

**ACCESS TO PUBLIC
INFORMATION
IN GEORGIA**

2021

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2021

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MAIN FINDINGS



Out of 8 446 requests sent to 285 public institutions in 2021, IDFI received a response to 6,961 (82%);



Out of 8 446 requests sent to public institutions in 2021, IDFI received information within the prescribed 10-day period in 4,545 cases (54%);



In 2021, a large percentage of public institutions (28%) left requests unanswered or refused to submit internal audit reports;



In 2021, the instances of unanswered requests related to the fight against the pandemic, which would understandably be of high public interest, were particularly problematic. For example, the Ministry of Health refused to provide information on the expenses for purchasing coronavirus vaccines, cases of coronavirus confirmation during treatment in medical facilities, and others.



In 2021, by category of institutions, the highest percentage of requests were left unanswered or denied by state-owned LLCs and NNLEs (80% unanswered, denied); the highest percentage of complete responses (84% complete) was observed in the group of public institutions that includes: the Government and Ministries of the Autonomous Republic of Adjara, the Government of the Autonomous Republic of Abkhazia, and the Administration of South Ossetia.



In 2021, 13 public institutions issued public information in full and within a period of 10 days (among these were: the Office of the Public Defender, the Office of the State Inspector, Information Center on NATO and the European Union);



In 2021, the number of public institutions issuing public information in full and within a period of 10 days decreased by 6.



In 2021, IDFI noted the Ministry of Culture, Sports and Youth of Georgia as the most closed public institution;



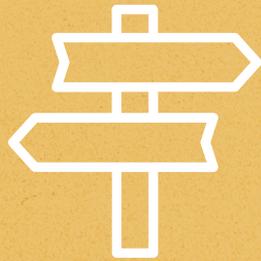
In 2021, in addition to the Ministry of Culture, Sports and Youth, another 14 institutions (including 13 local self-government city halls and councils) were found to have left all requests from IDFI without response;



Among the central public institutions, the highest rates of access to public information were observed in the Ministry of Regional Development and Infrastructure of Georgia (95.93%) and the Ministry of Environment Protection and Agriculture of Georgia - 95.65%,

and the lowest indicators were observed in the Administration of the Government of Georgia (30.44%) and the Ministry of Culture, Sports and Youth (0%);

-  The rate of responses from public institutions in 2021 improved by two percent compared to the results of the previous year (82%);
-  In 2021, the percentage of complete responses increased by 2% compared to the previous year, while the percentage of unanswered requests decreased by 4%;
-  In 2021, the percentage of unanswered requests by the agencies subordinated to the ministries decreased by 25%, while the unanswered requests by self-governing units increased by 10%.
-  In 2021, the rate of timely disclosure of public information improved by 5%, reaching 54%. Despite the progress, this figure is the lowest since 2012, with the exception of the year 2020.



INTRODUCTION

The NNLE “Institute for Development of Freedom of Information” (IDFI) has been monitoring access to public information in Georgia since 2010. IDFI’s systematic monitoring has made a significant contribution in identifying key trends and problems in access to public information, implementation of effective public control mechanisms, and development of public sector accountability and open governance.

In the year 2021, similar to the previous year, the importance of access to public information became especially prominent given the crisis situation created by the COVID-19 pandemic in the country. Against the background of the pandemic, the risks of opaque and irrational management of budget funds increased significantly, which was due to the existing challenges related to access to information, significant increase in funding received from abroad, procurement without tender procedures, and more.

In 2021, the state of emergency in the country did not lead to any legal restrictions on the disclosure of public information, unlike the previous year¹. Nevertheless, other challenges related to the restriction of access to public information associated with the pandemic remained on the agenda in 2021. For example, difficulties specific to the pandemic situation, such as those related to remote work by public servants, possible spread of the virus in various agencies, direct involvement of a particular agency in the fight against the pandemic, and other similar factors, hindered the mobilization of resources necessary to provide access to information. At the same time, the situation created by the coronavirus pandemic may have become an additional motive for restricting public information for unscrupulous officials.

In 2021, there was an indirect legal restriction on the release of public information in the form of the number of days off defined by the Government of Georgia during the fight against the pandemic, which in turn led to the legal suspension of the disclosure of public information during these days.

Despite the challenges posed by the pandemic, IDFI continued to actively monitor access to information in public institutions in 2021. The long-standing practice of naming public institutions as the most open or closed agencies helps maintain high standards of accountability in similar extraordinary situations and to encourage healthy competition in the public sector.

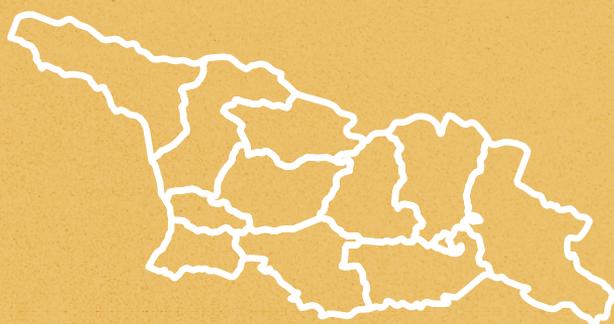
This report presents an assessment of the state of access to public information in Georgia based on data from 2021. The report also includes an analysis of trends in the disclosure of public information in 2010-2021 and ratings of access to public information by public institutions.

¹ From March 21, 2020, a state of emergency was declared on the entire territory of Georgia, restricting certain rights guaranteed by the Constitution. Among them, the deadlines for issuing public information were suspended. The suspension also extended to cases where public information was requested prior to the declaration of a state of emergency and the deadline for issuing the information had not expired. The state of emergency lasted until May 22, so access to public information was suspended for 2 months in 2020.

IDFI information accessibility methodology and criteria developed in 2011 were used in compiling the ratings. While compiling the ratings, we used the methodology and criteria for assessing access to information developed in 2011 by IDFI².

In 2021, significant steps were taken to increase the effectiveness of parliamentary control over access to information in the public sector. **Specifically, the Committee on Human Rights and Civil Integration of the Parliament of Georgia began** the implementation of the commitments made in the format of the Permanent Parliamentary Council for Open Government in 2017, which prescribes the introduction of effective review procedures and response mechanisms for the so-called December 10 reports related to disclosure of public information. This report also reviews the results of the research conducted by IDFI in the framework of this process and its role in the conclusions of the thematic research group of the Parliament of Georgia.

² See IDFI- report – [Access to Public Information in 2017](#) – p. 3; p. 17.



**ACCESS TO PUBLIC INFORMATION
IN GEORGIA IN 2021**

In 2021, the quality of access to public information in Georgia was assessed by the Institute for Development of Freedom of Information based on the responses to requests sent to **285 public institutions**. Institutions where IDFI sent public information requests can be grouped as follows:

- 15 Central public institutions (Parliament of Georgia, Administration of the President and Government, Ministries/Office of the State Minister);
- 9 Supreme Council of the Autonomous Republic of Adjara, Government and Ministries, Office of the Government of the Autonomous Republic of Abkhazia, South Ossetian Administration;
- 74 LEPLs and agencies subordinated to the ministries;
- 34 Independent bodies (independent LEPLs, regulatory commissions, etc.);
- 138 Local self-government representative and executive bodies (city halls, municipal councils, Tbilisi District Administrations);
- 9 Administrations of the Governors;
- 3 Administrative bodies within the judiciary;
- 3 State LLCs, JSCs, NNLEs

Requested Public Information

In 2021, IDFI sent a total of 8,446 requests to 285 public institutions. A majority of the requests sent to public institutions were requests with standard content related to issues pertaining to public administration, such as: management of administrative expenses and state property, staffing, etc. In drafting the standard questions for public information requests in 2021, IDFI took into account the information related to the activities of public institutions with regard to the Coronavirus pandemic. Consequently, the standard content requests were supplemented by requests for various information related to workflow management, including vaccination of the staff and financial management, during the pandemic.

In the context of specific projects and studies conducted by IDFI, standard content requests were also submitted on issues related to the integrity policy in public institutions and the whistleblowing institution.

The standard content of the requests sent by IDFI to public institutions in 2021 covered the following issues:

-  Expenses related to purchases aimed at the prevention of the spread of the coronavirus;
-  Statistics of vaccination against the coronavirus among staff through the lens of gender;
-  Internal audit reports;
-  Information on the state car fleet;
-  Fuel expenditures, monthly limits and mileage;
-  Expenditures for vehicle maintenance;
-  Advertising (including on Facebook) costs;
-  Business trip expenses;
-  Representative expenses;
-  Existing staff lists and salaries;
-  Statistics of dismissed employees;
-  Information on bonuses and salary supplements issued to officials;
-  Remuneration costs of staff and contract employees;

- ❖ Registry of positions and amounts of remuneration of persons employed under administrative and labor contracts;
- ❖ Copies of the contracts of part-time employees employed in the positions of advisor, expert, or consultant;
- ❖ Biographical data (CV) of the persons employed in the positions of advisor to the heads of agencies;
- ❖ Approved integrity policy document, code of ethics, and practical tools for their implementation and enforcement;
- ❖ Statistics of violations of ethical norms;
- ❖ Statistics of internal whistleblower channels and reports received through them;
- ❖ Measures taken to raise employee awareness of integrity policy and whistleblowing issues.

The following standard requests were additionally submitted to local self-governments:

- ❖ List of NNLEs and LLCs established by the municipality;
- ❖ Number of employees in NNLEs and LLCs established by the municipality, staff list, and remuneration budget;
- ❖ Information on expenditures from the Mayor's Reserve Fund;
- ❖ Expenditures of social programs envisaged by the municipal budget and its assessment indicators;
- ❖ Property owned by the municipality transferred free of charge.

Since 2011, IDFI has been sending standard content requests pertaining to the management of administrative expenses to public institutions annually. As a result, the practice of processing information based on IDFI standard content requirements has developed in government agencies over the years. Consequently, there is a willingness on their part to give more complete answers to such requests compared to the so-called non-standard requests.

The category of non-standard requirements includes the requests on issues of high public interest that are directly related to the scope of activities of the institutions, as well as the requests that IDFI sends to the relevant public institutions on behalf of other interested parties. In 2021, public interest was largely focused on the challenges posed by the coronavirus

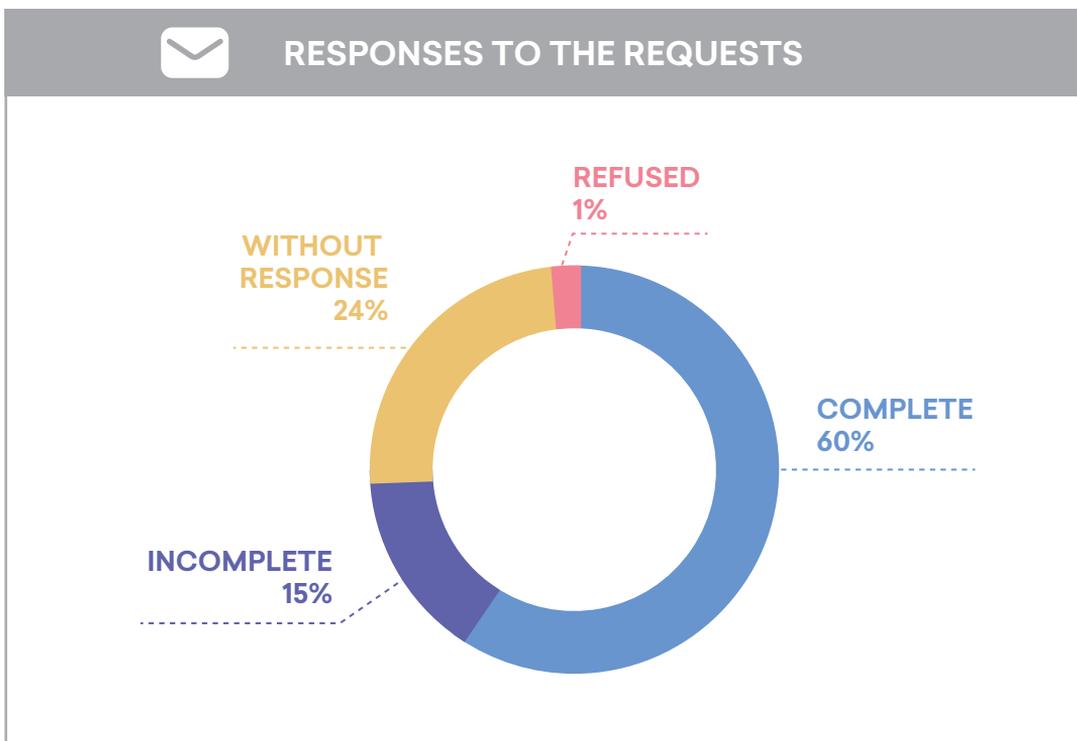
pandemic, the justice process of the third president of Georgia, etc. Consequently, a large part of non-standard requests was sent to agencies responsible for these and similar issues. Examples of such non-standard requests include coronavirus death statistics, information on purchased vaccines, rapid tests, and other medical supplies, quarantine service costs, vaccination statistics, tax breaks during the pandemic, aid to agriculture and other economic sectors, acquisition of foreign loans and grants, acts regulating the activities of the operational headquarters, statistics of prisoners transferred from N12 penitentiary institution to N18 institution, expenses incurred in transferring Mikheil Saakashvili from N12 penitentiary institution to N18 institution, and others.

