen state of employees is portrayed.

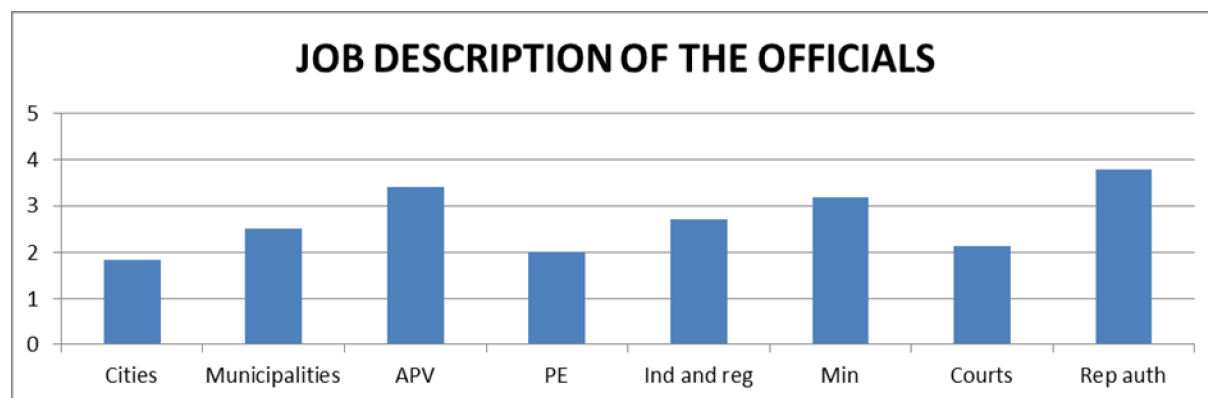
By far the best in this portrayal are the information directories of the ministries, and the worst results were recorded for the observed cities, to which Belgrade, Jagodina, Kragujevac and Novi Sad contributed immensely. However, information of this sort is missing for many other public authorities – two provincial funds, two public enterprises, for the Commission for the Protection of Securities, the Commission for the Protection of Competition, the Commission for the Protection of Rights, for RATEL (Republic Agency for Electronic Communications), the High Judiciary Council, State Prosecutor's Council, Ministry of Defense, Ministry of Transport and Ministry of Construction and Urbanism, certain courts, the National Assembly and the Republic Prosecutor's Office.



15. Job Description of the Officials

In this chapter data should be portrayed related to the officials, or rather the top management of public authorities – what sort of decisions they pass, what is the procedure they apply, what their contact information is and similar.

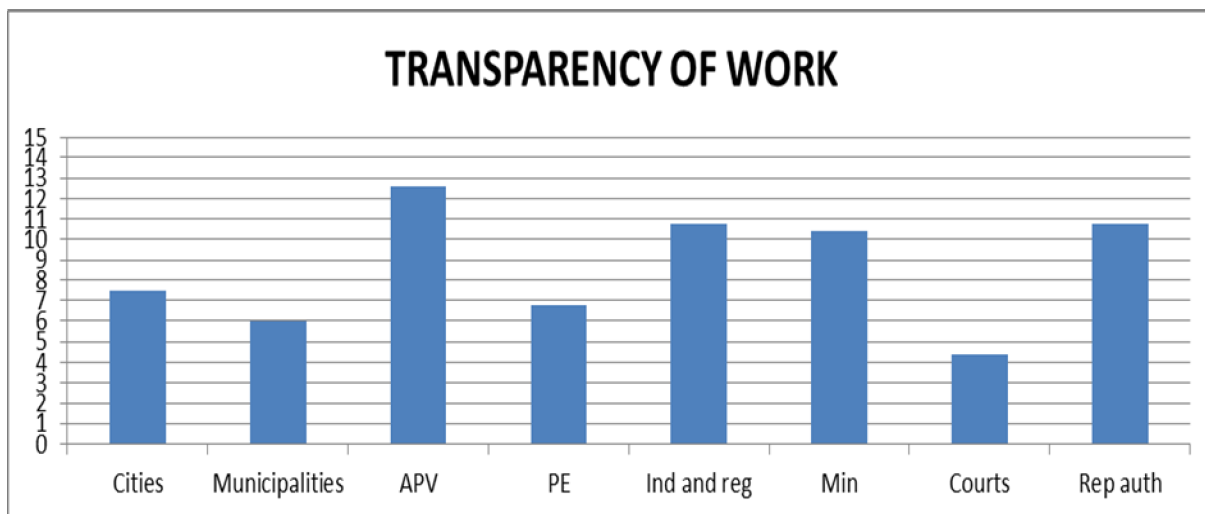
The result is not good; in many cases the information is incomplete. However, due to the fact that the shortcomings in this chapter could be partially remedied with a good elaboration of the procedure that is applied in the public authority (in which the top management is included, the adoption of acts), low grades in this chapter did not significantly affect the final score of the institutions. By individual categories, the best portrayal was found for the high public authorities and the provincial authorities, and the worst for municipalities and public enterprises.



16. Transparency of Work

The chapter on the transparency of work should contain a list of data that enables an easier insight into the work of public authorities, such as contact information, working hours of organizational units, the possibility of access to working premises for people with disabilities, possibility of access to meetings and information about the time they are held, the possibility of recording in the premises of the public authority, the accreditation procedure for monitoring the work (if any), and the appearance of identification features that civil servants who can most often come into contact with citizens and the business community (i.e. inspectors).

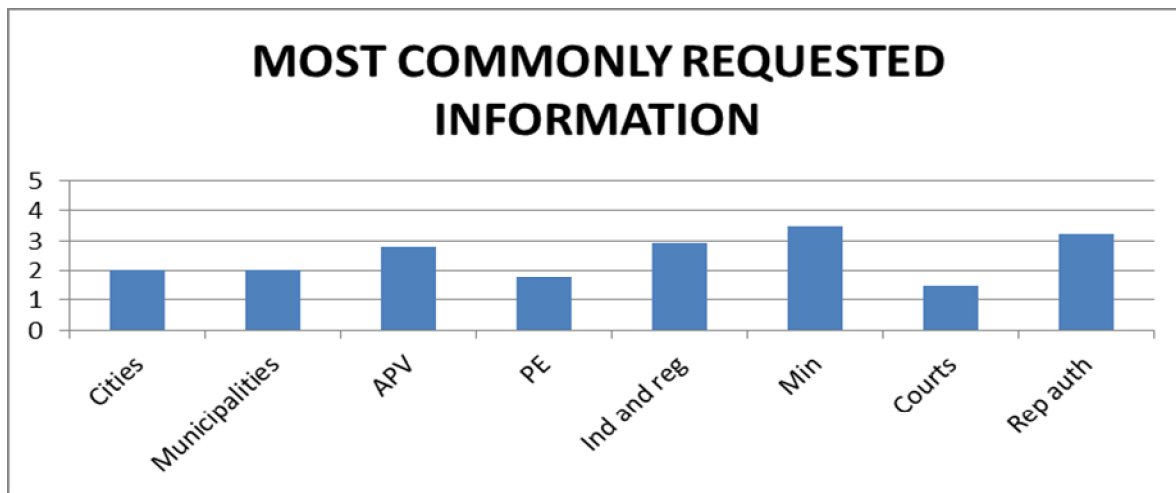
Research shows that the systematic cover-up of some of the data from this category. However, a large majority of the public authorities left out some of the information that they were obligated to portray, which affected the total score. By category of public authorities, provincial authorities received the best grades, and municipalities and public enterprises received the worst grades.



17. Most Commonly Requested Information

The most commonly requested information is not only the information based on requests for access to information, but also in various other ways (i.e. by telephone or other info-service, at counters, etc.). The types of information requested most often should be indicated in the information directory (at least descriptively), in which way (by request or in a different way), a link should be posted that leads to specific sections of the web-site (i.e. "frequently asked questions"), or contact information of the department that provides such information. If there is information that is to be expected that a number of citizens would be interested in, the answers should be posted in this section (anonymously).

Research showed that these chapters were mostly poorly prepared for local self-governments, public enterprises and courts, while the situation is far better for republic authorities. In addition to the many situations where this chapter does not exist or it does not mention anything important, it was noted that the obligation was interpreted much narrower than it should have been – i.e. to show only information about the handling of requests for information that has been submitted in accordance with the Law on Free Access to Information of Public Importance and not other types of information, or to indicate a complete answer to the posed questions, without removing the names of the applicant.



18. Description of Powers

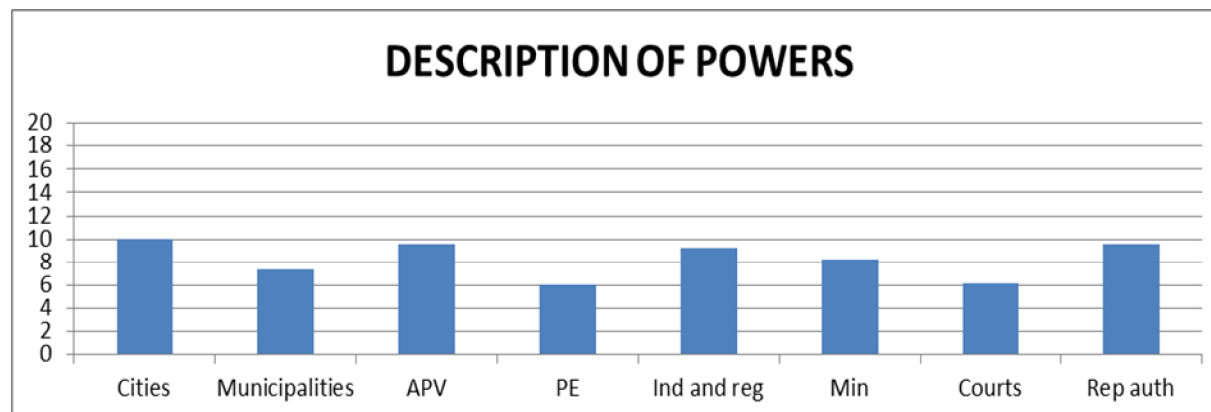
The Instruction requires that the information directory shall contain data on competences, obligations and powers of a public authority. Description of the competences, obligations and powers should be included under the relevant provisions of the regulations defining the competences, obligations or powers, but in such a way to provide to the average reader more information than they would have by reading the provisions themselves. The information directory should also contain information about the obligations of public authorities that do not derive from legislation, but are based on other grounds (i.e. strategy, Government conclusions, guidelines).

The Instruction also mention the manner of portrayal – that powers be displayed related to the obligations, best in a separate chart of obligations and powers, in a way that shows which powers a public authority uses to meet certain obligations.

The requirements for this part of the information directory was, according to our findings, best met by the ministries, independent and regulatory authorities and provincial authorities, while the results were significantly poorer for local self-governments, public enterprises and especially the courts. It seems that for this chapter there was significant influence of the possibility for the description of obligations and powers to be copied from another act – i.e. the law on ministries, law based on which a public authority was established, because the grades were lower in general for those public authorities for which obligations are laid down in numerous acts.

Even public authorities that received solid grades often did not do much more than copy the provisions from such regulations, without detailed elaboration and explanation which powers are applied when they are enforcing a particular obligation and in that way provide the readers more information than they would find on their own if reading the legal provisions. Information on the obligations that derive from strategic acts and guidelines were only found sporadically in

the information directories and comparative tables of powers and obligations that were suggested by the Instruction as the best solution almost cannot be found at all.



19. Description of Procedure

The description of the procedure within the scope of the powers and obligations is another very significant chapter in the information directory. Within this chapter, the public authorities should specify from which acts the obligations are derived from, whether the public authority performed a certain obligation or not in the elapsed time period; in which manner the public authority performed or performs the obligation (i.e. by adopting a certain act, conducting certain checks, forming particular services, conducting certain procedures); which power the public authority used or uses for meeting the obligation, from which act the power is derived that the public authority used or uses.

In the Instruction public authorities are recommended to corroborate their proceedings by using concrete examples, for which personal data shall not be stated.

