

# Institute for Development of Freedom of Information

INSTITUTE FOR DEVELOPMENT OF  
FREEDOM OF INFORMATION



## Access to Public Information in Georgia Information Report № 6 October 2013 – December 2014

The research was implemented in the framework of the project - Database of Public Information - [www.opendata.ge](http://www.opendata.ge).

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## Introduction

In October 2013 N(N)LE Institute for Development of Freedom of Information (IDFI) with the support of Open Society Georgia Foundation (OSGF) and Open Society Foundations (OSF) continued to implement the project “Public Information Database – [www.opendata.ge](http://www.opendata.ge)”, launched in 2010. The main activity of the Institute within the framework of this project has been sending FOI requests to public institutions and preparing analysis of the practice of access to information.

The given report covers analysis of access to information in the public institutions of Georgia for the period between October 2013 and December 2014. The report is based on the replies received from 308 public institutions during the reporting period. The public institutions addressed with FOI requests can be clustered as follows:

- **28** central public institutions (the Parliament, Administrations of the President and Government of Georgia, Ministries, Government of Adjara A/R and Ministries of Adjara A/R);
- **96** LEPLs and sub-agencies of Ministries;
- **26** independent bodies (independent LEPLs, regulatory commissions etc.);
- **128** representative and executive bodies of self-government entities (City Halls, Municipal Boards, Municipal Councils);
- **9** Administrations of the State-Representative Governors;
- **10** state universities;
- **11** institutions of the Judiciary branch (High Council of Justice, Department of Common Courts, Courts);
- **10** state-owned LTDs and LEPLs.

It is noteworthy that implementation of the previous project (July 2012 – June 2013) has coincided with the change of power in Georgia since the Parliamentary elections on October 1<sup>st</sup>, 2012. The given report will, among others, analyse to what extent the positive trends in terms of access to information highlighted immediately after the political changes have been maintained.

## Requested Public Information

In the period between October 2013 and December 2014 IDFI sent a total of 7 878 FOI requests to 308 public institutions. The requests were formulated in a way as to exclude expectation of information been classified or containing personal data.

Within the framework of the project the Institute has addressed public institutions with standard FOI requests. While preparing the requests, IDFI has taken into consideration list

of information to be proactively disclosed according to the Decree 219 of the Government of Georgia (26 August 2013). This data has already been published by a number of public institutions on their web-sites<sup>1</sup>. **The Institute has not requested the information which had already been proactively published on web-sites. E.g. if an administrative body had disclosed on their web-page detailed data on bonuses and supplements of public officials the Institute would not address the public entity with a FOI requests on the same issues.**

The standard requests sent by the Institute to public institutions during the given study concerned such issues as management of financial resources, staff, electronic correspondence, audit and other public information linked with transparency of an administrative body.

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<sup>1</sup>There have been a number of significant changes in Georgian legislation in terms of access to information over the last years. The General Administrative Code of Georgia has enshrined the notions of proactive disclosure and electronic request of public information. Therefore, the law introduced obligation of public entities to disclose information of high public interest on their electronic resources. On August 26<sup>th</sup>, 2013 Decree №219 of the Government of Georgia on electronic request and proactive disclosure of public information was adopted. The mentioned bylaw regulates such issues of proactive disclosure as the list of information to be disclosed, timeframes, public institutions obliged to disclosure information proactively etc.



## 1. Financial Information

1.1. Budget Implementation Report

1.2. Urgent Procurements

1.3. Bonuses (Each High Public Official Separately)

1.4. Salary Supplements (Each High Public Official Separately)

1.5. Official Visit Expenses (By Spending Categories)

1.6. Roaming Expenses (Each High Public Official Separately)

1.7. Representation Expenses (Detailed Information)

1.8. Vehicle Fleet

1.9. Replaced Vehicles and IT Equipment

1.10. Maintenance Expenses of Vehicles

1.11. Consulting Service Expenses



## 2. Human Resources

2.1. The List of Employees (including Remuneration)

2.2. Number of Non-staff Employees

2.3. Work Description of Non-staff Employees

2.4. Minutes of Selection and Certification Commission

2.5. The List of Reappointed Employees

2.6. Charges Imposed For Non-mandatory Reappointment

2.7. Staff Member Optimization Reports

2.8. Higher Education Diplomas of the Heads and Deputy Heads of Administrative Entities

2.9. Work Experience of Advisors to Heads of Administrative Entities (CV)

2.10. Work Description of Advisors to Heads of Administrative Entities



## 3. E-correspondence

3.1. Copies of e-correspondence sent and received from the official e-mail accounts of the Heads of Administrative Entities