In addition to public information requests related to these topics, a number of other non-standard requests were sent in 2021, some examples of which are: Funding of sports federations, licenses for extraction of minerals, information on cyber-attacks from foreign countries, information related to the management of state archives, etc.

2021 Access to Public Information Statistics

Out of 8,446 requests sent to 285 public institutions, IDFI received a complete response to 3,719 requests, incomplete - 932 requests, 83 requests were denied while 1,485 requests were left unanswered, and in 2,227 cases, institutions informed us that they did not take the specified action or did not have the requested information.

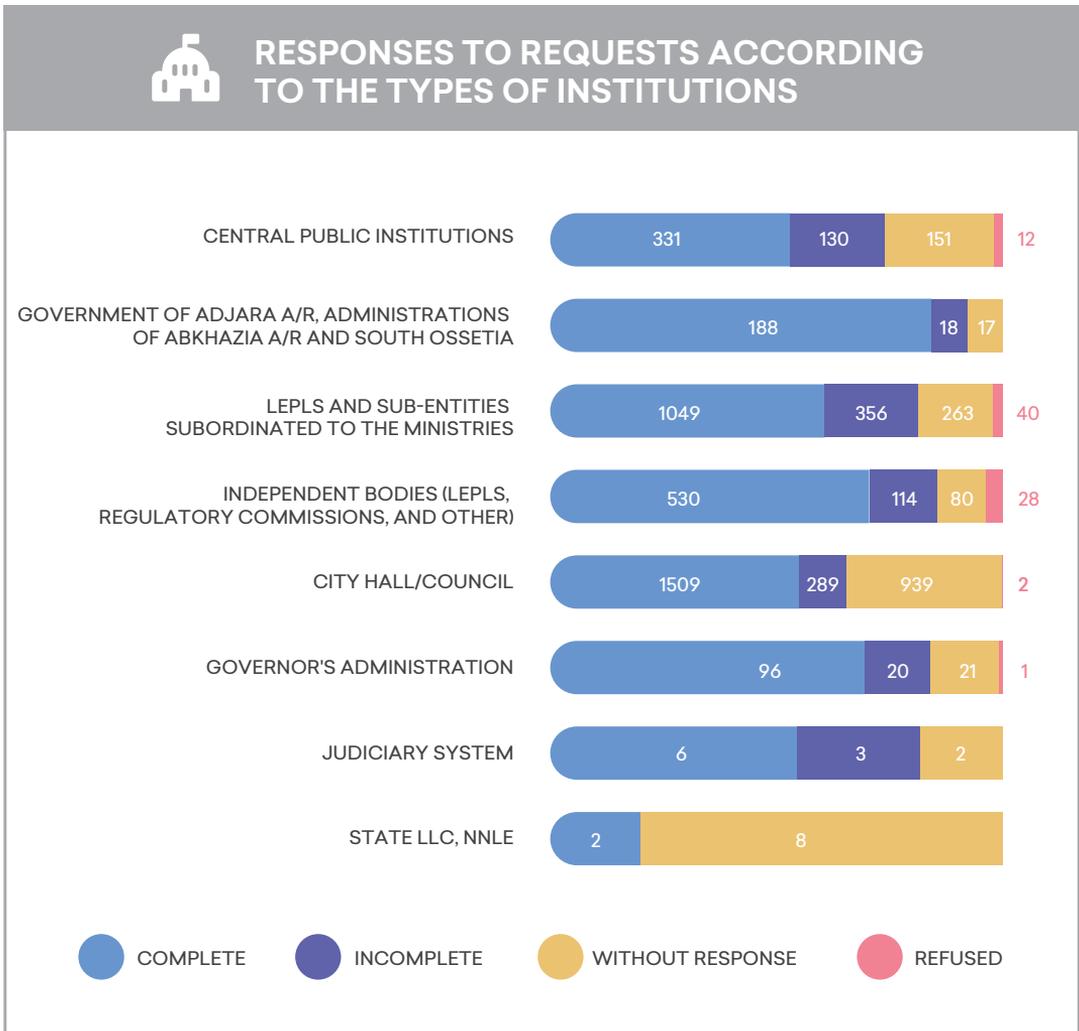
The percentages in the diagrams below and the percentage indicators of access to public information do not reflect the responses received from public institutions which stated that the institutions do not have the requested information or have not taken the specified action. Therefore, in the case of 285 agencies, the data is presented according to the responses received from the 6,219 applications submitted by the Institute.



In 2021, according to the categories of institutions, the highest percentage of requests left unanswered were by state-owned LLCs and NNLEs, similar to the previous year; in 2021, only 10 requests were sent to these agencies, of which 8 were left unanswered. Based on existing legislation in the country, there are low expectations for receiving information from these agencies. Therefore, the number of requests sent to them during the year was small. For example, IDFI does not send standard content requests to such institutions. Among the group of institutions where requests of standard content were sent in 2021, the lowest rate of access to information was observed in city halls and municipal councils. In 2021, a total of 2,739 requests were sent to

these institutions, of which 939 questions were left unanswered.

In 2021, the highest rate of complete responses was recorded in the group of public institutions that includes: the Government and Ministries of the Autonomous Republic of Adjara, the Government of the Autonomous Republic of Abkhazia and the Administration of South Ossetia. Specifically, out of 223 requests sent to them, we received a complete response in 188 cases.



The Most Concealed Information - 2021

In 2021, a very large share of public institutions (28%) left unanswered or denied requests for internal audit reports. In many cases, public institutions explained that the reason for refusing to publish internal audit reports was that the audit results were internal documentation and therefore did not constitute public information. At the same time, they referred to the Law of Georgia on State Internal Financial Control, according to which the internal auditor is obligated to not make the results of the internal audit public without the approval of the head of the institution, except in cases prescribed by the legislation of Georgia. According to IDFI's assessment, public institutions ignored the requirements of Article 42 of the General Administrative Code of Georgia, according to which the results of auditor opinions and inspections about the activity of a public institution belong to the category of information that are inadmissible to make confidential.

The judiciary practice of IDFI is also noteworthy here. In particular, in 2017, the Tbilisi Court of Appeals ruled in a dispute between IDFI and the Ministry of Economy and Sustainable Development of Georgia, stating that reporting and control are an integral part of the budget process and that everyone has the right to know the results of auditor opinions and inspections. This decision was upheld by the Supreme Court of Georgia.

The second and third most concealed information was related to the request for copies of contracts concluded with the employees in the positions of advisor, expert, and consultant, and information about the biographical data (CV) of advisors to the heads of institutions. Personal data contained in the requested documents was often cited as the basis for refusal by public institutions. Per IDFI's assessment, in accordance with the existing legislation, a public institution should at least provide copies of the contracts concluded with advisors, experts, and consultants in response to this request, with personal data covered. The reason for refusing to disclose the CVs, on the other hand, was to refrain from disclosing their personal data only by the persons employed in that position.

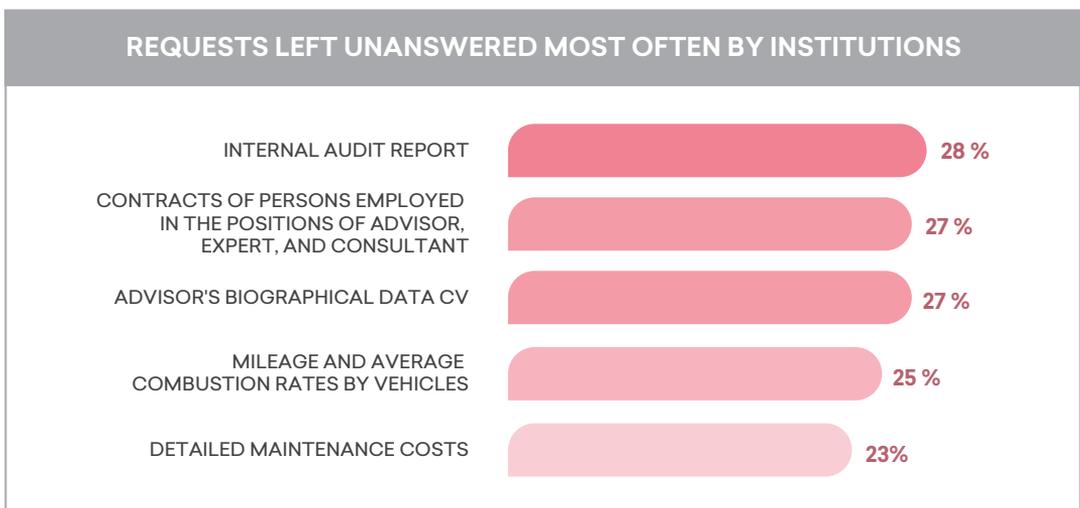
The opinion of the Public Defender of Georgia on this issue is known as well, according to which, although the biographical data of an advisor contains personal data, it is of public interest and, consequently, the administrative body has a positive obligation to disclose it.

Information related to both internal audits and advisors to heads of agencies, among the requests sent by IDFI to public institutions over the years, has proved to be the most challenging to receive. Not only that, but it should be noted that the percentages of their failure to respond may not fully reflect the true degree of opacity of such information. This is due to the fact that the agencies that respond to these requests often explain that no internal audit was conducted during the requested period and/or a position of an advisor did not exist. Consequently, IDFI

does not know how willing such agencies would have been to disclose this information if any had existed.

The fourth in terms of the most closed information was related to the provision of data on the mileage and average combustion rates per 100 km of officials' personalized vehicles. This data contains fewer controversial elements with regard to publicity. Consequently, the high rates of the requests being left unanswered were likely due, on the one hand, to the lack of an accounting system in public institutions and to refraining from providing appropriate explanations, and, on the other hand, due to the desire to cover up existing irrational fuel management practices.

In 2021, requests for detailed information on expenditures on vehicle maintenance also proved challenging for public institutions in 2021.



Within the framework of the monitoring carried out in 2021, some agencies left unanswered requests or refused to provide information that was directly related to the specifics of their activities with no sound legal justification. The unanswered requests on information pertaining to the fight against the pandemic, and therefore of high public interest, were especially burdensome in 2021.

For example:



The **Ministry of Health** refused to provide information on the costs of purchasing coronavirus vaccines and on existing communication with vaccine companies. The Ministry also did not respond to requests for confirmed cases of the coronavirus during treatment in medical facilities.