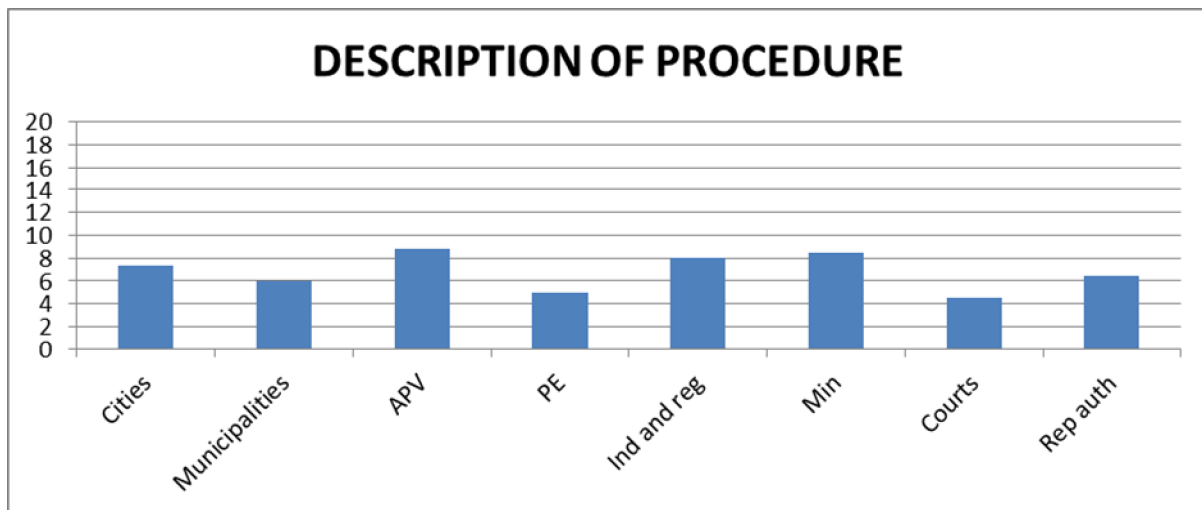
Apart from that, public authorities should, within the scope of this chapter, enter into the information directories statistics on the execution of obligations and proceedings within their powers, but also to compare their performance with the plans that were in force in a certain time period. In the case that the work plans and reports are posted on the web-site, a link should be posted that leads to them.

However, even though there are individual good examples, the results are poor. By categories, the provincial authorities have the most successful results in comparison to others, while the poorest information in accordance with the Instruction was provided by courts and public enterprises.

The problems most often noticed, except for the situation when this chapter was not prepared whatsoever or was merely copied from the text of the law that lays down the competences of the public authorities, are: not mentioning examples of proceedings that would assist the reader in understanding the process and result of the decision-making process better within the public

authority, not mentioning the statistical data on the proceedings, indicating data on the performance (from the work report), however without data with which this performance could be compared (work plans), as well as indicating the work performance for the application of only some of the powers of the public authority, but not for all them (due to which the reader of the information directory does not have a clue that the public authority performed certain work from their competence or not).

It is also apparent that, more rarely than it could be reasonably expected, links leading to detailed work plans and work reports can be found in information directories, which mainly does not result from the weaknesses related to the preparation of the information directories themselves, but rather due to the fact that a legal obligation does not exist and there is an established practice of posting such documents in other parts of the web-sites.



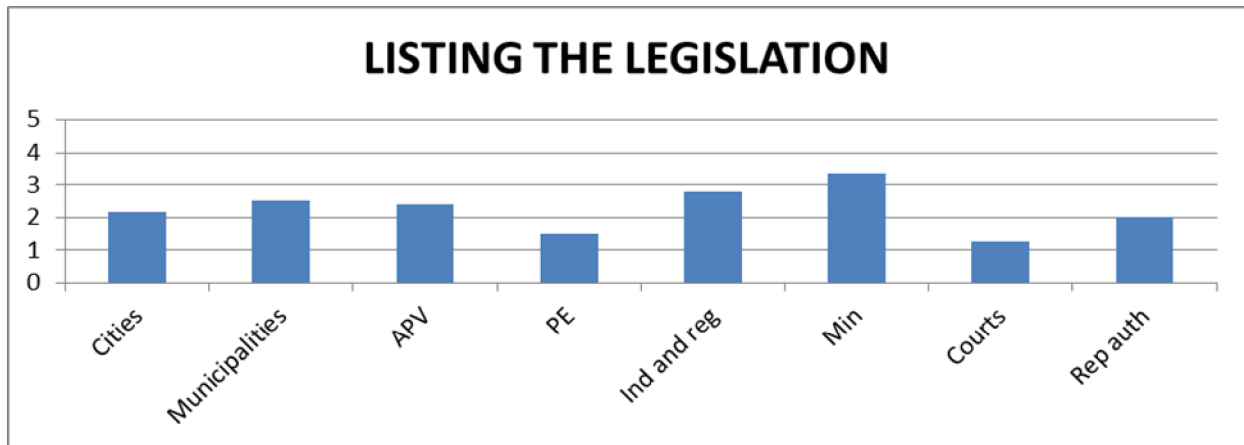
20. Listing the Legislation

The Instruction requires the public authority to list the legislation they apply in the course of their work. Here, not only should the legislation that directly defines the work of that particular public authority be indicated, but also legislation that is significant for the work of the majority of institutions of the public sector (i.e. Public Procurement Law), especially separate the legislation that the public authority itself adopted (sub-laws) and post a link that leads to the full text, particularly the significant regulations.

Within the research, among other things, we examined whether obligations according to the list of legislation for which it is known that all public authorities, or the majority of them shall apply, are met and determined whether some of the legislation had been left out.

The best results, by category of public authorities, were found for ministries and by far the worst for courts. The shortcomings were diverse: in many cases public authorities did not use the option to enable the reader of the information directory to connect with parts of their own web-

site where the full text of regulations, that are mentioned in the information directory, can be found; certain public authorities indicated only regulations that are specific for their own work, however not the other regulations they apply; the titles of the regulations are posted, but the place they can be found is not (i.e. the number of the Official Journal).



21. Who is entitled to the Service

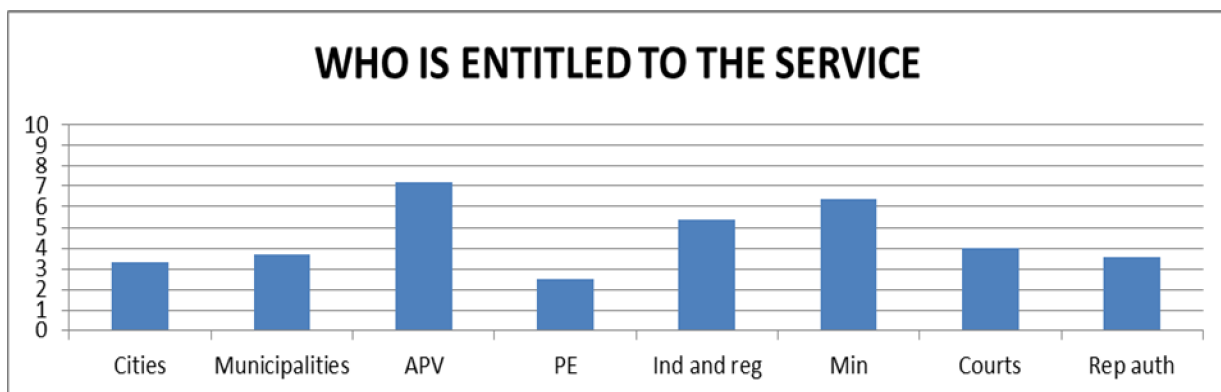
Three chapters of the information directory concern the services that public authorities provide to citizens and the business sector are also considered among the most significant chapters, judging by the research we conducted amongst citizens. The Instruction lay down the obligation to indicate as a service the activities the public authority, within the scope established by law, directly provides to interested natural and legal persons. On the other hand, activities that only serve other public authorities are not indicated.

The Instruction further elaborate the obligation, by explaining what should be described and services that the public authority has the duty to provide based on another regulation, as well as those that they established on their own as good practice, even though they are not obliged to do so. Each service in the information directory should be described, explained further who has the right to a service, whether it is necessary to meet special requirements in order to obtain the service, in which time frame the service can be provided, how the provision of the service is initiated (request, application), whether it is necessary to pay in order to obtain the service, is there a possibility to appeal or file a complaint etc.

Apart from that, public authorities should also enter into the information directories data on the manner in which they provided services in the previous period. Finally, the Instruction directs the public authority to use a special portal of E-Administration of the Republic of Serbia, on the address <http://www.euprava.gov.rs/>. This is where data should be found on all e-services that public authorities in Serbia provide to interested parties; therefore it would be useful if the persons preparing the information directories on work would also check whether the services are presented on this state portal.

Within this research we recorded in which way public authorities in five categories, and the first among them was the indication of who has the right to the services indicated in the information directory. Our research has certain limitations in regards to whether the public authority included in the information directories all the services they provide. However, in cases when we noticed that some services for which we know public authorities provide are not indicated in the information directory, we emphasized this in the individual recommendations.

When it comes to specifying the categories of persons who are entitled to the services, the best results were recorded for the information directories of provincial authorities, significantly worse results were recorded for the ministries, public enterprises, courts and other republic authorities and the worst results were recorded for local self-government authorities, which is of particular concern, given that where the local self-governments specifically provide most of the services that citizens and the business sector are interested in. Shortcomings can, in most cases, be overcome by transferring information from existing documents or referring the reader to other parts of the web-site, and sometimes even specifying what may seem very obvious to the public authorities providing the services, but for the reader it may not have to be. The purpose of this chapter is not only to familiarize those who are already interested in the service and are looking for a way to obtain it, knowing that they have a right to it, but also for other citizens, who maybe for the first time hear they can obtain something from public authorities, to clarify whether they can be included in the circle of people who are entitled to the service.



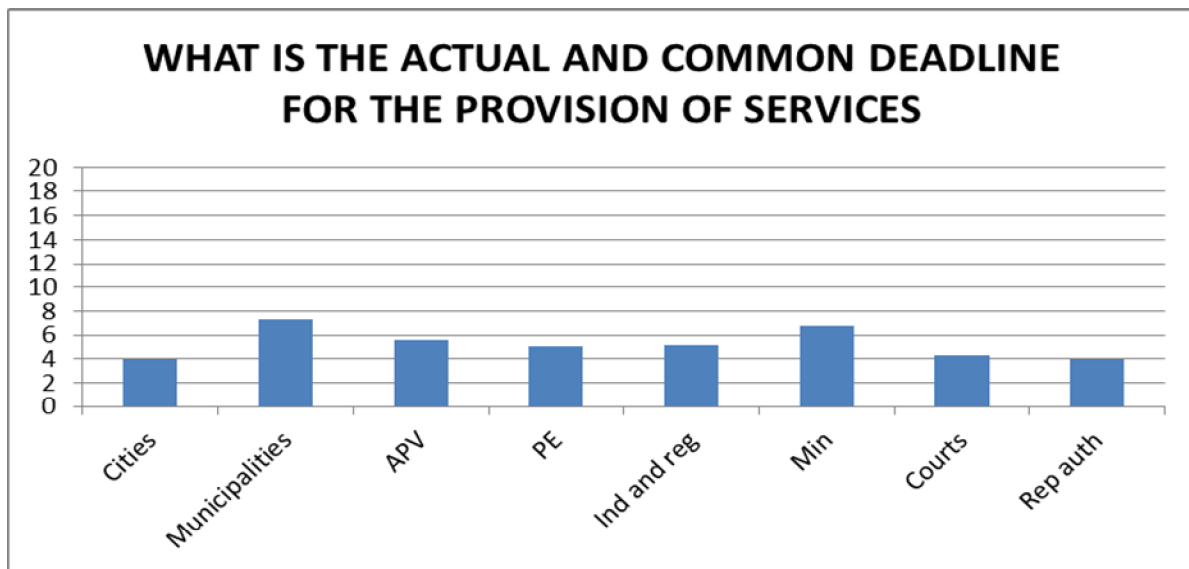
22. What is the Actual or Common Deadline for the Provision of Services

Even when citizens have no dilemma regarding whether they are entitled to a service or not, it is very important for them to know in which time frame the service will be provided. The Instruction in that regard went a step forward from the common circle of information public authorities provide, and bound them to disclose not only the deadline for performing certain actions, but the actual - normal or average limit for a given situation.