The **Ministry of Culture, Sports and Youth** did not respond to requests for information on specific agreements with sports federations and corresponding expenditures;



The **Special Penitentiary Service** did not respond to requests for statistical information on the transfer of former Georgian President Mikheil Saakashvili from N12 correctional facility to N18 and other similar cases;



The **Ministry of Justice** left unanswered the request for information on the expenses incurred within the framework of the funds allocated for international arbitration disputes from the Government Reserve Fund;



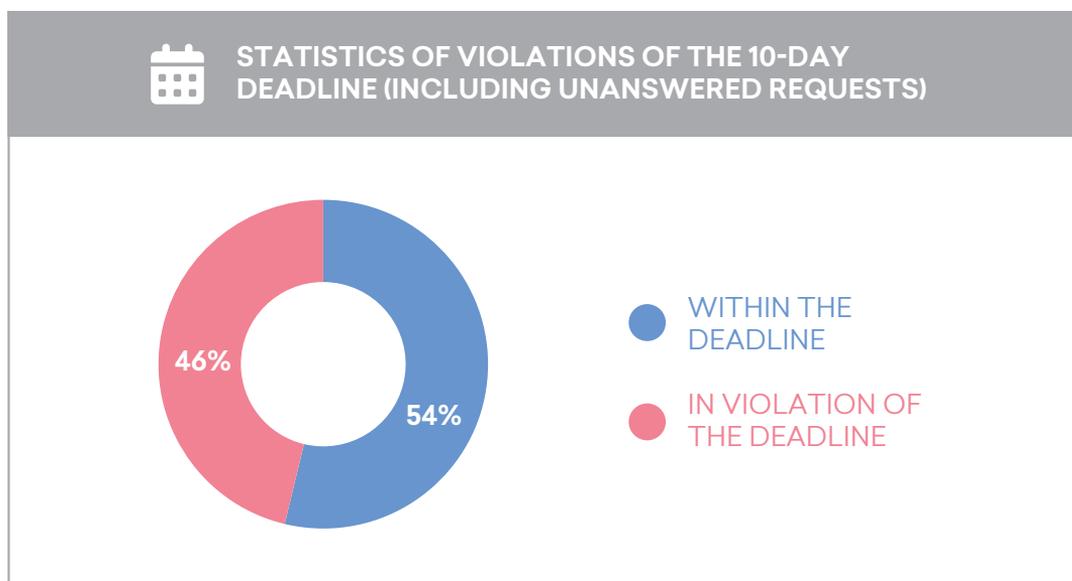
The **Administration of the Government of Georgia** left unanswered the request for information related to access to archival materials created in the institution;



The **Chamber of Notaries** left unanswered the request for information on the initiation of disciplinary proceedings against notaries.

Timeframes of Disclosing Public Information

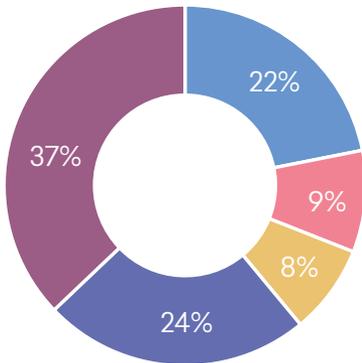
Among the 8,446 requests sent to public institutions in 2021, IDFI received information in 4,545 cases within the 10-day deadline. If the requests that received no response are included, the deadline was violated in 3,902 cases.



With the assumption that the immediate response to a request for public information involves the issuance of information within 3 days, the number of requests immediately issued by central public institutions amounted to only 676. In 1,848 cases, public institutions requested a 10-day period to provide information and fulfilled the request in the given timeframe, while in 770 cases public institutions requested the 10-day period for providing information, but then proceeded to leave the requests unanswered or issued the information in violation of the deadlines. In 2,021 cases, the 10-day period was not requested, although the information was issued within a period of 4 to 10 days, while in 3,132 cases, the statutory time limits were violated without requesting the 10-day period.



THE 10-DAY DEADLINE REQUESTED



- REQUESTED 10 DAYS AND COMPLIED
- REQUESTED 10 DAYS AND VIOLATED THE DEADLINE
- ISSUED THE INFORMATION IMMEDIATELY
- DID NOT REQUEST 10 DAYS AND COMPLIED
- DID NOT REQUEST 10 DAYS AND VIOLATED THE DEADLINE

In 2021, the situation created by the coronavirus pandemic was often cited by public institutions as the reason for the violation of the 10-day deadline set by law. In particular, municipal bodies still noted that as a result of the transfer of employees to remote working conditions, the institutions could not function at full capacity, which hindered the process of providing information.

It is noteworthy, however, that at the initial stage of the pandemic, such clarifications were more frequent than in 2021, which was ultimately reflected in an improved rate of information disclosure compared to the previous year. Accordingly, in 2021, public institutions improved the coordination of the proper process under remote working conditions. Trends in meeting the deadlines of disclosure of information are detailed below.



Explanation of Lanchkhuti Municipality regarding the delay in issuing public information



**RATING OF ACCESS TO PUBLIC
INFORMATION - 2021**

The Most Accountable Public Institutions - 2021

The monitoring of access to public information conducted by IDFI during 2021 demonstrated that 13 public institutions provided complete information in response to our FOI requests within a period of 10 days. During the same period, the number of public institutions with a 100% rating has decreased by six compared to the previous year (19 public institutions).

In 2021, 2 public institutions provided complete information on our FOI requests while simultaneously violating the deadline of 10 days. Therefore, taking into consideration the methodology of the monitoring project, they received a rating of 99%.

HIGHEST RATES OF ACCESS TO PUBLIC INFORMATION

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
1	State Inspector Service	39	39	39	100%
2	Office of the Public Defender	27	27	27	100%
3	Information Center on NATO and EU	24	24	24	100%
4	Supreme Council of the Adjara A/R	24	24	24	100%
5	Ministry of Education, Culture and Sports of the Adjara A/R	23	23	23	100%
6	Ministry of Agriculture of the Adjara A/R	22	22	22	100%
7	Civil Service Bureau	20	20	20	100%

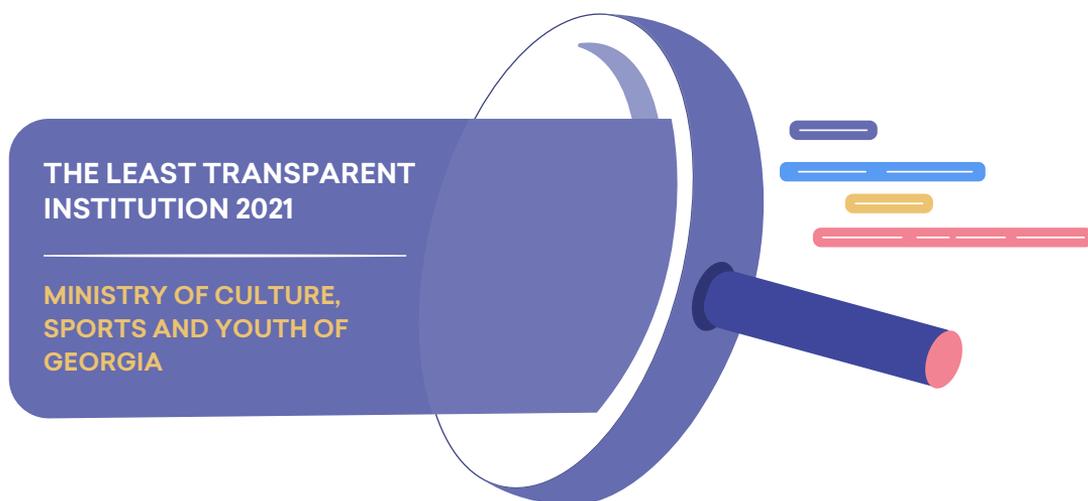
HIGHEST RATES OF ACCESS TO PUBLIC INFORMATION

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
8	Laboratory of the Ministry of Agriculture	18	18	18	100%
9	National Statistics Office	18	18	18	100%
10	Municipal Council of Poti City	17	17	17	100%
11	Department of Environmental Supervision	17	17	17	100%
12	Municipal Council of Zugdidi	16	16	16	100%
13	Municipal Council of Martvili	10	10	10	100%
14	City Hall of Tkhibuli Municipality	23	23	2	99.09%
15	Administration of the Governor of Samegrelo-Zemo Svaneti	15	15	0	99%

The Least Transparent Public Institutions

Since 2011, IDFI has been naming the most untransparent public institutions based on the results of the monitoring. IDFI, in identifying the most closed public institution, takes into account a number of complex factors in combination with statistics on responses to public information requests. Among these are the importance of the activities of the public institution and the information covered by it, the practice of litigation, the degree of proactive access to information, and more.

For 2021, IDFI evaluated the **Ministry of Culture, Sports and Youth** of Georgia as the least transparent.



The assessment of the Ministry of Culture, Sports and Youth Georgia as the most closed institution in 2021 is based on the following key circumstances:



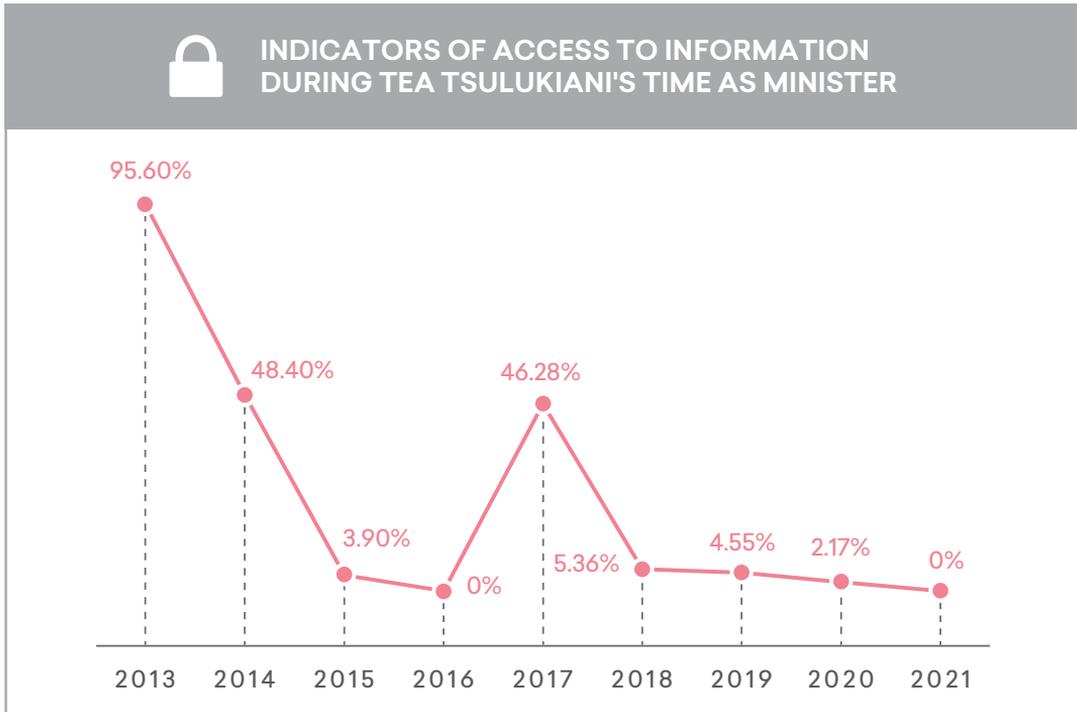
STATISTICS OF THE RESPONSES TO THE REQUESTS SENT TO THE MINISTRY OF CULTURE, SPORTS AND YOUTH

In 2021, all 42 requests for public information that were sent to the Ministry of Culture, Sports and Youth of Georgia were left unanswered. As such, the accessibility of information at the Ministry was evaluated at 0%, and in terms of the number of requests left unanswered, the Ministry occupies the last position on the rating of public institutions.



ATTITUDE OF THE MINISTER OF CULTURE, SPORTS AND YOUTH AFFAIRS WITH REGARD TO ACCESS TO INFORMATION

Following the March 16, 2021, separation of the Ministry of Culture, Sports and Youth as a distinct agency and the appointment of Tea Tsulukiani as Minister, IDFI no longer received a response to the public information requests addressed to the Ministry. During Tea Tsulukiani's term as Minister, the same problem existed in the system of the Ministry of Justice, which for years had been named the most closed agency in IDFI's access to public information reports.



The period with Tea Tsulukiani as the Minister of Culture, Sports and Youth Affairs also had a negative impact on the quality of access to information of other legal entities of public law that were part of the system of the Ministry. For example, the LEPL National Agency for Cultural Heritage Preservation's 2021 performance deteriorated by about 37% compared to the previous year and stood at only 15.34%. It is also noteworthy that, after March 16, 2021, the Agency did not respond to any requests.

The developments regarding the publicity of information in one of the subordinate agencies of the Ministry in the Georgian National Museum also speaks negatively to Tea Tsulukiani's attitude towards freedom of information. Specifically, on March 24 of this year, information was spread that the person responsible for disclosing public information at the Georgian National Museum faced disciplinary liability as a result of said employee disclosing certain public information (as explained by the Museum, it was inappropriate to disclose public information, in particular the

minutes of the open session of the National Museum's directorate, as this put museum exhibits and treasures at risk of irreparable damage). Having examined the materials available at this time, IDFI believes that there was no legal basis for imposing disciplinary liability on the person(s) responsible for disclosing public information at the National Museum. The incident created an impression that the purpose of this action was to punish specific employees as a way to set an example, to intimidate other persons responsible for providing public information within the structure of the Ministry, and to encourage the unlawful restriction of the right of access to public information.



INFORMATION CONCEALED BY THE MINISTRY OF CULTURE, SPORTS AND YOUTH

The requests left unanswered by the Ministry of Culture, Sports and Youth in 2021 were mostly related to the management of the Ministry's finances and its activities, which are covered by the IDFI standard content public information requests. The publication of this information in less detail is also included in the mandatory list of information to be published proactively as defined by government decree. **About a year after its separation from the Ministry of Education, the Ministry of Culture, Sports and Youth still does not have its own website. Consequently, the requirements for proactive transparency established by the government decree are not being met.**

In addition to the topics addressed in the IDFI standard request letter, in 2021 the Ministry of Culture and Sports left unanswered requests for information on various expenditures incurred by state-funded sports federations. Unfortunately, the existing legislative regulations in Georgia do not provide high standards of transparency and accountability of sports federations. As a result, it is significantly more difficult to obtain public information from them and to carry out full monitoring. Given the limited opportunity to obtain information from sports federations, a method of monitoring them was to request information from the controlling ministry, which was successfully carried out by IDFI prior to the separation of the Ministry of Culture, Sports and Youth and the appointment of Tea Tsulukiani as Minister. For example, in 2019, IDFI published a study on corruption risks at the National Wrestling Federation based on public information from the Ministry of Education, Science, Culture and Sports. The investigation revealed both alleged financial irregularities as well as significant corruption risks.

Due to the opaque policy of the Ministry of Culture, Sports and Youth, the capacity for civilian monitoring of the finances and corruption risks of sports federations has been further weakened since 2021.

In 2021, in addition to the Ministry of Culture, Sports and Youth, 14 more institutions completely disregarded their legal obligations and left unanswered all public information requests from IDFI. These include the Ministry of Environment and Agriculture, LEPL National Agency of Wildlife, and the city halls and councils of 13 local self-governing units.

THE LEAST ACCOUNTABLE PUBLIC INSTITUTIONS OF 2021

N	PUBLIC INSTITUTION	REQUEST	UNANSWERED	RESULT
1	City Hall of Kharagauli Municipality	30	30	0%
2	City Hall of Tsalka Municipality	30	30	0%
3	City Hall of Ninotsminda Municipality	30	30	0%
4	City Hall of Mestia Municipality	30	30	0%
5	City Hall of Kaspi Municipality	30	30	0%
6	City Hall of Tetriskharo Municipality	30	30	0%
7	City Hall of Bolnisi Municipality	30	30	0%
8	City Hall of Akhalkalaki Municipality	30	30	0%
9	Sighnaghi Municipality Council	26	26	0%
10	Marneuli Municipality Council	26	26	0%
11	Tetriskharo Municipality Council	26	26	0%
12	Bolnisi Municipality Council	26	26	0%
13	Shuakhevi Municipality Council	26	26	0%
14	LEPL National Agency of Wildlife	26	26	0%



**ACCESS TO INFORMATION RATINGS
BY CATEGORIES OF PUBLIC
INSTITUTIONS**

Central Public Institutions

According to the results of the monitoring conducted in 2021, the Ministry of Regional Development and Infrastructure of Georgia (95.93%) and the Ministry of Environmental Protection and Agriculture (95.65%) received the highest ratings in terms of access to public information among the central public institutions of Georgia (Parliament, Presidential Administration, Administration of the Government, and ministries). The Administration of the President of Georgia and the Office of the Parliament of Georgia also received high ratings at 87.45% and 89.86%, respectively.

The lowest ratings of access to information among central public institutions were observed in the cases of **the Ministry of Economy and Sustainable Development (30.57%), the Administration of the Government (24.95%), and the Ministry of Culture, Sports and Youth (0%).**

RATING OF ACCESS TO PUBLIC INFORMATION IN CENTRAL PUBLIC INSTITUTIONS

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
1	Ministry of Regional Development and Infrastructure	28	26	2	0	0	14	95.93%
2	Ministry of Environmental Protection and Agriculture of Georgia	46	44	0	2	0	46	95.65%
3	Parliament of Georgia	35	30	3	2	0	30	89.86%
4	Administration of the President of Georgia*	31	30	1	0	0	4	87.45%
5	Ministry of Education and Science	54	34	17	0	3	49	78.69%
6	Ministry of Finance	38	23	10	2	3	0	72.8%

7	Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs	58	36	13	2	7	20	72.76%
8	Ministry of Foreign Affairs*	33	26	3	0	4	0	66.52%
9	Ministry of Defense	35	18	10	2	5	18	65.37%
10	Office of the State Minister for Reconciliation and Civic Equality	30	13	10	0	7	9	59.53%
11	Ministry of Justice*	39	14	21	1	3	0	58.44%
12	Ministry of Internal Affairs	50	9	32	1	8	11	49.4%
13	Ministry of Economy and Sustainable Development	42	10	6	0	26	0	30.57%
14	Administration of the Government of Georgia	59	17	2	0	40	15	30.44%
15	Ministry of Culture, Sports and Youth	42	0	0	0	42	0	0%

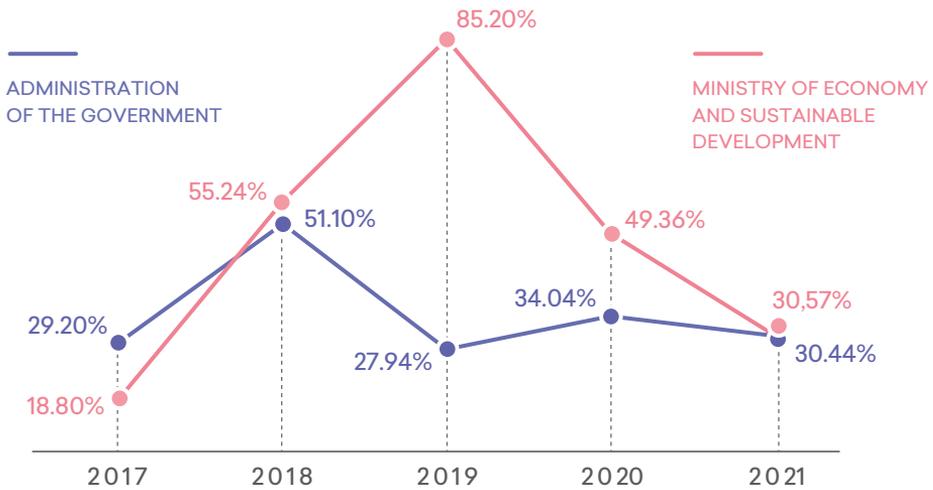
* Certain information was provided one month after the administrative complaint or without notice.

Among the central public institutions, the Administration of the Government of Georgia has the lowest rating (30.44%) after the Ministry of Culture, Sports and Youth. Since 2016, the Administration of the Government has been significantly restricting access to information related to its activities and the management of finances. It is also noteworthy that after 2014, the Administration of the Government no longer proactively publishes mandatory financial information on the website, as prescribed by a decree of the Government of Georgia. IDFI is pursuing a lawsuit against the Administration of the Government of Georgia related to leaving unanswered the request for government decrees issued in 2020.

The Ministry of Economy and Sustainable Development left all the standard content requests related to the administrative expenses incurred by the Ministry, personnel policy, and others from IDFI unanswered in 2021.



ACCESS TO PUBLIC INFORMATION INDICATORS OF THE ADMINISTRATION OF THE GOVERNMENT AND THE MINISTRY OF ECONOMY

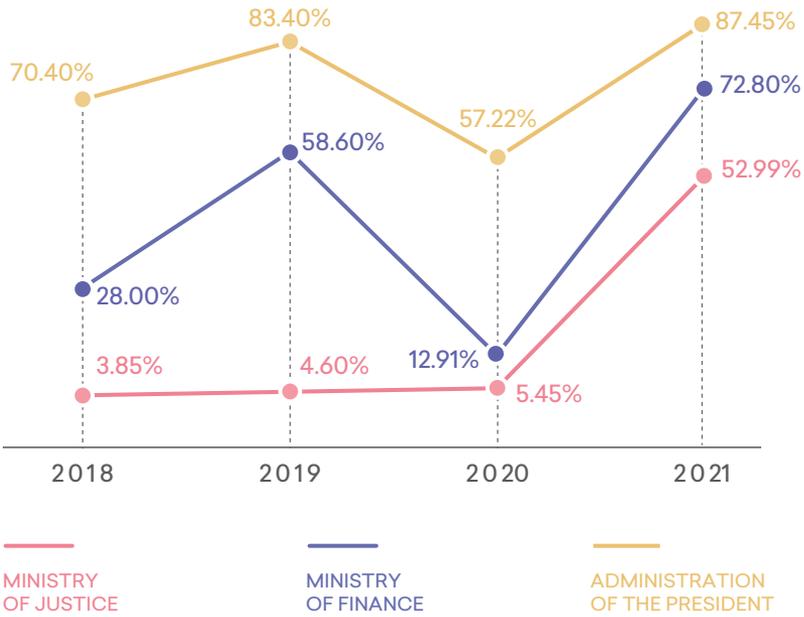


In 2021, 7 out of 14 central public institutions in Georgia improved their access to information indicator as compared to the previous year. Among them, the Ministry of Finance and the Ministry of Justice stand out. The Ministry of Finance has been characterized by uneven access to information performance for years. For example, in 2019 the rating of the Ministry of Finance increased from 28% to 58%, in 2020 it decreased to 13%, and in 2021 it increased to 73%. In the case of the Ministry of Justice, the improvement in access to information in 2021 is most likely related to changes in the leadership of the institution. As mentioned previously, after the separation of the Ministry of Culture, Sports and Youth and the appointment of Tea Tsulukiani as Minister, the institution stopped responding to IDFI's requests. For her part, the resignation of Tea Tsulukiani from the position of the Minister of Justice has had a positive impact on access to information in the Ministry of Justice, with the rating increasing to 52.99% in 2021. In previous years, it had stood at 4-6%. Although significant progress has been made in the case of the Ministry of Justice in 2021, however, its rating still does not meet a high standard. In 2021, the meeting the 10-day deadline for information and providing it in full on request remained a significant problem with the Ministry of Justice.

In 2021, the access to information rating of the Administration of the President of Georgia also improved by about 30%.