Possessing this information is of essential significance also for the suppression of some forms of corruption – extortion of additional payments for the so-called preferential treatment, in cases

where legal or other prescribed deadlines are much longer than the real needs of citizens and actual capabilities of the public authorities. It is equally important that citizens know the actual time frame even when it is longer than the time frame laid down by law, to be able to count on the fact that their needs will not be satisfied so quickly and to file a request or initiate proceedings on time.

In connection with this chapter the results are poor for all types of public authorities. Only independent and regulatory bodies, ministries and municipalities were close to the middle grade, while the lowest number of cases in which disclosures were recorded was found for courts and public enterprises. The shortcomings were usually reflected in the fact that in general the deadline is not specified at all, or it contains only a deadline laid down in a regulation and not the actual or average one which differs from it.

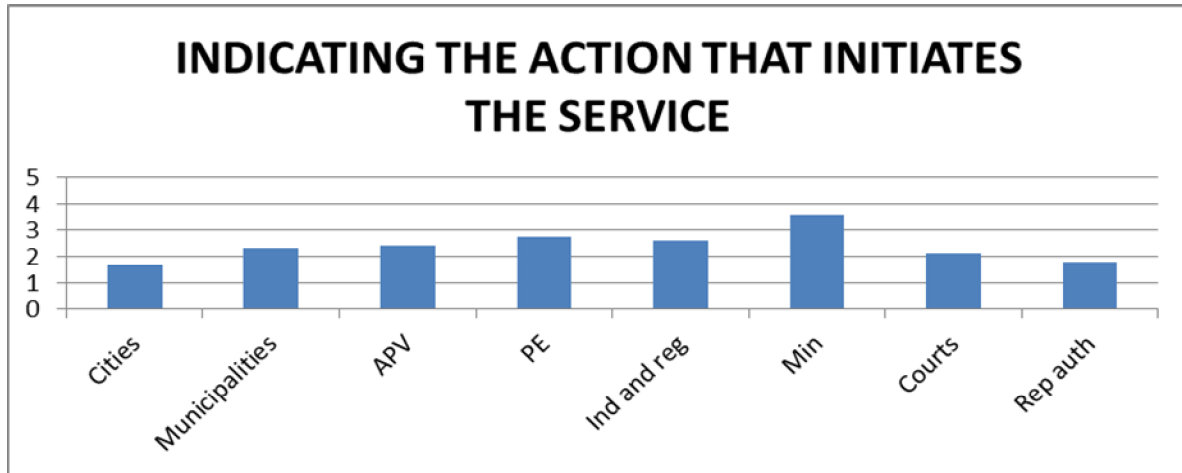


23. Indicating the Action that Initiates the Service

Similar shortcomings as in the previous category were also observed for the (non)indication of actions that an interested party should take in order to obtain the service. This action may be filing some kind of formal request, application, sending an electronic letter, visiting the competent authority, a telephone call, however, whatever it is, the interested party should have this information at its disposal in addition to the description of the service, and not to have to search for this information elsewhere on the web-site, to have to call the competent authority or to visit the premises of the public authority. This action is often associated with the payment of a fee, submitting proof that the person meets the requirements for the provision of the service and similar.

In this category also, the grades were poor for all types of public authorities, where ministries and public enterprises received in average a better score than the others. Apart from the

summary review of the service without specifying the requested data for each of them, it was observed that for some public authorities it was indicated what needs to be done in order to obtain one service and not for another one, where it is obvious that unequal effort was put into preparing certain parts of the information directory. Namely, it is obvious that the information directory on work is not prepared by only one person, but rather based on contributions of individual units within the public authority (i.e. sectors within the ministries). This is perfectly acceptable. However, the civil servant responsible for the accuracy and completeness of the information directory on work should have clear powers and obligations to ensure the consistency of the document, and to request from units that failed to submit the required information to do so.



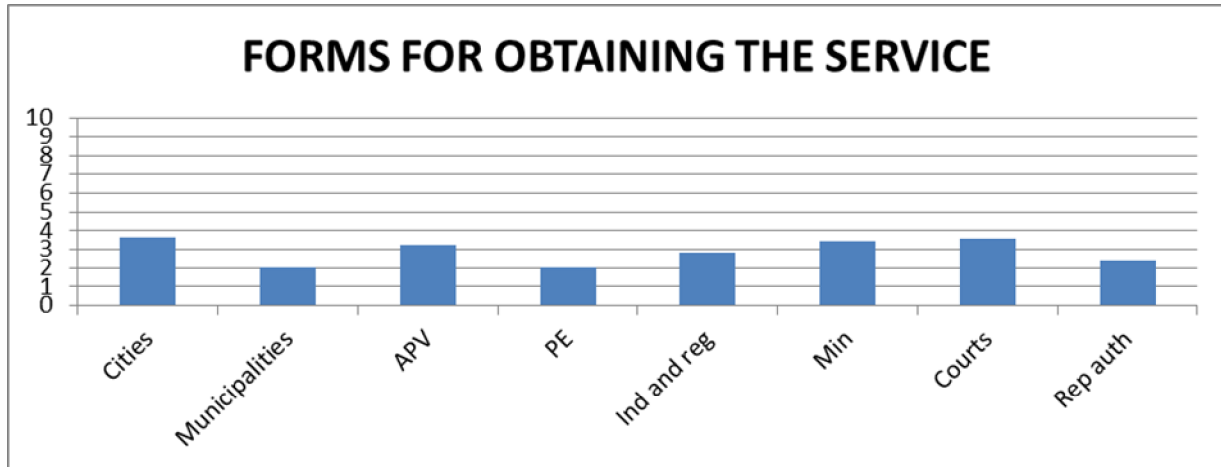
24. Forms for Obtaining the Service

For some services it is not necessary to take any formal steps, while others are strictly formalized and include submission of certain requests. Whenever forms are prescribed, they should be easily accessible and not only in the premises of the public authorities, but also on the website. However, if the forms do not exist, but the requests and applications are submitted in free form, the authorities need to specify that.

The state portal E-Government contains a special page where public authorities have the option of posting all useful data on the provision of services, including electronic forms. In the highest number of cases these are still forms that can only be downloaded from web-sites of public authorities and then submitted in a different manner after they have been filled out (most often by post or in person), while the cases when a web-application can be used for obtaining a service are still very rare.

This part of the work was best performed by cities and courts, and worst by public enterprises. Typical shortcomings for not specifying whether a prescribed form exists or failure for the data

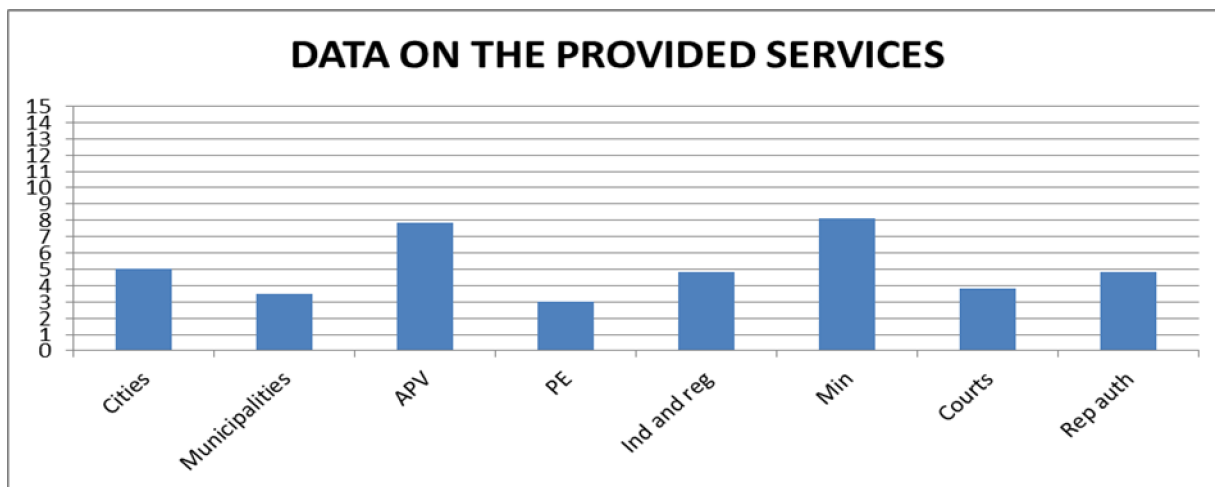
to be indicated for any type of requested service, in certain cases, is even if the form can otherwise be found in other parts of the web-site.



25. Data on the Provided Services

Data on the services the public authority provided are one more chapter of the information directory that should derive from work reports and monitoring of the realization of work plans in the course of the year. Within this chapter the possibilities of monitoring the proceedings of public authorities upon requests should be specified. Finally, the statistics should be mentioned regarding cases when users were not satisfied with the manner in which the service was provided and they used existing remedies (complaints, appeals and similar).

The research showed that not even this obligation has been met in a satisfactory manner. The ministries and provincial authorities were somewhat better in average than the rest, and public enterprises were by far the worst. Apart from the mentioned shortcomings (unequal quality of portraying data on certain services), most often data on the usage of legal remedies was lacking. Also, situations are quite rare in which it is possible to monitor the course of the procedure or the statistics in the course of a year, however this is not only a problem of the information directory, but rather, much more, the fact that such a system has not even been established.



26. Data on the Planned and Approved Budget

Those who wish to monitor the work of public authorities, by reading the information directories, especially the media, firstly open the part covering the budget and depending on how detailed and up to date the data they can find there is, they conclude on the transparency of the work of those public authorities and whether it is useful to continue reading the information directory.

The Instruction lay down that data on the planned, approved and realized income and expenditure in the current, previous, or rather upcoming year, in tabulation form in which income and expenditure is portrayed in total and by item, citing budget documents from which this data should be taken, should be entered into the information directory in a clear way.

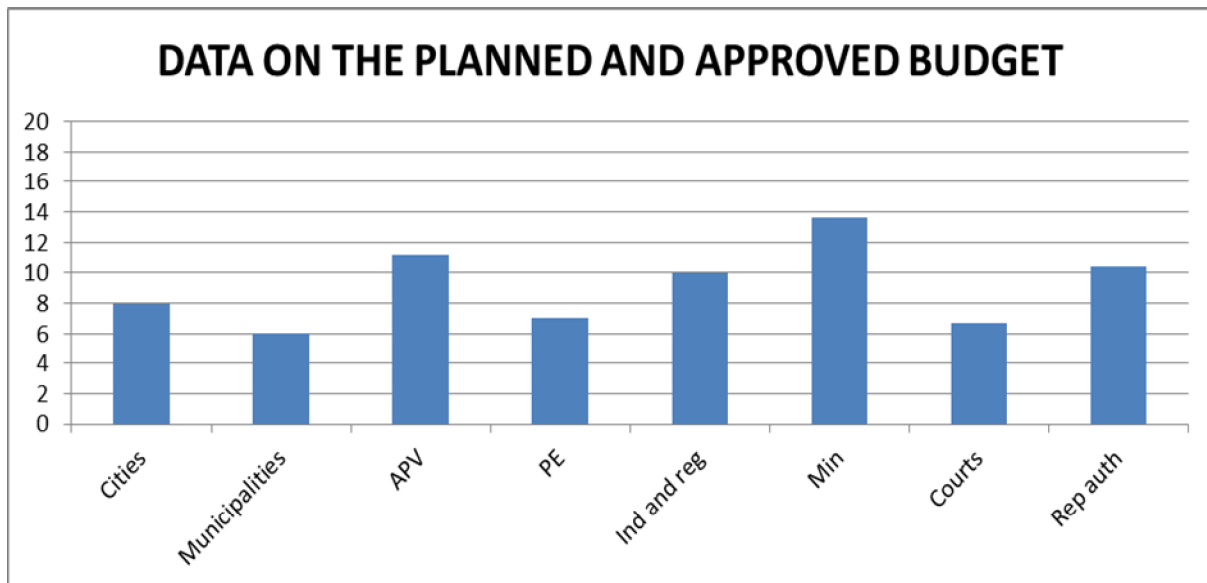
The Instruction recommend that if it is possible, the public authority, for easier comparison and monitoring of data, instead of specific tables, create one table in which they would comparatively portray the income and expenditure by certain items and positions in the course of a couple of years. Also, the fact whether the budget of the public authority has been subject to an audit in the recent years, and if it has the summarized findings of the auditor as well as indication where the audit report can be downloaded should be mentioned.

For starters, we monitored whether the data on the planned, approved and executed budgets has been published. According to the findings, only three public authorities indicated all the required data, and by category of public authorities, the ministries and secretariats of Vojvodina are in the lead, while the least information was presented by public enterprises, municipalities, cities and courts.

Among the public authorities that published data on the budget, the largest problem was that it was out of date. Namely, in situations when information directories are not updated for more than half a year, it was not possible to find in them the necessary data on the budget (i.e.

execution for 2012). The second shortcoming we noticed was that this large number of public authorities does not make a distinction between the approved and planned budget. In many situations, due to the lack of funds for financing the work of public authorities, the planned (requested) is different than the approved. The comparison of the planned and the approved funds can be of great significance, in order for the reader to be able to infer whether the lack of funds will adversely affect the performance of certain functions of the public authority or, if there is no such effect, that the public authority in the start asked for more of taxpayers money than they really needed for performing their work.

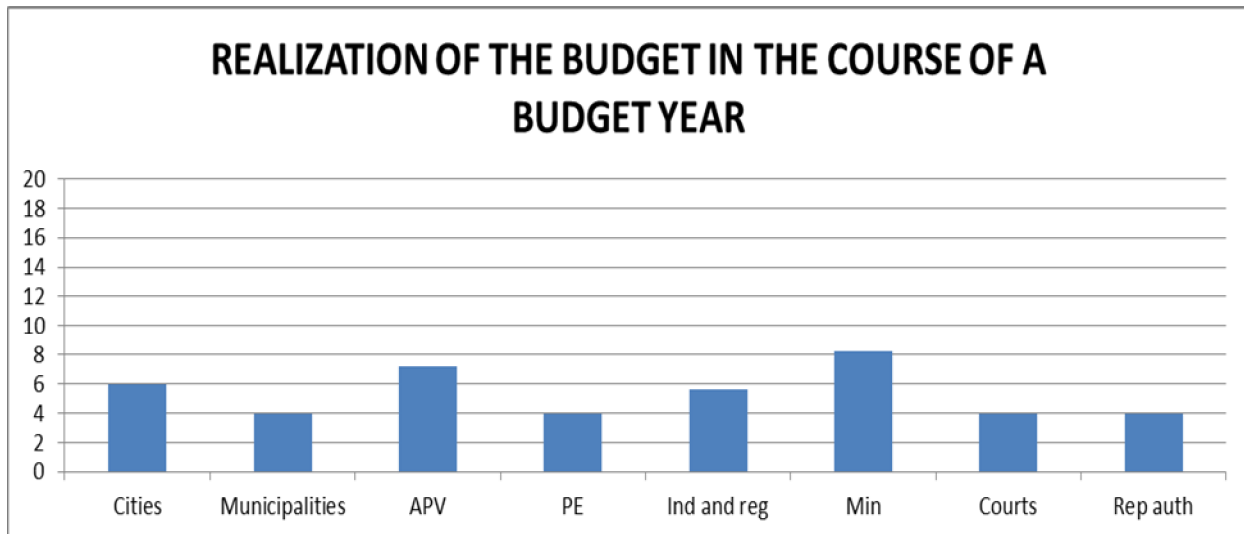
The third noticed problem is that the budget tabulations were often incomprehensive and unclear. Many public authorities copied tables from all the years they already had in their databases, instead of preparing for their readers of the information directory one table that would sum up the requested data and enable easier monitoring of the flow of costs by individual items through time. The fourth problem is that the public authorities meet the legal obligation by publishing the minimum scope of the data, not only in the information directory, but otherwise as well. Namely, each budget user keeps records on the expenditure in a far more complex format than the one that can be found in the Law on the Budget. In the budget regulations expenditures are portrayed in the "three-digit" economic classification. However, budget users use detailed analytics ("six figures"), which provides insight into the structure of certain costs, because the names of the basic categories, not just to the average, but also to the well-informed reader do not mean much ("contractual services", "procurement of machinery and equipment"). A real reason does not exist why data that provides further insight into the structure of the budget and the current state of income and expenditures would not be regularly available on the web-sites of public authorities.



27. Realization of the Budget in the Course of a Budget Year

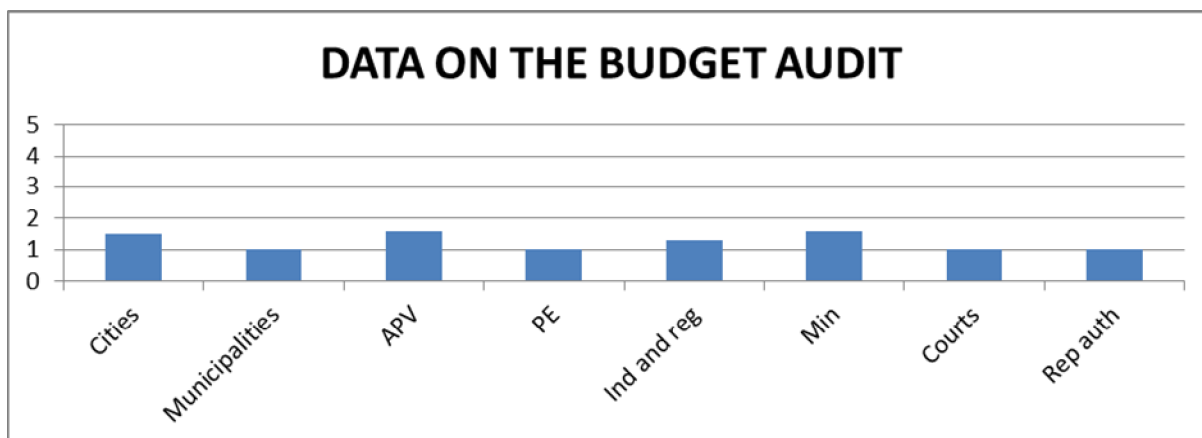
Publishing data on the realization of the budget in the course of a year appeared to be an even bigger problem. Meeting this obligation is also tightly connected to the updating of the information directory. However, the problem is broader, because it was observed that even when some public authorities that amended their information directories within some other chapters, did not update it in the past month regarding data on the budget expenditure or on the income and expenditure they realized on some other basis (i.e. public enterprises).

When meeting this obligation from the Instruction, the worst results observed were for municipalities, public enterprises, courts and highest state authorities, while the findings were slightly better for the independent and regulatory bodies and provincial authorities.



28. Data on the Budget Audit

One of the most common violations of the obligation from the Instruction is the one regarding the publication of data of the performed audit. Even when a business audit is not performed, public authorities are required to clearly state this fact. However, if it has been performed, it should be stated in the information directory, along with additional information on the findings that the auditors came to and a link to access the full audit report. Information of this kind could be found only for a few public authorities, and the ministries were slightly better than the others.



29. Data on the Planned and Completed Public Procurements

Public procurements, as a special type of expenditure that is often singled out as particularly problematic are separated into a special mandatory chapter of the information directory. The Instruction requires several types of input data. Primarily, these are plans of public procurements and reports on the performed public procurements, for which existing documents can be used as much as possible, that public authorities, as the procuring entity from the Public Procurement Law, have the duty to prepare – such as the three-month reports that are sent to the Public Procurement Office. However, for clarity reasons, it is not sufficient to merely copy the three-month reports, but rather to enter the key data from them into the information directory.

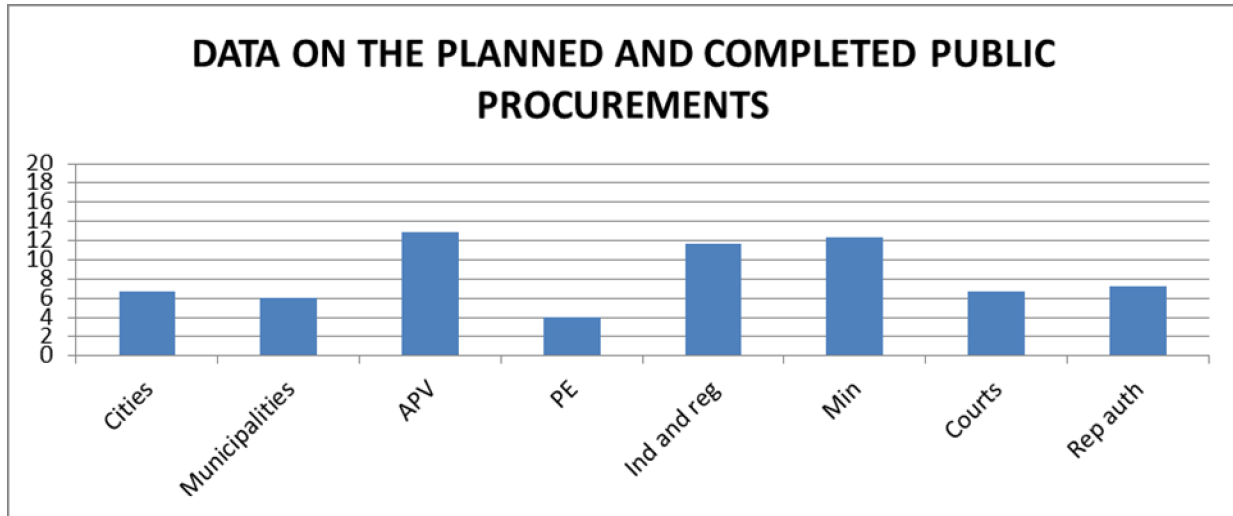
The second obligation concerns entering the values of the public procurements that are exempt from the application of the Public Procurement Law on some basis – procurement of loans, confidentiality, procurements below the threshold and enter their total value. Also, the procuring entities that publish data on the current procurements on their web-sites, it is suggested they enter this data and a link to it into the information directories.

This obligation is also, according to the findings, poorly met. One of the reasons is that the information directories are not up to date, which is why they are not mentioned in procurement plans for 2013, nor the data on procurements that were realized in 2013 or in the last quarter of the previous year. However, there are many cases where shortcomings cannot be explained only with this factor.

Among certain types of institutions, local self-governments, public enterprises and courts received the poorest results, while provincial authorities, independent and regulatory bodies and ministries received somewhat better results.

Posting information on current procurements is rare, and sometimes, instead of on a separate page, the readers are directed to the Public Procurement Portal or to the home page of the web-

site. The other big problem is that instead of a special portrayal, the reports that have been submitted to the Public Procurement Office are merely copied.