CENTRAL PUBLIC INSTITUTIONS WITH THE BEST IMPROVEMENT IN ACCESS TO INFORMATION



TRENDS IN ACCESS TO INFORMATION OF CENTRAL PUBLIC INSTITUTIONS

	PUBLIC INSTITUTION	2021	CHANGE	2020	CHANGE	2019	CHANGE	2018	CHANGE	2017
1	Ministry of Regional Development and Infrastructure	95,93%	7,25%	88,68%	8,28%	80,40%	-12,20%	92,59%	9,29%	83,30%
2	Ministry of Environmental Protection and Agriculture of Georgia	95,65%	-2,49%	98,14%	3,54%	94,60%	-5,20%	99,80%	14,60%	85,20%

TRENDS IN ACCESS TO INFORMATION OF CENTRAL PUBLIC INSTITUTIONS

	PUBLIC INSTITUTION	2021	CHANGE	2020	CHANGE	2019	CHANGE	2018	CHANGE	2017
3	Parliament of Georgia	89,86%	-2,25%	92,11%	-6,19%	98,30%	15,60%	82,69%	-11,31%	94%
4	Administration of the President of Georgia	87,45%	30,23%	57,22%	-26,18%	83,40%	12,90%	70,40%	-28,80%	99,20%
5	Ministry of Education and Science	78,69%	21,28%	57,41%	-13,29%	70,70%	-18%	88,64%	-6,56%	95,20%
6	Ministry of Finance	72,80%	59,89%	12,91%	-45,69%	58,60%	30,60%	28,00%	15,90%	12,10%
7	Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs	72,76%	-1,27%	74,03%	-14,27%	88,30%	-1,07%	89,37%	-7,73%	97,10%
8	Ministry of Foreign Affairs	66,52%	-25,81%	92,33%	-6,67%	99%	1,57%	97,43%	-1,57%	99%
9	Ministry of Defense	65,37%	11,87%	53,50%	-26,20%	79,70%	10%	69,63%	-20,67%	90,30%
10	Office of the State Minister for Reconciliation and Civic Equality	59,53%	-19,04%	78,57%	-13,13%	91,70%	-5,39%	97,06%	-0,64%	97,70%
11	Ministry of Justice	58,44%	52,99%	5,45%	0,85%	4,60%	0,70%	3,85%	-71,05%	74,90%

TRENDS IN ACCESS TO INFORMATION OF CENTRAL PUBLIC INSTITUTIONS

	PUBLIC INSTITUTION	2021	CHANGE	2020	CHANGE	2019	CHANGE	2018	CHANGE	2017
12	Ministry of Internal Affairs	49,40%	4,16%	45,24%	-30,26%	75,50%	3,21%	72,24%	-6,96%	79,20%
13	Ministry of Economy and Sustainable Development	30,57%	-18,79%	49,36%	-35,84%	85,20%	29,90%	55,24%	36,40%	18,80%
14	Administration of the Government of Georgia	30,44%	-3,60%	34,04%	6,14%	27,90%	-23,20%	51,10%	+21,9%	29,20%
15	Ministry of Culture, Sports and Youth	0%	-	-	-	-	-	-	-	-

Legal Entities of Public Law, Sub-Entities, and Other Public Institutions

According to the overview conducted in 2021, 6 entities showed a 100% rate of access to information among these types of public institutions. It should be noted that this category includes both legal entities under the ministries, as well as independent legal entities under public law, regulatory commissions, and others (109 public institutions in total).

Among the 109 public institutions, only one entity (LEPL National Agency of Wildlife) left all IDFI requests without a response. In previous years, this category of public institutions was dominated by agencies that had all left all requests from IDFI unanswered during the reporting period, which was largely due to the lack of an accountable policy on access to public information of the agencies subordinated to the Ministry of Justice. For example, in 2020, out of 12 such agencies that left all requests unanswered, 8 of them were subordinated to the Ministry of Justice.

THE BEST RATINGS IN LEPLS, SUB-ENTITIES AND OTHER PUBLIC INSTITUTIONS

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
1	State Inspector Service	39	39	0	0	0	39	100%
2	Office of the Public Defender	27	27	0	0	0	27	100%
3	Information Center on NATO and EU	24	24	0	0	0	24	100%
4	Civil Service Bureau	20	20	0	0	0	20	100%

THE BEST RATINGS IN LEPLS, SUB-ENTITIES
AND OTHER PUBLIC INSTITUTIONS

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
5	National Statistics Office	18	18	0	0	0	18	100%
6	Laboratory of the Ministry of Agriculture	18	18	0	0	0	18	100%
7	Department of Environmental Supervision	17	17	0	0	0	17	100%
8	Center for Electoral Systems Development, Reforms and Training	22	21	1	0	0	22	97.73%
9	Youth Agency	22	21	1	0	0	22	97.73%
10	International Education Center	21	20	1	0	0	0	97.62%

THE LEAST ACCOUNTABLE LEPLS, SUB-ENTITIES
AND OTHER PUBLIC INSTITUTIONS

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
1	National Agency of Wildlife	26	0	0	0	26	0	0%
2	National Agency for Cultural Heritage Preservation	29	4	1	0	24	0	15.34%
3	Chamber of Commerce and Industry	15	0	7	0	8	7	23.33%
4	LEPL Healthcare Service	27	2	9	0	16	0	23.7%
5	National Bureau of Enforcement	27	5	5	0	17	0	27.41%
6	Prosecutor's Office	48	12	12	1	23	8	30.29%
7	State Security Service	38	4	16	11	7	30	31.58%
8	Digital Governance Agency	30	9	3	0	18	0	34.6%
9	LEPL Academy	24	5	9	6	4	0	39%
10	LEPL Service Agency	27	2	20	0	5	0	43.63%

Government, Ministries, and Supreme Council of Adjara A/R, Government Administration and Supreme Council of Abkhazia A/R, Administration of South Ossetia

The Government and ministries of Adjara A/R have always been distinguished by a high level of access to public information and have been providing complete information requested by IDFI with no interruptions. According to the 2021 evaluation, their ratings of access to public information fluctuated between 73%-100%. The Supreme Council, the Ministry of Education, Culture and Sports, and the Ministry of Agriculture of Adjara A/R have all demonstrated 100% access to information performance during the reporting period.

This group of public institutions also includes the Administration of South Ossetia (82.69%), the Government Office of the Autonomous Republic of Abkhazia (70.28%) and the Supreme Council of the Autonomous Republic of Abkhazia (65%).

RATING OF ADJARA A/R GOVERNMENT AND MINISTRIES

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
1	Supreme Council of the Adjara A/R	24	24	0	0	0	24	100%
2	Ministry of Education, Culture and Sports of the Adjara A/R	23	23	0	0	0	23	100%
3	Ministry of Agriculture of the Adjara A/R	22	22	0	0	0	22	100%

RATING OF ADJARA A/R GOVERNMENT AND MINISTRIES

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
4	Ministry of Health and Social Affairs of Adjara A/R	24	23	1	0	0	24	97.92%
5	Government of Adjara A/R	24	20	3	0	1	23	89.58%
6	Administration of South Ossetia	26	20	3	0	3	23	82.69%
7	Ministry of Finance and Economy of Adjara A/R *	23	22	0	0	1	9	73.04%
8	Government Office of the Abkhazia A/R	29	18	5	0	6	11	70.28%
9	Supreme Council of Abkhazia A/R	26	14	6	0	6	14	65%

City Halls and Councils of Local Self-Governments

According to the results of the monitoring conducted in local self-governments in 2021, out of 128 public institutions (City Halls and Councils), only 3 municipal councils had 100% rating in access to public information. It is noteworthy that none of the city halls got into the top ten of the rating of city halls and councils, meaning that none of the municipal city halls in 2021 fully responded to all the requests from IDFI.

As mentioned above, within the monitoring framework, 9 city halls and 5 municipal councils left all IDFI requests unanswered.

The data discussed above shows that municipal councils are more likely to respond fully to all requests than city halls, and leave all requests unanswered less frequently. One of the reasons for this may be the specifics of the activities of these institutions. For example, most of the municipal finances are managed by the services in city halls, and therefore the monitoring process requires more effort from city halls in the process of ensuring financial transparency.

In 2021, both the Tbilisi City Hall and Council showed worse ratings of access to information compared to the previous year. Especially noteworthy in this regard is the Tbilisi City Hall, where the results dropped by about 19% compared to the previous year and showed the lowest rating in the last 9 years at 51.78%.

TOP TEN OF THE RATING OF CITY HALLS AND COUNCILS

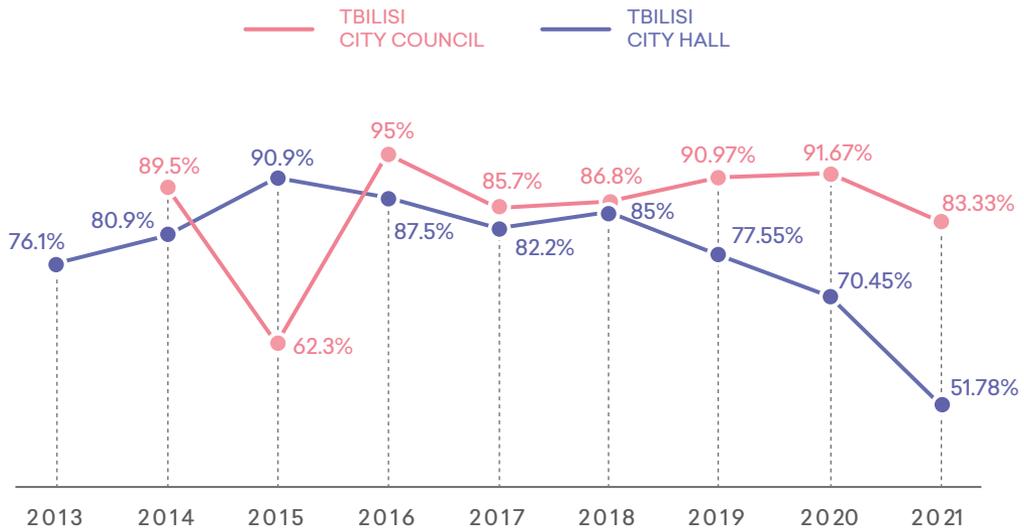
	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
1	Poti Municipality Council	17	17	0	0	0	17	100%
2	Municipal Council of Zugdidi	16	16	0	0	0	16	100%

TOP TEN OF THE RATING OF CITY HALLS AND COUNCILS

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
3	Municipal Council of Martvili	10	10	0	0	0	10	100%
4	City Hall of Tkhibuli Municipality	23	23	0	0	0	2	99.09%
5	City Hall of Sachkhere Municipality	25	24	1	0	0	25	98%
6	City Hall of Zugdidi Municipality	25	24	1	0	0	25	98%
7	Municipal Council of Baghdati	18	17	1	0	0	18	97.22%
8	Municipal Council of Kareli	17	16	1	0	0	17	97.06%
9	Municipal Council of Telavi	16	15	1	0	0	16	96.88%
10	Ambrolauri, Terjola and Sachkhere Municipality Councils	14	13	1	0	0	14	96.43%



INDICATORS OF ACCESS TO INFORMATION OF TBILISI CITY HALL AND COUNCIL



State Governor Administrations

In 2021, no state governor administrations provided complete responses to the FOI requests from IDFI within the 10-day timeframe. The highest rating among them, at 99%, belonged to the Administration of the Governor of Samegrelo-Zemo Svaneti, which responded to all requests from IDFI fully, albeit in violation of the 10-day deadline set by law.

The accessibility of information in the administrations of other governors ranged from 35% to 96%.