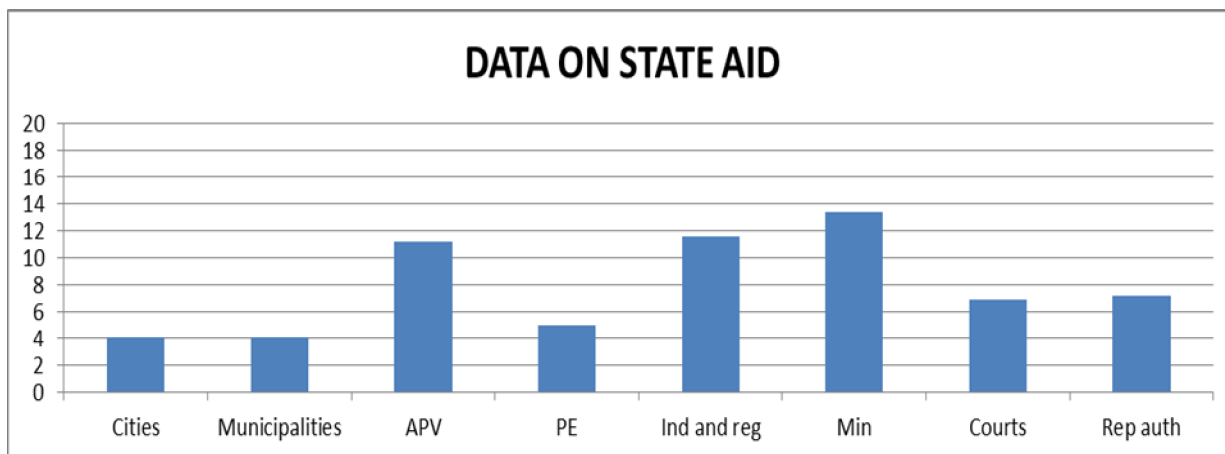


30. Data on State Aid

One of the novelties in the current Instruction for the preparation of information directories is the requirement for public authorities to indicate the data on “state aid”. This concerns the funds that the public authority grants to other entities (i.e. certain categories of business operators or the population) on a particular basis that does not involve an obligation of equal reciprocal giving to the public authority (i.e. transfers, subsidies, grants, donations, participation in project financing, loans under preferential conditions, exemption from payment of fees, lending out land, preferential rents, etc.).

The public authority should also, based on the Instruction, enter the following data: the type, legal basis, amount and assessment of the amount of funds allocated in the previous and the current year as aid, the amount or assessment of the amount of funds whose allocation is planned in the previous and in the current year and the number or assessment of the number of users.

A high number of public authorities had problems in meeting this obligation, and not only those who do not make such payments (and who would meet their obligation by explicitly stating that they do not do that, nor do they have the duty to do so), but rather for public authorities that inevitably provide a certain type of financial and material assistance to third persons. Therefore, the reason for concern is the fact that these parts of the information directories were poorly prepared by cities, municipalities and public enterprises, however they are not complete in the cases of some ministries either. In certain situations the incomprehension of the obligations reflected as stating that “the public authority did not receive anything as state aid”.

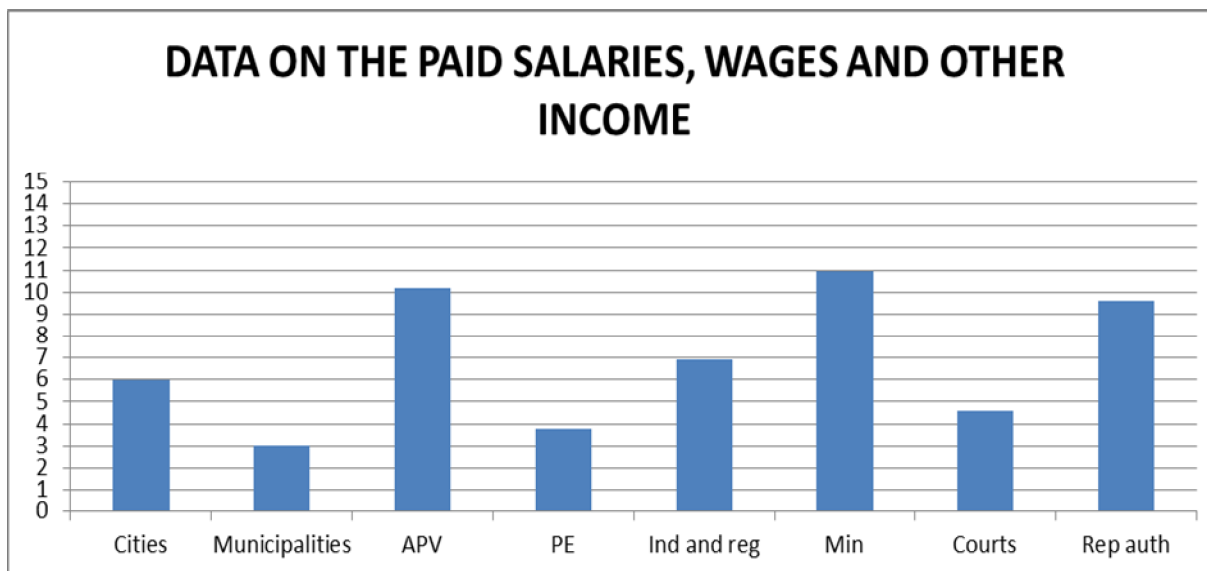


31. Data on the Paid Salaries, Wages and Other Income

One of the most interesting and most quoted parts of the information directories is the chapter on wages and other income of the top management and other employees in public authorities. The public authority is required to enter into the information directory data on how much the top management earns, or rather the salaries of the managers, as well as data on how high the salaries are, or rather the wages of certain categories of employees, according to the situation from the previous month.

Apart from the data on the regular salaries and wages of employees, an obligation is laid down to enter data into the information directory on the paid fees and other income in the course of the previous and current year for the top management of public authorities and all other persons that are considered to be public officials individually, and for employees in the full amount, along with indicating the type and basis of the fee.

None of the eight groups of public authorities came close to the maximum score within this category, and the poorest data was published by the municipalities, public enterprises and courts. Shortcomings in information directories are diverse. Most often it is not indicating how high the income of certain top managers is, even though it is explicitly requested in the Instruction, indicating the average salaries, without sorting them by category and indicating only the basic salary, without data on other income. However, the biggest problem in this area is that the data is not up to date. Even when it is published in accordance with the Instruction, the data, in many cases, is obsolete or it is not clear to which month it is related.



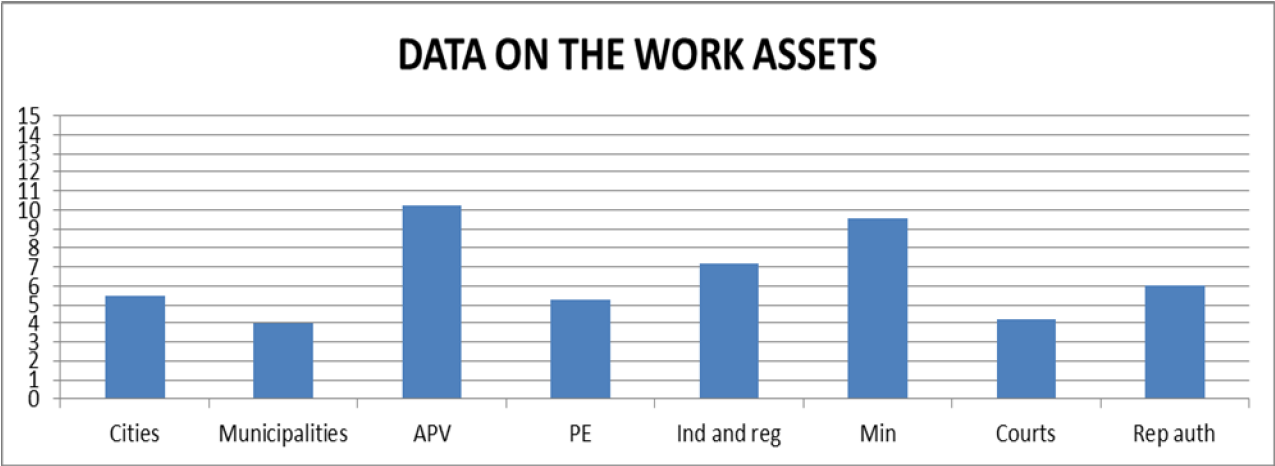
32. Data on the Work Assets

The Instruction lay down that data on immovable and movable assets which represent the property of the public authority, as well as immovable and movable assets that the public authority uses based on other grounds (i.e. real estate owned by the Republic of Serbia, vehicles in the ownership of the Administration for Joint Services of the Republic Bodies). It is obligatory to indicate the basis for the using these assets.

Data on the immovable and movable assets are entered according to the last inventory, if it is not older than a year, or based on the inventory that was performed for the needs of the preparation of the information directory. Assets should be portrayed individually, or by affinity, whilst showing their number, location where they can be found, size or essential features, procurement cost and/or value according to the books, the name of the organizational unit that uses them, data on usage condition and other relevant information.

If a complete list of this data is posted on the web-site of the public authority, the authority may provide a summary of the data and a link to where the complete information can be found in the information directory. Special rules are laid down for confidential data.

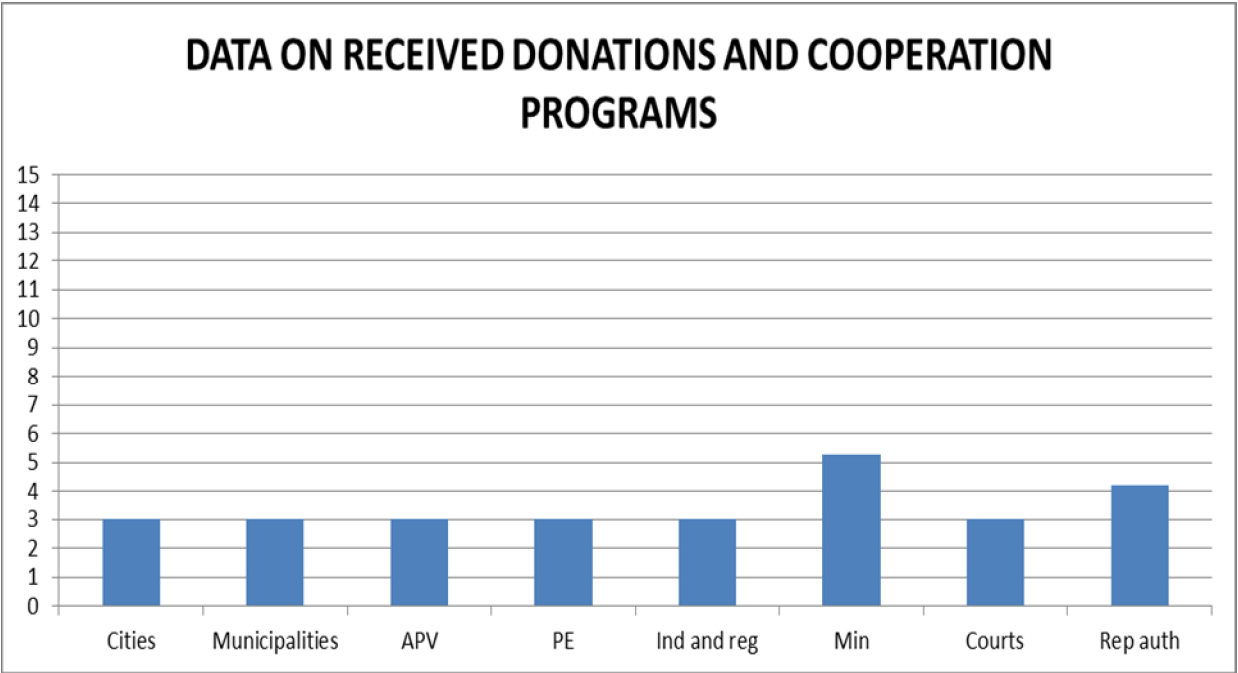
The best results in this category were observed for the provincial authorities, and the worst for courts, public enterprises and municipalities. In general, the most common problem was not indicating the data on real estate and the assets that the public authority only uses and does not keep separate records on them. Another common problem is that the regular inventory lists of movable assets do not contain all the data that is required to be published. The third problem, as in many other cases, is that the information directories are not up to date, which is the reason why the published inventory lists are over a year old.



33. Data on Received Donations and Cooperation Programs

One of the new obligations that did not exist in the previous Instruction of the Commissioner is the indication of data on the funds the public authority received on the basis of international and other types of cooperation and aid. This portrayal should include data for the previous and current year from whom, on what basis and for realizing which objectives the funds were allocated, as well as information about the expenditure of these funds, the achieved results, or rather the reasons if it is a project, contract or other work on this basis, why it was not realized. Therefore, this is where data on aid from foreign donors, regardless whether it was monetary or technical, should be specified.

However, the data is very scarce in all observed categories of public authorities. Most often it is not possible to tell whether such aid existed from the information directories. There are situations where such data should be found in a particular place in the information directory but it is not specified, while in the budget tabulations show that the public authority received certain funding. Even when the value and source of donations are specified, some of the required data is missing, and usually the data that would provide the reader of the information directory the possibility to gain a clear picture of the extent to which the objectives of donations were realized, that is, that the results were achieved by using the received funds.



34. Keeping Data Carriers

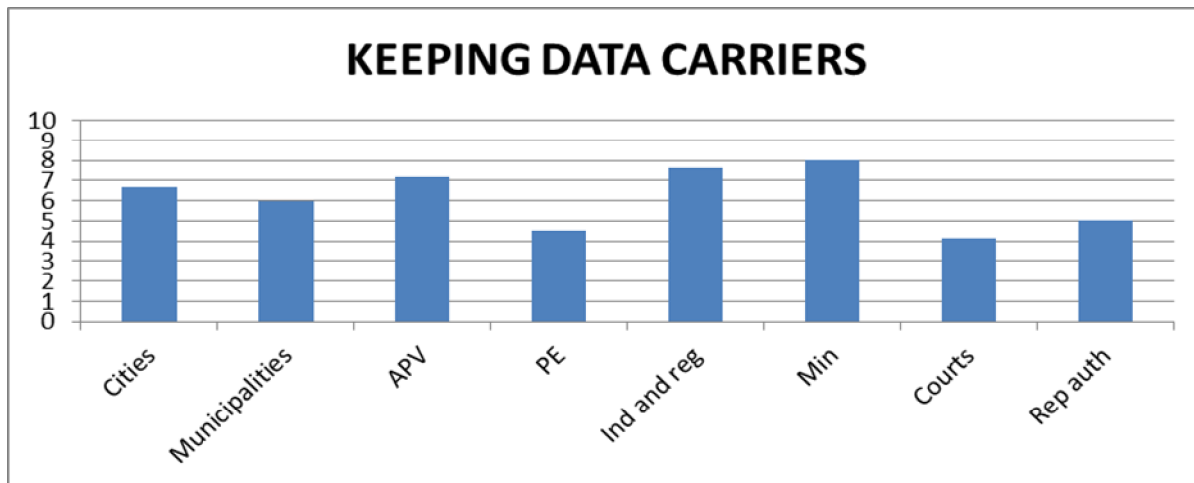
The Instruction contains an obligation to specify which type of carriers they possess, where and how they are kept. This should be done according to the type, determined or assessed quantity, as well as the type of data that they contain, if records on this exist.

The Instruction precisely lay down in which way this data should be portrayed (i.e. for the data to be kept by organizational unit or special places within the public authority (i.e. archives, libraries, electronic databases)). It is also necessary to specify the data on the manner of keeping the data in practice (i.e. whether it is conducted by security recording of the data to another carrier, whether the computers are protected from viruses, whether anyone other than the employees has access to the data carriers, if a periodical review is performed on whether the requirements for keeping data carriers are met, etc.) and to specify whether the conditions for keeping the data comply with regulations or the need for their preservation, if no such regulations exist.

The Instruction recommend that the public authority publishes a list on the duration of keeping certain data carriers (in general or in the premises of the public authority, before delivering it to the archives), for typical types of data, especially if they already possess this list or it could be prepared in a short time frame.

If some of the data was created in the course of the work process or was stored in relation to the work of the public authority on the data carriers that another public authority keeps (i.e. common administrative office of the republic authorities, city archive), data on this is mandatorily entered into the information directory.

When meeting this obligation various types of errors have been observed. By far the most often case of incompliance with the Instruction was providing very general data on data carriers the public authority possesses, but also in the manner of keeping it, and the worst grades were noted for public enterprises, courts and the group of the highest state authorities.



35. Types of Possessed Data

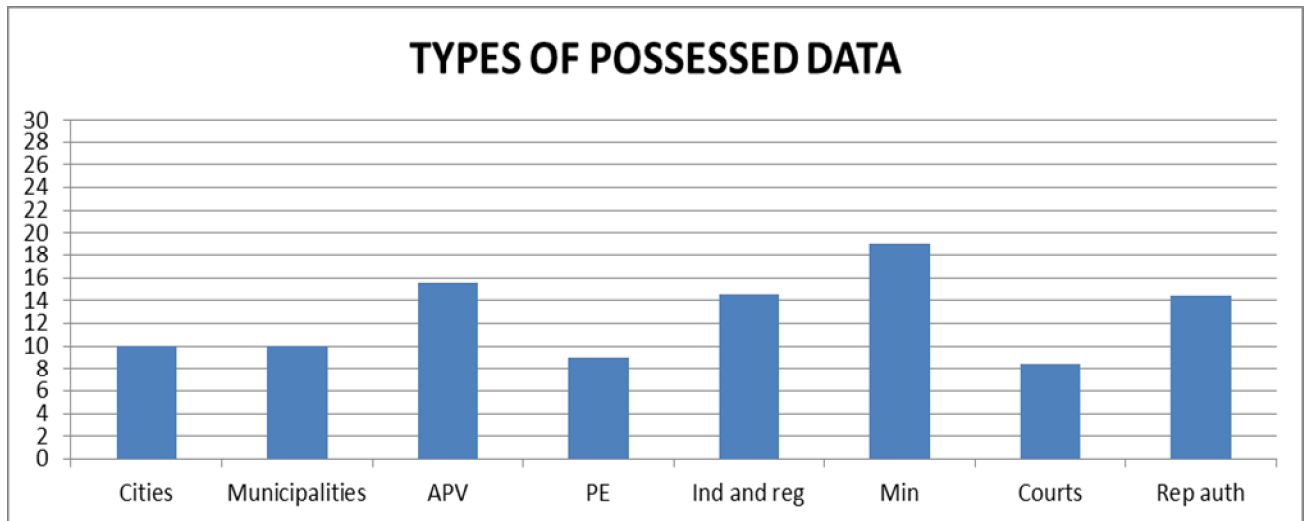
In order for potential applicants for information of public importance to be able to understand what they can request from a public authority, it is necessary for them to know what type of data the public authority possesses. Of course, they can intuitively file a request with the public authority for which to them should have such data, and they would not be making a mistake, because this public authority should forward the request to the adequate address. However, in that case, the entire procedure would last at least longer than necessary.

According to the Instruction, it is possible to request the public authority to prepare a list of all types of data resulting in the work or in relation to the work of this public authority that is still in its possession. This can be, for example, the following data: a collection of regulations, issued opinions, minutes of meetings, decisions, appeals, concluded contracts, audio and video recordings of events organized by the public authority, letters from citizens, received e-mails and messages on official work telephones, offers for public procurement and public calls, documentation on the made payments, documents on the employees, documentation of the implemented job announcements, draft work documents in preparation, official notes, submissions of the parties in procedure etc.

Preparing this chapter in accordance with the Instruction is a good opportunity also for public authorities to determine all the types of data they possess, but also to create conditions for the preparation of the next chapter, on the data into what data the public authorities will regularly provide insight into.

The research showed that public authorities mainly have not published what was necessary. Data on the types of data they possess is most often very general. In some cases this chapter is

completely summarized with the previous chapter. The data was specified in the best way by independent and regulatory bodies, ministries and public enterprises, and the worst on the local level.

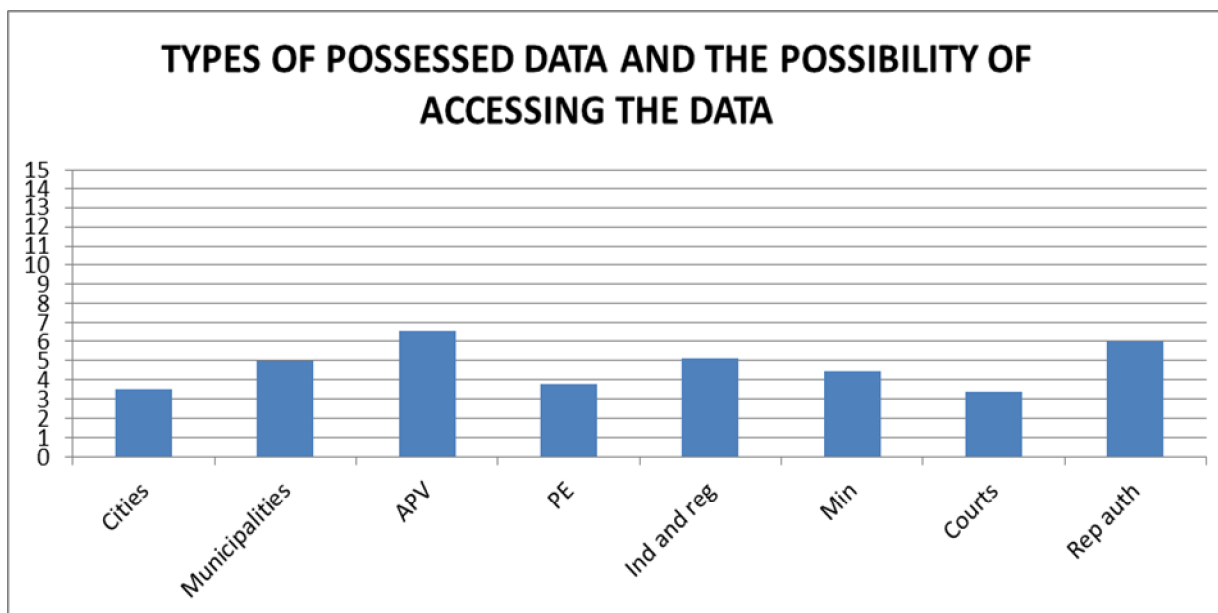


36. Types of Possessed Data and the Possibility of Accessing this Data

When a public authority once determines what type of data it possesses, it should be specified in the information directory that this data will always be accessible, and in which cases access to data will be denied, and on which basis. This can be stated by listing various types of data that a public authority possesses and it will be specifically marked in the following manner:

1. Access granted without limitations;
2. Access granted in principle without limitations, except in situations that the public authority describes (i.e. «for access to the minutes from meetings there are no limitations except when the meetings are closed to the public»; «that access to the notices parties submit be accessible without limitations only to parties in that particular procedure») or
3. A possibility exists for denying access to data based on the Law, where the basis for possible full or partial denial from Article 9, 10 or 14 of the Law is stated (i.e. that access will not be granted to the issued statements of the public authority, because they have already been posted on the web-site; that insight into documents from pre-criminal proceedings will not be granted; that access to data on the numbers of bank accounts of the employees will not be granted).

The findings of the research were poor for the public authorities. Public authorities of the autonomous province, ministries and independent and regulatory bodies were slightly better. By far the most common case of incompliance with the Instruction was the providing general answers that can be summed up as “that all data is accessible apart from the data that is not”, therefore, exactly the opposite of what this chapter is in its essence.



37. Manner of Filing a Request

At the end of the information directories there is a chapter that is dedicated to the application of the Law on Free Access to Information of Public Importance and filing requests for free access to information.

The public authority is required to accurately describe all aspects of filing the request that the public authority can use, and relevant contact information for filing the request, such as: the postal address, fax number, address for receiving e-mails, the exact place (i.e. address, number of the counter or desk or office) and the time at which the request may be filed orally on the record.