RATING OF THE ADMINISTRATIONS OF THE STATE GOVERNORS

	PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSED	UNANSWERED	COMPLIANCE WITH THE 10-DAY DEADLINE	ACCESS TO INFORMATION
1	Administration of the Governor of Samegrelo - Zemo Svaneti	15	15	0	0	0	0	99%
2	Administration of the Governor of Mtskheta-Mtianeti	12	11	1	0	0	12	95.83%
3	Administration of the Governor of Kvemo Kartli	13	11	2	0	0	13	92.31%
4	Administration of the Governor of Guria	15	11	3	0	1	14	83.33%
5	Administration of the Governor of Shida Kartli	16	11	2	0	3	1	74.25%
6	Administration of the Governor of Kakheti	14	6	7	0	1	0	66.93%
7	Administration of the Governor of Racha-Lechkhumi and Kvemo Svaneti	18	12	0	0	6	12	66.67%
8	Administration of the Governor of Imereti	17	9	4	0	4	2	64.06%
9	Administration of the Governor of Samtskhe- Javakheti	18	10	1	1	6	0	35%

* Note: The information provided by the Shida Kartli Governor's Administration was 6 months late.



STRATEGIC LITIGATION CASES

In 2021, IDFI actively pursued strategic litigation for the development of freedom of information. Out of 4 strategic litigation cases, the Tbilisi Court of Appeals ruled in favor of IDFI in the first case (appealed in cassation), the Tbilisi City Court terminated the proceedings in the second case due to the absence of grounds for a dispute, the third case has been pending in the Tbilisi City Court for more than a year and a half, and the Supreme Court is considering the fourth.

Additionally, in February 2021, the Public Defender supported the position of IDFI and recommended to the Ministry of Economy and Sustainable Development of Georgia to release the public information requested by IDFI.

Below we present detailed information on the strategic litigation cases and the recommendation issued by the Public Defender.



IDFI v. “Media Academy”

By the **decision** of the Tbilisi Court of Appeals of October 20, 2021, the Court fully supported the legal position of IDFI and upheld the decision of the Tbilisi City Court, according to which the Court considered the legal entity of private law established by the National Communications Commission (“Media Academy”) to be an administrative body in a functional sense and thereby instructed it to provide public information on the basis of Chapter 3 of the General Administrative Code.

According to the substantiated decision of October 20, 2021, Judge Khatia Ardazishvili of the Court of Appeals fully shared IDFI’s arguments and explained that defining the concept of an administrative body is important for its functional understanding. Functional understanding of an administrative body encompasses individuals and legal entities that are not subjects of the system of state governing bodies, but exercise public-legal rights on a legislative basis. It is precisely in the process of exercising public legal authority that legal entities of private law are considered as administrative bodies, and are therefore obligated to make decisions and/or take actions in accordance with the requirements set by the General Administrative Code and current legislation. The Court agreed with IDFI’s argument that the source of funding is not the main criterion for considering an entity to be a public institution.

According to the Court, the purpose of exercising public authority is evident when the administrative body acts within the scope of the main powers provided for it by law and for the purposes of exercising the latter. NNLE “Media Academy” operates within the scope of authority defined by law. The Court noted that what makes a private organization a public institution are the basis

and purpose of its activities. Public administration is not limited to issuing individual acts, implementing real acts or forging an administrative contract, as the meaning of the term is broader than administrative proceedings.

The chamber underlined the view of *amicus curiae* Professor Paata Turava that the decision in favor of a private legal form should not be grounds for taking refuge in private law and evading public legal obligations.

The court also drew attention to the *amicus curiae* of the Public Defender of Georgia, which states that the court has a special role to play in protecting the right of access to public information, considering that the norms governing the right of access to public information are quite outdated and there is no oversight body with an effective mandate, which is why public institutions take advantage of the current legislative circumstances and refrain from disclosing information.

Such a resolution of the dispute by the Court of Appeals is crucial for the positive development of freedom of information, as it sends a clear message to public institutions that they cannot escape the obligation to disclose public information by delegating their powers to private legal entities.

The decision of the Tbilisi Court of Appeals was appealed by Media Academy and, at this stage, the Supreme Court is deliberating the admissibility of the appeal.



IDFI v. Administration of the Government of Georgia

On September 11, 2020, IDFI addressed a statement to the Administration of the Government of Georgia requesting the disclosure of governmental decrees in the form of public information from March 20, 2020 and up to the date of the request. The Georgian government left the request unanswered. Following the administrative procedures, IDFI appealed against the inaction of the authorized person of the Administration of the Government within the timeframe established by law, but the one-month period for reviewing the complaint did not lead to any results (IDFI was not involved in the review process and we have no information whether the Administration of the Government considered the complaint at all).

On December 18, 2020, IDFI appealed to the Tbilisi City Court. At the first hearing, a representative of the Administration of the Government stated that the decrees would be disclosed, although due to the volume of information some time would be required for processing. On this

basis, the judge adjourned the case, but the defendant did not provide the information. During the next session, the hearing was postponed due to the health condition of the representative of the Administration of the Government, and at the following one, during which IDFI suggested a substantive hearing, the Court closed due to lack of time and postponed the hearing indefinitely.

It should be noted that the requested decrees, in accordance with the current legislation, are open public information that is subject to disclosure. Pursuant to paragraph 3 of Article 22 of the Rules of Procedure of the Government of Georgia, decrees adopted by the Government shall be uploaded on the Government's website no later than 3 working days after their adoption except in cases defined by law. The government neither publishes the required legal acts on the website nor does it disclose them in the form of public information to interested parties, which, in this regard, indicates a sharp deterioration of the situation and makes it practically impossible to monitor the government's decisions.

A year and five months have passed since the lawsuit was filed in court, but the case is still in the first instance and a substantive hearing has not been scheduled.



Dispute with the National Archive of Georgia

In the context of the dispute with the National Archive of Georgia, the Supreme Court of Georgia is considering the cassation appeal of the National Archives against IDFI - appealing against the **decision** of the Tbilisi Court of Appeals on January 16, 2020, ordering the National Archives to disclose public information as requested by IDFI.

According to the decision of the Tbilisi Court of Appeals, the National Archive was instructed to provide the public information that has repeatedly been requested by the NNLE Institute for Development of Freedom of Information (IDFI) since June 29, 2018. Specifically, how many applicants have been denied access to National Archive's documents and on what grounds. Initially, the obligation to provide information was **imposed** on the National Archive by the Tbilisi City Court.

When the dispute was being considered in the second instance, IDFI pointed out that the appeal of the National Archive did not meet the grounds for an appeal established by the Administrative and Civil Procedure Codes of Georgia. Specifically, in the part of the appeal where the appellant should have indicated the factual inaccuracies of the appealed decision, the appellant did not question the factual circumstances established by the initial judgement of the court. Additionally, the National Archives did not explain which part of the decision of the Tbilisi City

Court was legally unsubstantiated.

The appellant stated in the appeal that the information could not be provided since the requested information had not created, processed, and/or preserved in the National Archive. At the same time, it emphasized the fact that a number of administrative acts, however small, was kept in the National Archives, on the basis of which the applicants were, in written form, denied access to the documents kept in the National Archive.

In its decision, the Court of Appeals underlined the importance of the right of access to information as defined in paragraph 2 of Article 18 of the Constitution of Georgia and clarified its scope. At the same time, the Court pointed to the legal grounds for restricting the information provided for in the Constitution of Georgia and the General Administrative Code and found that the information requested by IDFI did not contain any information on state secrets, as well as commercial or personal data. Therefore, the requested information was public information, and the National Archive was responsible for issuing it. According to the decision: "...on the other hand the argument of the opposing party (the National Archive) that the information kept at the entity is of such insubstantial volume that it does not reflect the full picture of everyday communication/consultation with interested parties, does not exclude the obligation of the administrative body to disclose the information which is kept at the entity in line with the applicable legislation."



Dispute with the Government of Georgia

On March 5, 2021, IDFI **addressed** to the Administrative Cases Panel of the Tbilisi City Court with a request to cancel the curfew. IDFI considered that the Georgian government disproportionately restricted freedom of movement.

Around the time the lawsuit was filed, all other restrictions in Georgia had been eased to the normative level. Transport was fully restored, the restaurant business was given the authority to operate indoors, it became possible to plan trainings and other similar events, and so on. In fact, the only restriction that did not change was the curfew, which was due to the strict need to apply this measure (Paragraph 3 of Article 45³ of the Law of Georgia on Public Health obliges the Georgian government not to restrict freedom of movement beyond what combatting a pandemic required).

Later the court terminated the case due to the withdrawal of the curfew by the Government of Georgia and, as such, absence of grounds for dispute.



Public Defender's Recommendation

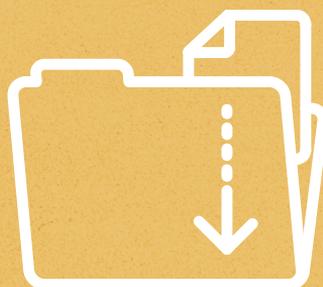
Based on IDFI's application, on February 11, 2021, the Public Defender issued a recommendation to the Ministry of Economy and Sustainable Development to disclose public information.

On July 8, 2020, IDFI sent a FOI letter to the Ministry of Economy and Sustainable Development of Georgia requesting biographical data of the persons employed as advisors to the Minister and Deputy Ministers in 2018-2020, as well as copies of the labor contracts concluded with them. The Ministry declined to issue this information.

In order to investigate the issue, IDFI addressed a statement to the Public Defender. The Public Defender considered that the information requested by IDFI from the Ministry of Economy and Sustainable Development of Georgia, while containing personal data, was of public interest and, consequently, the administrative body had a positive obligation to disclose it.

The Ombudsman also drew attention to the fact that the Ministry did not substantiate for what larger purpose it did not issue information of public interest and why the rights of specific individuals could not be restricted for legitimate purposes.

Despite the recommendation of the Ombudsman of Georgia, the Ministry of Economy and Sustainable Development did not provide to IDFI the biographical data of the persons employed as advisors to the Minister and Deputy Ministers and copies of the agreements concluded with them

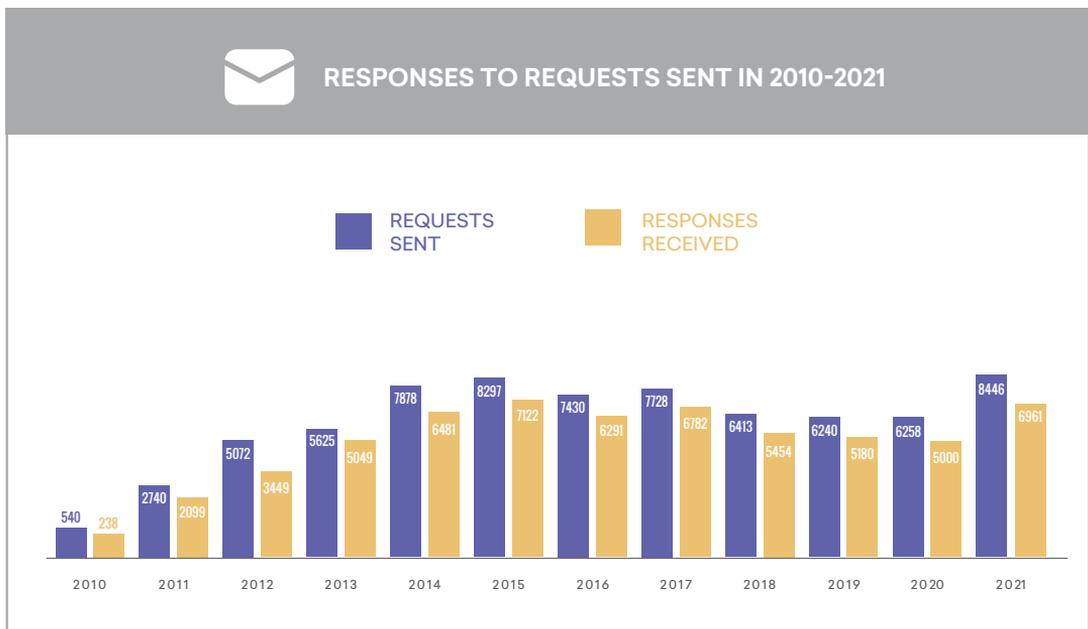


ACCESSIBILITY OF PUBLIC INFORMATION IN 2010-2021

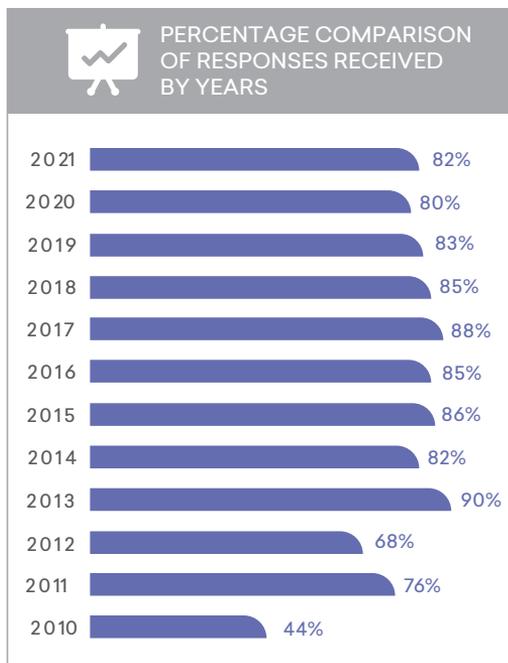
The monitoring conducted by IDFI in 2010-2021 allows us to consider the 12-year dynamics of access to public information, categorized according to groups of public institutions.