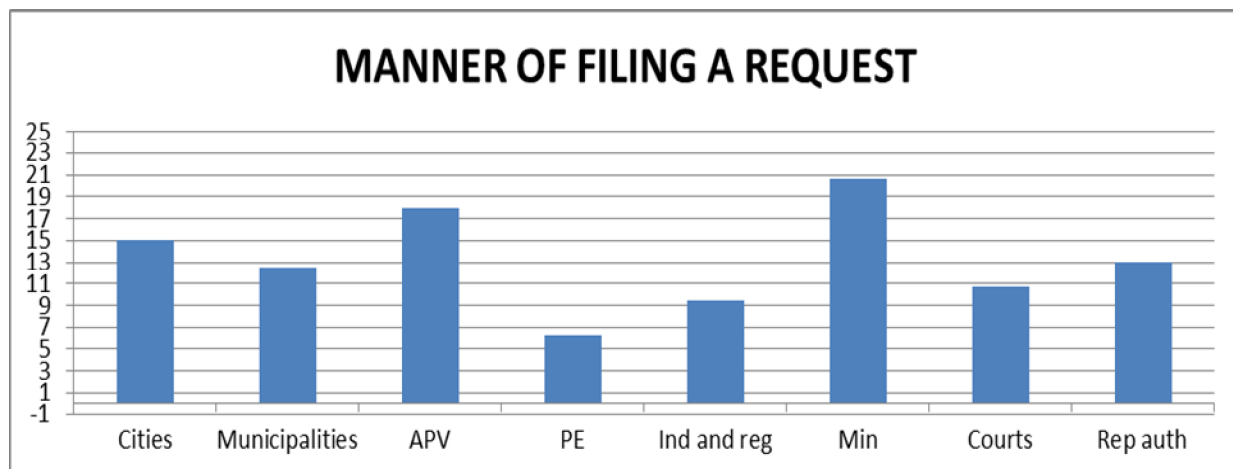
The public authority specifies also the following data, by transferring or describing the provisions of the Law:

- that anyone can file a request for access to information;
- what information the request shall contain;
- that the reason for seeking this information does not have to be specified in the request;
- in which manner can the right to access to information be realized (insight, copies, etc.);
- that public authorities can charge only the cost for reproducing and sending copies of documents that contain the requested information and what the costs for reproducing are;
- that the public authority has the duty to act upon the request without delay, and no later than 48 hours, 15 days or up to 40 days depending on the type of information requested;
- that the public authority has the duty to enable access to the information or to pass a decision that rejects the request for reasons that are laid down in the Law;
- that the applicant of the request has the right to appeal, or rather to initiate an administrative dispute against the decision of the public authority, as well as in the case when the public authority does not grant access for the request nor passes a decision rejecting it and

- that the applicant has the right to appeal, or rather the right to initiate an administrative dispute, to the conclusion rejecting the request of the applicant as incomplete.

The Instruction lay down that links to the forms for the requests and appeals should also be entered into the information directories, or rather notes of urgency and complaints, which are posted on the web-site or a link to such forms that have been posted on another web-site. If these forms are not posted on the web-site of the public authority, the authority should enter them into the information directory.

Ministries had the best results, and public enterprises the worst results. The shortcomings of the information directories were diverse. In certain cases the mandatory parts from the Law were not published; in other cases, the forms or links that would lead to them are missing; in third cases, the data significant for the application of the law was not sufficient. The most complete information directories on work were prepared by ministries, and the most failures were observed for the public enterprises.



IV Focus Groups

Within the project, three focus groups were held with diverse categories of participants. The objective was to find out to what extent the information directories on work are used and for what purposes, what are the main obstacles for their use, and how this method of informing the public about the work of public authorities could be made more successful. The workshop for journalists was held on the 22nd of February of 2013, for citizens on the 16th of March of 2013, and for representatives of non-governmental organizations on the 11th of April of 2013. All three focus groups consisted of a few modules – the starting questionnaire on the use of information directories up to now and knowledge on the information directories and duties of public authorities, as well as a discussion on certain points in the information directory, need for this data and manner in which these documents should be supplemented and modified in order to better serve the needs of the users.

Journalists used information directories on work, for more than one purpose – as the main source for a text, as the basis for further investigation, as the source of checking other findings and as a source for the contact person from whom additional information should be collected for the text. They stated that the main problem for using information directories was the fact that they were not up to date or that the information was not fresh, but also that they could not rely on the accuracy and completeness of the information. In situations when journalists have a source in the public authority that is prepared to cooperate, journalists opt for this way of retrieving information, because it requires less time than reading the information directory, even when all the information is published in the same place.

Journalists agreed that what is foreseen in the Instruction to be published in the information directories would be significant for their work, and for certain information prior to the workshop they didn't even know that it should be published in the information directory. This shows the need for further promotion of the information directories, once it is ensured they are up to date and complete, in order for journalists to use them more often and in a broader scope. The journalists also stated a suggestion regarding the broadening of the scope of information that needs to be presented in the information directory or the manner of presenting them. In principle, it was not of crucial significance whether the data was published in the information directories or elsewhere on the web-site, however they believe it is necessary for the data to be easily accessible. So, among other things, they suggested: 1) that the curriculum vitae of the officials should also be in the chapter on the top management of the public authorities, 2) that the data on each individual procurement (with whom they concluded the contract, the number of bids received, a link to the tender documents) should be made available in the chapter on public procurement and 3) that a comparative view of the number of employees, as well as their level of education, not just the current state of employment, should be made available, 4) that the data on property should be portrayed in detail so that it includes data on the real estate owned, leased or loaned on some other basis by the public authority, the location and size of the real estate, but also the data on the movable assets that would include for example the year of production of official work vehicles, number of license plates and similar; 5) that in the chapter on the budget, data on the received donations, costs of representation, communal costs, monetary duties and obligations of the public authority, guarantees for loans that the state provides as well as data on all the transactions over a certain amount should be available. In the event that the public authority has a separate budget line 481 – grants for non-governmental organizations, the organizations they give these funds to should be specified.

Citizens (ten of the respondents from Belgrade that were chosen from a sample formulated in advance and a selection interview) most often inform themselves on the work of public authorities through the media, and apart from that some of them use specialized web-sites on which they can find information that interest them in particular (i.e.: Beokom service, Serbian Business Registers Agency) or web-sites of public authorities on which they wish to find more information on. All respondents agree on the fact that they do not get enough information about

the work of public authorities from the current available methods, that the information they find is often incomplete or out of date and that they would like to be better informed. When it comes to the way of obtaining some of the services provided by the public authority, the option that people usually take is to visit the institution that provides the service, and to a lesser extent they inquire about the information via telephone and the Internet. The main criticism for this form of obtaining services is that it is a waste of time that needs to be used for this ("walking from counter to counter," inadequate working hours for obtaining such services because they tend to coincide with working hours of the employed respondents), the officers who are responsible for providing information to interested citizens knowing only partial information or even no information at all, in person or by telephone, the lack of information about who the officers who are in charge and responsible persons who interact with the public are and similar. The main objection for obtaining information and services through the internet is that the posted data is not updated regularly, as well as the lack of information on the person who is responsible for the accuracy of the information on the website of the public authority.

The interviewed citizens generally do not have an accurate idea of what information directories on work are. Most of them said that they are documents that the public authorities publish if they wish to explain a particular procedure to the citizens. However, when they were given such a document, most of the interviewed people opted for the answer in the questionnaire stating that the information directories on work are posted on the web-sites of public authorities. Half of the participants of the focus group stated that they never used the information directories on work. The interviewed citizens that had used them said they obtained information on the working hours and documentaton on the manner of initiating a procedure. Some of the interviewed people "mostly" found the data they were seeking and others stated that the data was incomplete, not up to date and could not find the data they were seeking because they did not know in which chapter they should look for it.

The research showed that the authorities tend to have the correct orientation when it comes to the content of individual chapters of the information directories. The content of the chapters themselves, by their complexity, go beyond the expectations of the respondents, as well as the scope of information provided in the information directories. Namely, the respondents were surprised with the fact that information directories contain data on the business conduct of the public authority, income and expenditure, public procurements, salaries of the employees, as well as the description of the realization of the right of access to information the public authority possesses. The informativeness is rated poorly in terms of the portrayal of the data on public procurement. Various categories of public procurement are displayed only in summarized form in insufficiently comprehensible general categories (i.e. goods and services). From the point of view of the citizens, it would have been more appropriate for the provided categories to be specified or at least for a link to exist for what a concrete procurement was related to. The same case was found for the salaries of the employees indicated in coefficients and salary grades. The most unclarities concerned the contents of the information directories we encountered for the

chapter on data on state aid and on the data the public authorities possesses. In the first case it was not clear to the respondents whether the public authority receives the aid from the state or whether it provides the aid to others. In the second case the respondents did not have a clear orientation on what type of information the public authority could possess.

Among the respondents there was general consensus on the fact that the chapters the information directory contains are useful because they serve for better control of the monitoring of the work of public authorities. However, to them the most significant chapters were the ones on the type of service, procedures on the provision of services and the internal organizational structure of the public authority. According to the assessment of the respondents, it would be good if the specified information be presented more clearly in order for citizens be more interested in using them. The respondents proposed the establishment of a clear list of services and merging chapters that are related to services. Concerning this, the respondents emphasize that it would be useful for some algorithm to exist on the possible outcome according to which the citizens would be steered in the right direction. Also, it would be useful if the citizens would receive information that would enable them to monitor the various phases of the provision of services (i.e. regarding the submitted request for legalization, regarding a dispute, complaint...).

A special review should be dedicated to the form of the document. The language the document is written in is more adequate for lawyers than other professions and contains an abundance of data that makes it difficult for the "regular" citizen to navigate within. The chapter on the list of regulations the public authority applies, although useful, in the opinion of the respondents, burdens the document and it would be appropriate to specify this as additional content or under a link. The contents of the document presented in interactive format (which some public authorities do not use, even though it is mandatory) would enable easy navigation and motivate respondents to use it. The proposal was presented for the provided form of the information directory on work to be supplemented with a search browser where citizens could find information of interest to them by keywords. In this respect it should be understood that the proposal for schematic view of the organizational structure be presented in a form that allows you to click on it and immediately enter detailed information about the individual organizational units of public authorities in order to obtain information on the functions, departments and contacts.

Information directories on work that are posted as a banner at the bottom of the page gave the impression to some of the citizens that this is a document of less importance or intended for professional persons and not citizens, and many stated that they probably would not open such a banner. Also, access to the document with more than one click would discourage many in looking for the information directory. When it comes to the printed version of the information directory, the suggestion is that the chapter on services should be placed immediately after the basic information and data on the organizational structure of the public authority, because it would be difficult for the interested citizens to detect it otherwise. Among other things, the proposals put forward were for the title of the document itself to be explained with terms such

as "about us" and "for you". The respondents also suggested that it would be good to promote the information directories on work more through the media, through flyers that would be handed out to citizens in counter halls of institutions that the majority of citizens usually visit (municipalities, health care centers, Pension Funds, courts ...) and in parallel have a campaign on billboards.

The participants consider the information directory on work to be a useful document, primarily in the sense that the information on services the public authority provides. However, the bulkiness of the document and how the document is presented makes it harder to use and makes it less adapted to the needs of citizens. The document does not fully satisfy the need for a simple and easy way to get information to interested citizens. In this sense, proposals for the merging of individual chapters of the information directories and possibly to be put in a more concise form that is more appropriate for the needs of citizens should be understood and taken into consideration. Also, an interactive way of presenting the document would serve the same purpose.

Activists of non-governmental organizations emphasize the data information directories on work contain are often an inspiration for them to research a certain topic further, however in concrete cases they opted for obtaining the information based on the requests for free access to information, even though they did not check whether it could be found in the information directory. They state that it happened quite often that the level of information they found in information directories was not sufficient for their needs and that it was also problematic because the information was not up to date. Concrete proposals were put forward: 1) that it would be good if public authorities of similar competences had a common information directory on work. This way it would be possible to avoid the problem they encounter in their work that apart from the fact that the competences of some public authority are specified in the information directory, in practice it often happens that a negative conflict of competences of public authorities exists (for example inspections refer citizens from one inspection to the other, claiming they are not competent for a particular issue, but rather another inspection service); 2) Competence of public authorities should be better structured by topic, or rather in the case of public authorities expanding their competences, they believe that it would be better to divide them by areas (as an example from practice the information directory of the work of the Ombudsman was indicated); 3) When specifying the obligations of public authorities and legal basis for meeting them, they believe the public authority should indicate whether it has met the obligation, and if it hasn't to mandatorily specify the reason for not performing its duty; 4) Work results of public authorities should be presented (how many inspection checks were performed in a certain time period, how many decisions or licenses were issued, how many requests were filed, how many appeals...), in parallel to the work plans, which is laid down in the Instruction, but is not applied in practice; 5) for the data in the information directories to be merged by particular services (which documents should be submitted, the manner of submitting them, the procedure, the deadlines and price, when they are provided free of charge, the number of cases);

6) to enable access to information directories on work to citizens who do not use the Internet, by providing information directories to be found in libraries; 7) to ensure the information on the Internet is accurate and to sanction inaccuracy; 8) participants noticed that in information directories only the approved budgets can be found and not the planned budget. They feel that the data on the budget is not comprehensible to average citizens and that it would be necessary to provide an explanation, to specify for which objectives it is directed. The budget should be in a format suitable for searching (i.e. an excel document); 9) data on concrete procurements; 10) interactive contents of the information directory and publishing databases the public authority possesses with the option of searching them; 11) certain information directories on work are too large (over 500 pages) and the data should be presented in a way that it is comprehensible to an average citizen (without quoting provisions of the regulation, copying decisions regarding the budget, by entering graphic schemes and views and placing links leading to more detailed information and similar.