In 2010-2021, IDFI sent a total of **72,667** requests for public information to public institutions, of which **60,106** received a response.

According to the statistical data maintained by IDFI over a period of 12 years, the dynamics of the percentage ratio between the requests sent and the responses received was characterized by high variability. In 2010-2021, **the highest percentage rate (90%) of FOI requests that received a response was observed in 2013**. This figure was also high at 88% in 2017, but has been declining every year after 2018 and decreased to 80% in 2020. While this indicator improved by 2% in 2021 as compared to the previous year, it is still one of the lowest in the last 10 years.



YEAR	PUBLIC INSTITUTION	REQUESTS SENT	Responses received
2021	285	8446	6961
2020	285	6258	5 000
2019	284	6 240	5 180
2018	282	6 413	5 454
2017	289	7 728	6 782
2016	294	7 430	6 291
2015	307	8 297	7 122
2014	308	7 878	6 481
2013	224	5 625	5 049
2012	229	5 072	3 449
2011	154	2 740	2 099
2010	21	540	238



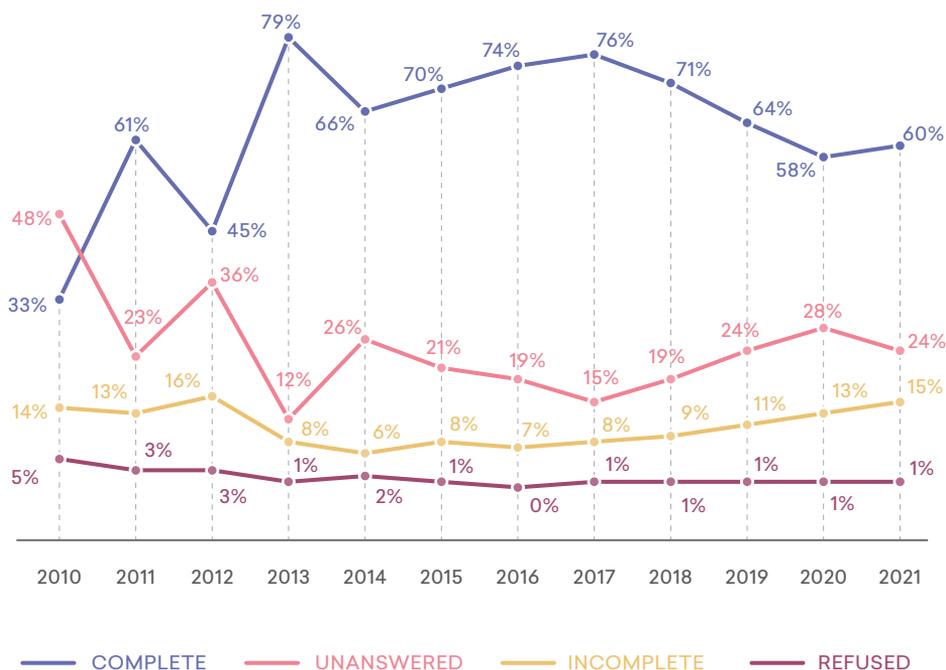
Between 2010 and 2021, the highest rate of complete responses received from public institutions (79%) and the lowest rate of unanswered requests (12%) was in 2013. In 2021, the percentage of complete responses increased by 2% compared to the previous year, while the percentage of un- answered requests decreased by 4%. The share of incomplete responses also increased by 2%.

The percentage data in the graphs below do not reflect the responses received from public institutions, according to which the agencies did not have the requested information or had not conducted the specified actions.

The slightly improved rate of responses from public institutions in 2021, can, on the one hand, be attributed to the weakening impact of the extraordinary situation created in public institutions as a result of the pandemic and, on the other hand, positive changes in access to information in individual institutions (e.g., the Ministry of Justice system).



RESPONSES RECEIVED FROM PUBLIC INSTITUTIONS

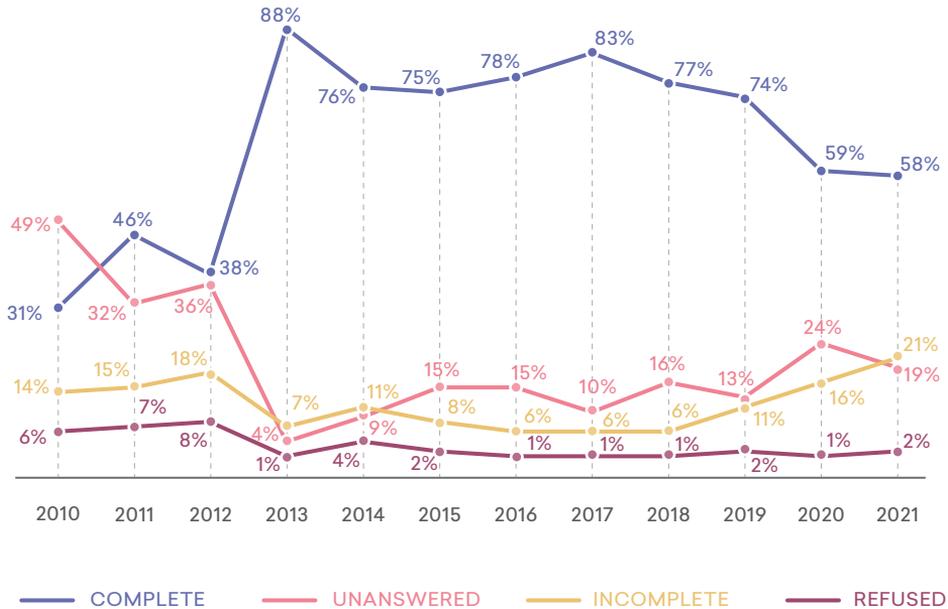


In 2010-2021, trends in terms of access to public information have varied according to the categories of public institutions. Among them, the improvement in the overall figure for 2021 was not uniformly reflected for all groups of public institutions. **For example, in 2021, unanswered requests from agencies subordinated to ministries decreased by 25%, while requests left unanswered by self-governing units increased by 10%.**

The highest share of comprehensive and complete responses (88%) received from ministries during the monitoring conducted in 2010-2021 was in 2013. In the following years this indicator fluctuated between 74% and 83%. Since 2013, the lowest percentage (58%) was observed in 2021. Prior to 2013, the highest rate of complete responses was only 46%.



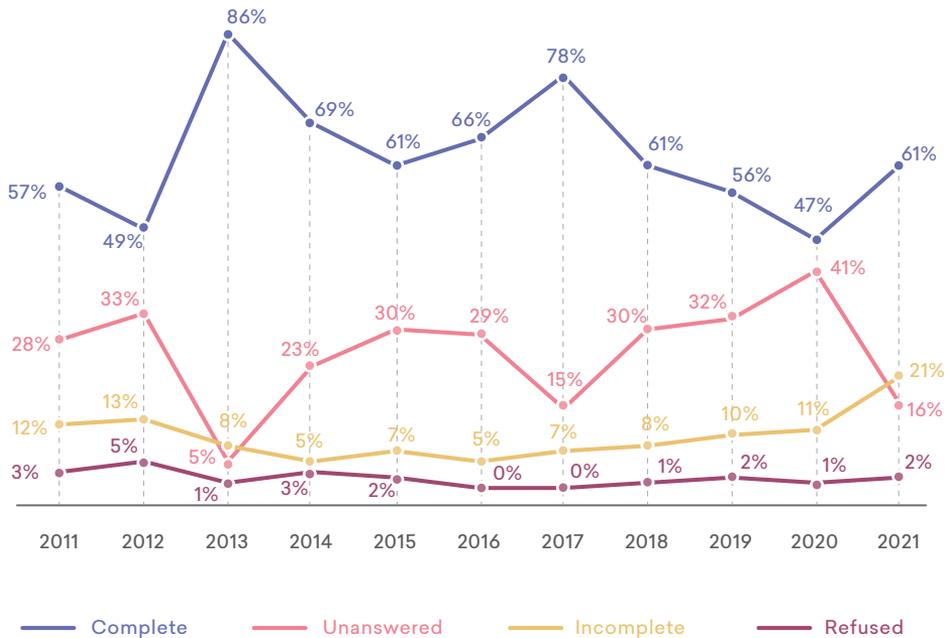
RESPONSES RECEIVED FROM THE MINISTRIES (INCLUDING THE OFFICE OF THE STATE MINISTER AND THE MINISTRIES OF ADJARA AUTONOMOUS REPUBLIC)



In 2011-2021, as in the case of the ministries, their subordinate agencies (LEPLs and sub-entities) had the highest rate of complete responses (86%) and the lowest rate of unanswered requests (5%) in 2013. Noteworthy is the fact that **in 2021 the share of unanswered requests by agencies subordinated to ministries decreased by 25%, while the rate of complete responses increased by 14% compared to the previous year. Additionally, the share of incomplete answers increased by 10%.**



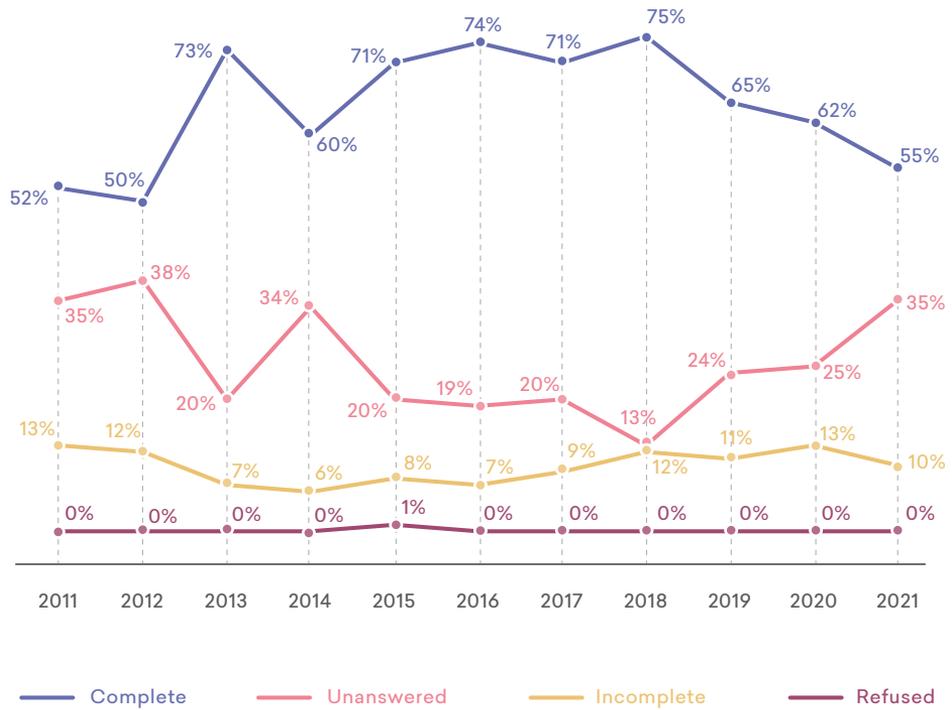
RESPONSES RECEIVED FROM ENTITIES SUBORDINATED TO THE MINISTRIES



In 2011-2021, the highest rate of fully received responses (75%) and the lowest rate of unanswered requests from local self-government bodies was recorded in 2018 - (13%). In 2021, the percentage of complete responses from municipal governments was the lowest at 55%, while the percentage of unanswered requests was the highest, at 35%, after 2012. According to the explanations submitted to IDFI in 2021, the transfer of employees of various municipal bodies to remote working conditions continued to cause significant delays in the effective operation of institutions. At the same time, one of the important factors in the deterioration of access to information can also be considered the fact that in 2021 most of the requests were sent by IDFI to municipalities in the local self-government pre-election period. The impact of political change and the electoral process on access to information is a clear indication of the institutional sustainability problems in municipal bodies.



RESPONSES RECEIVED FROM SELF-GOVERNING UNITS



Timeframes for Disclosing Public Information in 2010-2021

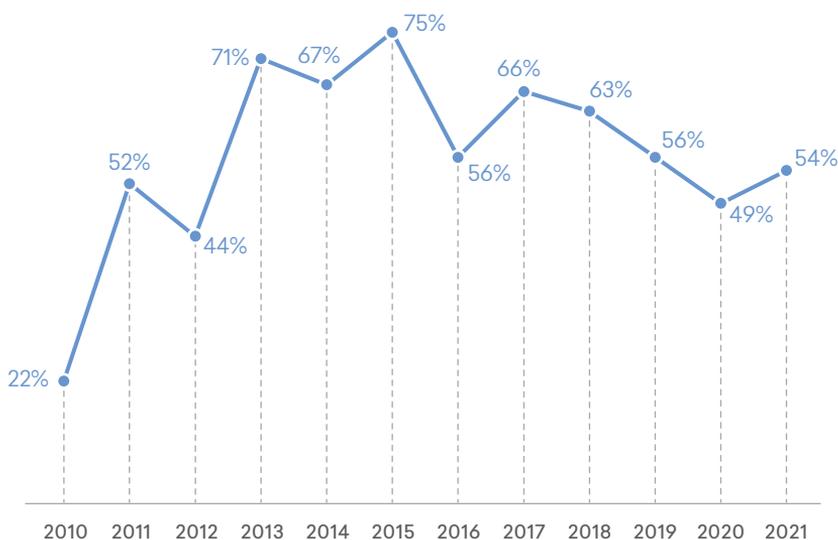
According to existing legislation of Georgia, public institutions are obliged to provide responses without delay to requests for public information. However, they may request a period of 10 days in case if the information requested is of high volume, if a public institution has to collect and process information, or if it has to consult another administrative body. At the same time, public entities are obliged to inform applicants about the need of using the 10-day period immediately.

Because in 2010-2021 IDFI usually requested a high volume of public information for the purpose of the monitoring, the provision of information within the period of 10 days was evaluated as a timely response, regardless of whether a public entity informed us about the need of using the 10-day period.

In 2021, **the rate of timely disclosure of public information improved by 5% compared to the previous year, going up to 54%. Despite the progress, this figure is the lowest since 2012, with the exception of 2020. This trend grown significantly since 2020 due to the the complication of the work process in agencies under the circumstances of the coronavirus pandemic (switching to remote work, involvement in the fight against the pandemic, etc.). In 2021 similar problems persisted, especially in municipal bodies.**



RESPONSES RECEIVED IN COMPLIANCE OF THE 10DAY DEADLINE





**RESULTS OF MONITORING THE
ACCURACY OF THE SO-CALLED
DECEMBER 10 REPORTS OF PUBLIC
INSTITUTIONS AND PARLIAMENTARY
CONTROL OVER IT**

According to Article 49 of the General Administrative Code of Georgia, public agencies are obligated to submit annual freedom of information reports to the Parliament, the President, and the Prime Minister of Georgia on December 10th each year, as well as publish these on the Legislative Herald.

Prior to 2017, the legislation did not establish procedures for reviewing the December 10 reports, so for years these reports were only formal in nature and neither the legislative nor the executive branch reviewed or monitored them.

In 2017, in the format of the Permanent Parliamentary Council for Open Government, the Parliament of Georgia took into account the recommendation of the Institute for Development of Freedom of Information (IDFI) and Transparency International - Georgia (TI) to introduce a system for monitoring public information reports. Specifically, according to paragraph 4.2 of the Action Plan of the Open Parliament of Georgia for 2017, the Rules of Procedure of the Parliament of Georgia should have established the procedure for reviewing the reports related to the disclosure of public information and the effective response mechanisms.

Article 177 of the Rules of Procedure of the Parliament of Georgia stipulates the obligation of the Committee on Human Rights and Civil Integration to develop and submit to the Bureau of the Parliament a joint conclusion on the reports submitted to the Parliament by public institutions in accordance with Article 49 of the General Administrative Code of Georgia.

According to the Rules of Procedure of the Parliament, the Committee on Human Rights and Civil Integration would also examine the statements from citizens and organizations submitted to the Parliament regarding “December 10 reports” of the public institutions and the information reflected in them.

On June 29, 2021, the Committee on Human Rights and Civil Integration launched the procedure for reviewing the “December 10 reports”. All interested parties had an opportunity to assess the accuracy of the information provided in the reports of public institutions, and in case of deficiencies and/or incomplete information, address the Parliamentary Committee on Human Rights and Civil Integration for response.

In order to provide relevant information to the Committee, in 2021 IDFI reviewed the December 10, 2020 reports submitted by public institutions.

In the mentioned study, IDFI reviewed the compliance of the information reflected in the December 10, 2020 reports of public institutions with the existing practice of responses to public information requests sent by IDFI during the same period. Public institutions that, according to IDFI, in 2020 were characterized by low rates of access to information were chosen as the subjects of the study. In particular, the survey was conducted according to the 2020 ranking of access to information based on the example of 60 public institutions with a rating below 50%.

The study led to several significant findings. Specifically:

-  Of the 60 public institutions studied, 18 of the 2020 so-called December 10 reports were not available at all;
-  The 5 public institutions that had had a delay of more than one month in responding to a request from IDFI as of December 10, 2020, indicated in their December 10 report that all public information requests had been fulfilled.
-  11 public institutions that had a delay of more than one month in at least one response to a request from IDFI as of December 10, 2020 (9 of them have not provided a response to this date), had indicated in their reports that all FOI requests had been fulfilled or were in the process;
-  According to the statistics included in the December 10 reports, only 16 public institutions had decided to refuse to disclose public information;
-  3 public institutions did not specify which legislative acts it relied on in deciding whether to disclose public information or which person made such decisions;
-  17 public institutions did not provide any information related to the processing of public databases and personal data in their reports.

The document sent by IDFI to the working group also contained recommendations that IDFI assessed would significantly contribute to increasing the effectiveness of the public information reports. Specifically, IDFI addressed the Committee with the following recommendations:

-  During the review of the “December 10 Reports” by the Committee on Human Rights and Civil Integration, ensure access to the December 10 reports of all public institutions;
-  The December 10 reports should be accompanied by a register of letters received and requests for public information during the reporting period. Each letter will contain: date of receipt, summary of the request, date of reply, and status of letter satisfaction according to the agency; In case of refusal, the relevant legislative acts, based on which the public institution decided to refuse to provide public information, and who was the person making such a decision;
-  Public institutions should use a unified methodology to determine the status of the response to specific letters. For example, a letter requesting public information should be given a current status only if the 10-day deadline for reply has not expired as of December 10, the letter should be considered satisfied only if a public institution has fully responded to a specific letter;



As of December 10, for each letter with a current overdue status, describe the reason for the violation of the deadline, and in case of a letter left unanswered by the relevant authorized person, which legally means refusal, reflect this fact in the relevant statistics;



In case of discrepancies in the December 10 reports of public institutions, the issue of disciplinary liability of the person responsible for the accuracy of the information reflected in the report should be considered.

An important part of the report published by the parliamentary thematic research group is the discussion of each of the findings and recommendations of the study submitted by IDFI. The report states that the shortcomings identified by IDFI in the study of 60 institutions are sufficient grounds for the findings to be generalized and the identified shortcomings to be addressed, which requires additional assessment and effort to prevent and eliminate them. The report also notes that the thematic group examined in detail the issues raised in IDFI's study, most of which coincided with the shortcomings identified by them that became both the reason and the basis for initiating their own thematic research.

In the framework of the thematic study, generalized recommendations are presented, which envisage both relevant legislative changes, as well as the implementation of effective measures by specific public institutions. The conclusion presented by the thematic group fully takes into account the recommendations from IDFI.



CONCLUSION

According to the results of the monitoring conducted by IDFI in 2021, the quality of access to public information in the country increased by 2% compared to the previous year. The slightly improved rate of responses from public institutions in 2021, can, on the one hand, be attributed to the weakening impact of the extraordinary situation created in public institutions as a result of the pandemic and, on the other hand, positive changes in access to information in individual institutions (e.g., the Ministry of Justice system), improving the practice of low accountability established over the years, which has had a positive impact on access to information in the public sector in Georgia overall.

The response rate to letters sent in 2021 (82%) still maintains the 80% critical threshold established after 2014, which is largely due to the high accountability demonstrated by certain public institutions. Specifically, public institutions such as the Office of the State Inspector, the National Statistics Office, the Office of the Public Defender, and others have, for years (including in times of crisis), maintained the best rate of access to public information and duly fulfilled their statutory obligations.

The trends identified in the 2021 monitoring process raise questions about the institutional sustainability of accountability mechanisms in some agencies. For instance, after the departure of Tea Tsulukiani as Minister, the Ministry of Justice in 2021 issued public information that had been closed to interested parties under her leadership. At the same time, after the appointment of Tea Tsulukiani as Minister of Culture, Sports and Youth, said Ministry did not release any information that it had been disclosing smoothly (before the establishment of the Ministry of Culture and Sports separately) in previous years. Problems with institutional sustainability of accountability mechanisms can be linked to the fact that some municipal bodies leave unanswered requests in the pre-election period. As a result, in 2021, the number of requests left unanswered by self-governing units increased by 10%.

The impact of personal factors and expected political changes on the degree of publicity of administrative bodies clearly indicates the need to establish effective mechanisms in the country to ensure access to information.

In 2021, the restriction of access to information by public institutions, which have a special role in promoting the protection of democratic values in the country, should be considered a particularly noteworthy problem. For example, the Administration of the Government of Georgia, which is one of the main coordinating bodies in the fight against the pandemic, should be an uninterrupted source of information for citizens. The Ministry of Economy and Sustainable Development, as well as the Ministry of Culture, Sports and Youth, given the importance of their international reputation and the size of the budget funds administered by them, should be distinguished by a high degree of transparency.

The practice of recent years clearly demonstrates an improper attitude towards access to information among state-owned LLCs and NNLEs. Although these agencies often exercise public

legal authority and manage public finances, in the case of requests sent by IDFI, they either leave the requests without a response or explain that they are not an administrative body and are therefore not subject to the obligation to provide public information. In this regard, the strategic dispute between IDFI and NNLE Media Academy in 2020 may be of particular strategic importance, as the agency was instructed to provide the requested information as a result of the dispute by the decisions of the first and second instances.

It is noteworthy that in 2021, effective steps have been taken to increase the effectiveness of parliamentary control over access to information of the public sector. The implementation of IDFI's recommendations set out in the thematic inquiry of the Parliamentary Committee on Human Rights and Civil Integration of the Parliament of Georgia will provide an opportunity to increase the efficiency and scale of monitoring access to public information in the country.

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