V Conclusions

The legal obligation of preparing and publishing information directories of work in accordance with the Instruction of the Commissioner are still being violated to a great extent. As it has been determined in the previous research of Transparency – Serbia concerning this topic¹, the largest problem is that the information directories are not up to date – most of the information directories have not been updated for more than half a year, even though a legal obligation exists to do so each month. This inefficiency undermines the confidence of citizens and journalists to find accurate and complete information in this document. Public authorities continue to most often fail to publish data on the realization of the budget in the course of the year, to precisely indicate in which cases they deny access to information and to show data regarding aid programs. Data on services that public institutions provide are also very scarce, and in a high number of cases data on the actual deadlines of performing the work, the statistics of the provided services and the description of the proceeding of the public authority is lacking. The situation is slightly better regarding the portrayal of public procurements.

The basic problem is the situation that still exists, that information directories on work do not exist at all. According to the annual report of the Commissioner² 17,2% of the courts, 70% of the public prosecutors, 42% of the provincial authorities, 35% of the cities and municipalities, 17,3% of the public enterprises as much as 91,6% of other authorities did not prepare information directories. The non-existence of the information directories on work was also

¹ The results of the research were presented on the 28th of September, on the occasion of the International Day of the Right of the Public to Know and can be downloaded from the following address

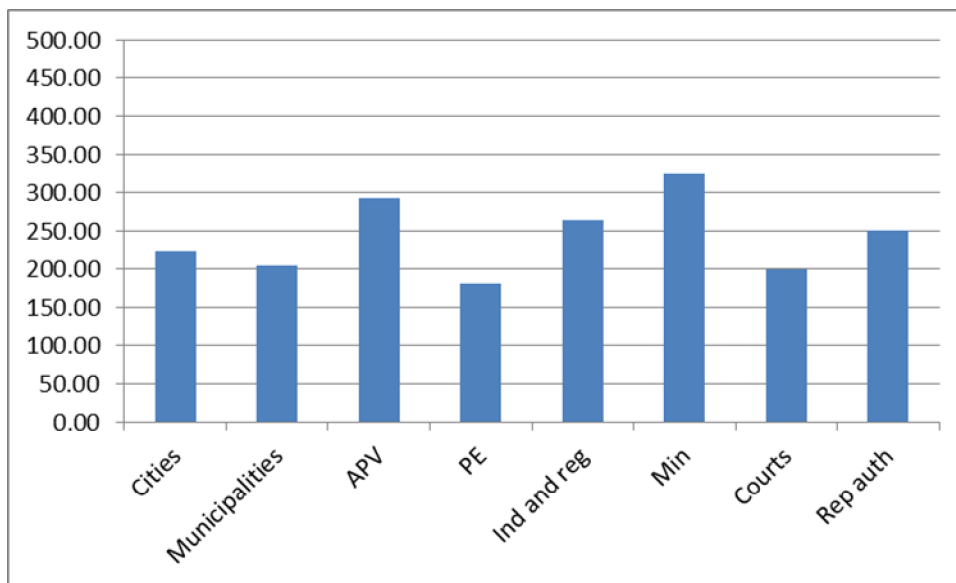
http://www.transparentnost.org.rs/index.php?view=details&id=1229%3Ameunarodni-dan-prava-javnosti-da-za&option=com_eventlist&Itemid=25&lang=sr

² <http://www.poverenik.rs/sr/o-nama/godisnji-izvestaji/1562-izvestaj-poverenika-za-2012-godinu.html>, table on page 52.

reflected in our research, because we were not able to include some institutions, and in two cases the information directories existed, but they were removed and replaced with new ones during the course of the research (the General Secretariat of the President of the Republic and PE "Serbian Railways").

The research showed, the overall picture, that the ministries had met the requirements, then the provincial authorities, who received nearly two-thirds of the possible points in the evaluation; that they are followed by public authorities from the group of independent authorities and regulatory bodies, five high state authorities against whose decisions applicants cannot file an appeal and cities, that received between 45% and 55% of the possible points in the evaluation; municipalities, public enterprises and courts are at the bottom with less than 40% of the possible points.

Graphic: Average grade by individual categories of public authorities



Individually, information directories on work of the following public authorities received the best grades:

- Local self-governments: the Mayor and City Council of the City of Novi Sad and the City Municipality of Lazarevac
- Provincial secretaits: for culture and finance
- State authorities and regulatory bodies: the Republic Broadcasting Agency, the Anti-corruption Agency, the National Bank of Serbia
- Ministries: Finance and Economy; Defense; Energy, Development and Environment Protections; Science, Education and Technological Development; Justice and State

Administration; Natural Resources, Mining and Spatial Planning; Labor and Social Policy, Foreign Affairs; Internal Affairs; Foreign and Internal Trade and Telecommunications.

- Judiciary: Apellate Court in Novi Sad

According to particular provisions of the Instruction that needed to be met, the best results were observed regarding the access to the information directories on web-sites, non-publication of scanned documents, search options and publication of information on the organizational structure of public authorities. On the other hand, data that is most often missing is what information the public authority does not provide insight into, which donations and aid programs the authority was a beneficiary of, which tools for work the authority possesses, whether an audit has been performed, what the realization of the budget in the course of a year is, how many services the public authority provided and what is the realistic deadline for providing services.

VI Recommendations

The results of this research clearly indicate the need to ensure the initiation of proceedings against a public authority that drastically violates obligations. One way to achieve this re-entering into procedure is through amendments to the Law on Free Access to Information of Public Importance³ and providing the Commissioner with powers to initiate misdemeanor proceedings, and until then, active involvement of the competent Ministry of Justice and Public Administration in the initiation of misdemeanor proceedings. Strong political will is equally necessary. Publication of complete and up to date information directories could be one of the most concrete indicators of intent for pre-election and post-election promises on greater transparency to be put into practice.

However, apart from the mechanisms that would ensure that what is defined as a legal obligation becomes a reality, it is necessary to recognize the benefits that information directories on work can contribute to the authorities, through the promotion of their work, but to their readers also. Research has shown that there is still a strong need to promote information directories on work amongst journalists, NGOs and citizens. Of course, for this promotion to have a purpose, it is necessary to ensure up to date and complete documents, because otherwise their use could become a reason for a new disappointment and loss of confidence.

In order for public authorities to meet their obligations in the highest quality it is necessary to conduct training, but also to ensure, through internal acts for people who are in charge of

³ The proposal of the law was withdrawn with all other proposals of the previous Government and it was not stated whether and when they will be proposed again. The significance of these amendments is elaborated on page 11 of the annual report of the Commissioner.

preparing these documents to have all necessary documents at their disposal in a timely manner in order to perform their work. Many things can be achieved also through networking and cooperation of public authorities who have similar competences (i.e. courts of the same rank from different parts of the country, local self-government authorities), due to the fact that together they can prepare certain parts of the information directory on work and that they can learn from one another about best practices.

The research showed that public authorities, that published information directories on work, should especially take into consideration whether the following obligations have been met and improve the quality of the information directories:

1. Adoption of an act that shall establish the rights and obligations of the responsible person and monthly updating of the data that is most often amended
2. Including data on the public authority in the information directory – the legal predecessor (i.e. in the case of merging ministries)
3. Enabling access to the information directory through the main menu and promoting it with banners, to increase visibility
4. Comparative updating of the information directory in both scripts, if two versions of the web-site exist, using simple and quick programs for transliteration. Preparing documents in the language of national minorities, in areas where a legal requirement is laid down for this
5. Connecting the information directory with other parts of the web-site of public authorities, through external links, in order to allow readers access to information that has already been posted, especially regarding services, plans, reports and procurements, and to unburden the text of the information directory itself
6. Connecting certain parts of the information directory through internal links, with an aim to avoid unnecessary repetition
7. Preparing the information directory in a searchable text format (Word or similar)
8. Posting interactive graphic schemes of the structures of the public authorities
9. Preparation of a narrative structure of the public authorities in a way for it to be clearly presented in which organizational units people are engaged to work for a limited time period, and in which way the understaffed units or other problems reflect the work performance foreseen in the organizational structure

10. Tabulation of changes in the number of employees by year
11. Connecting data on the information most often requested from the existing info-services, guides and information notices
12. Tabulation of obligations and powers instead of copying the text from regulations
13. Posting links for plans and reports
14. Posting information on the actual deadlines for proceeding regarding the provision of services, entering data on all services that a public authority provides and posting links for forms
15. Preparing comparative tables for the planned, approved and executed budget and posting links for searching budget tables and justifications of the budget
16. Posting links for additional data on individual public procurements, and presenting the data in a summary on the planned and enforced public procurements in the information directory (instead of copying three-month reports)
17. Reconsideration of whether the public authority has activities that are in the sense of the Instruction considered as “state aid“ and entering information regarding this matter
18. Entering remarks regarding the time period for which the data refers to on the payments of salaries and wages
19. Entering data on the tools of work the public authority uses that are not in the ownership of the public authority (i.e. real estate, vehicles)
20. Posting links for reports on the enforcement of donation projects
21. Establishing the type of data the public authority possesses, preparing detailed presentations and documents to which access may be denied, bearing in mind the obligations of the public authority from the Law on Data Confidentiality and the Law on Personal Data Protection

Apart from this, the research provided clear indications that the legal framework needs to be changed not solely through amendments to the Law on Free Access to Information of Public Importance that were put into procedure last year.

Concerning this issue, there is some mention of a draft Action Plan of the Government of Serbia for open administration that is currently in public debate⁴. Namely, the pre-condition for the information directories to be less detailed than they are now, is to lay down the obligation for public authorities to create their own web-sites, to be accountable for the accuracy and up to date information that is posted on these web-sites and to present certain content on their web-sites. Currently, when even the basic legal obligation does not exist for creating a web-site, the detailed requirements from the Instruction regarding the content of the information directories are the only way for the public authorities to be obliged to post certain data concerning their work. Therefore, in no case should the scope of the information that needs to be portrayed in the information directory on work be reduced, until legal amendments are made that would ensure that they become available in some other way.

However, some thought should be put into amendments of the Instruction that would aim to better satisfy the identified needs of users. In this regard, the Instruction could be amended in one of the following ways:

- Compression of certain mandatory chapters – i.e. the first two chapters on services could be consolidated, and data for each of these services to be grouped; to combine chapters on competences and the description of procedures within the competences; to combine statistics of the provision of services and procedures within the scope of competences; to combine chapters on the types of information a public authority possesses and the type of information that is available
- Separation of certain chapters – i.e. for data on the employees and data on the received donations and aid programs to be divided into separate sections
- Changes of the mandatory contents of certain chapters – that the part on the officials be broadened with biographies and to take out parts that need to be elaborated in other chapters; introducing the obligation of posting links for documents on individual public procurements, more user friendly presentation of data on the budget; to make the graphical portrayal of the organizational scheme interactive; introducing the obligation of public authorities to indicate why they did not meet their obligations;
- Change of the format – to entirely forbid direct copying of legislation and other documents that are published in another place on the web-site in order to achieve greater clarity.

4

http://www.euprava.gov.rs/eParticipacija/javne_rasprave/155/javna_rasprava_akcioni_plan_za_otvorenu_upravu_uz_promenu_ikt.html