3.2. Written Agreements on State Procurements sent and received from the official e-mail accounts of the Authorized Persons



## **4. Audit Checks**

**4.1. Acts of Audit Check**

**4.2. Audit Check Results sent to Law-Enforcement Agencies**

**4.3. Disciplinary Sanctions Imposed**

**4.4. Measures Carried out for Addressing Breaches Revealed**



## **5. Legal Acts**

**5.1. Legal Acts on Proactive Disclosure of Public Information**

**5.2. Legal Acts on Appointing Advisors to Heads of Administrative Entities**

**5.3. Copies of Contracts on Consulting Services**

**5.4. Internal Acts on Qualification Requirements**

**5.5. Decrees and Internal Assessment Acts of Selection-Certification Commissions**

Taking into account high public interest, apart from standard requests various public institutions were sent specific requests on their activities.



## Non-Standard Requests

1. Statistical Information on Surveillance
2. Criminal Statistics by Types of Criminal Acts
3. The Amount of Fines Imposed by Police
4. Construction Costs of Public Service Halls
5. The Funds Transferred to The Budget From LEPL "C.T.Park" and LEPL "HERMES"
6. Grant Amounts and Number of Students Financed for Studying Abroad
7. Agreement on Transferring Gudauri Apartment to the Prosecutor's Office
8. MP Accommodation Rent Expenses in Kutaisi
9. Finances Allocated from the Reserve Fund of the President
10. Funds Allocated for Bureaus of the Majoritarian MPs
11. Statistics of Financial Crimes
12. Companies Purchasing Debentures Issued by Georgian Railway in 2008



13. Copies of Court Decisions on High Profile Cases

14. Garbage Tax Revenues

15. Motions on Wiretapping Judge Correspondence

16. The Questions Referred to the Personal Data Protection Inspector Concerning Requests of IDFI

17. Investigations Launched on Cases of Illegal Surveillance

18. Public Officials Fined For Violating the Rules of Submitting Asset Declaration

19. Agreements with Lobbyist Firms

20. Georgian Parliament Renovation Costs

21. Funds Allocated for Arranging and Promoting "Kazantip" Festival

22. Events Implemented within the Framework of the Project "Georgia 2020"

23. Statistics on the cases of Torture and Inhuman Treatment of Prisoners

24. Statistics of the Murders on the Ground of Domestic Violence

25. Applications of the Citizens Demanding Damages or Reimbursement of the Costs of Illegally Deprived Property

26. Statistical Information on Investigations on the Crimes Committed by Former Public Officials

27. State Assets Privatized Through Direct Purchase

28. The Rationale Behind Stricter Visa Regulations in Georgia

29. The Number of Homeless Persons Registered According to Regions

30. The Rationale Behind the Introduction of Prescriptions for Purchasing Second Group Medicaments

As part of the project the Institute encourages citizens to share their own opinions on the topics and issues of particular interest to be requested from public institutions. It should be noted that citizen engagement in the project has been increasing each year. Find below a list of a number of requests that were sent to public institutions upon receiving suggestions from citizens.



## Requests from Citizens

**1. Statistics of Traffic Accidents**

**2. Statistical Information on Foreign Citizens Applying for the Status of Refugee**

**3. Statistical Information on Shelters Seekers**

**4. Expenses Incurred on the Services of Travel Companies**

**5. Statistical Information on Foreign Citizens Been Granted Citizenship of Georgia**

**6. Statistical Information on Foreign Citizens Been Granted Residence Permit**

**7. The Number Of N(N)LEs Established in 2004-2014**

**8. Results of MA Entrance Competition**

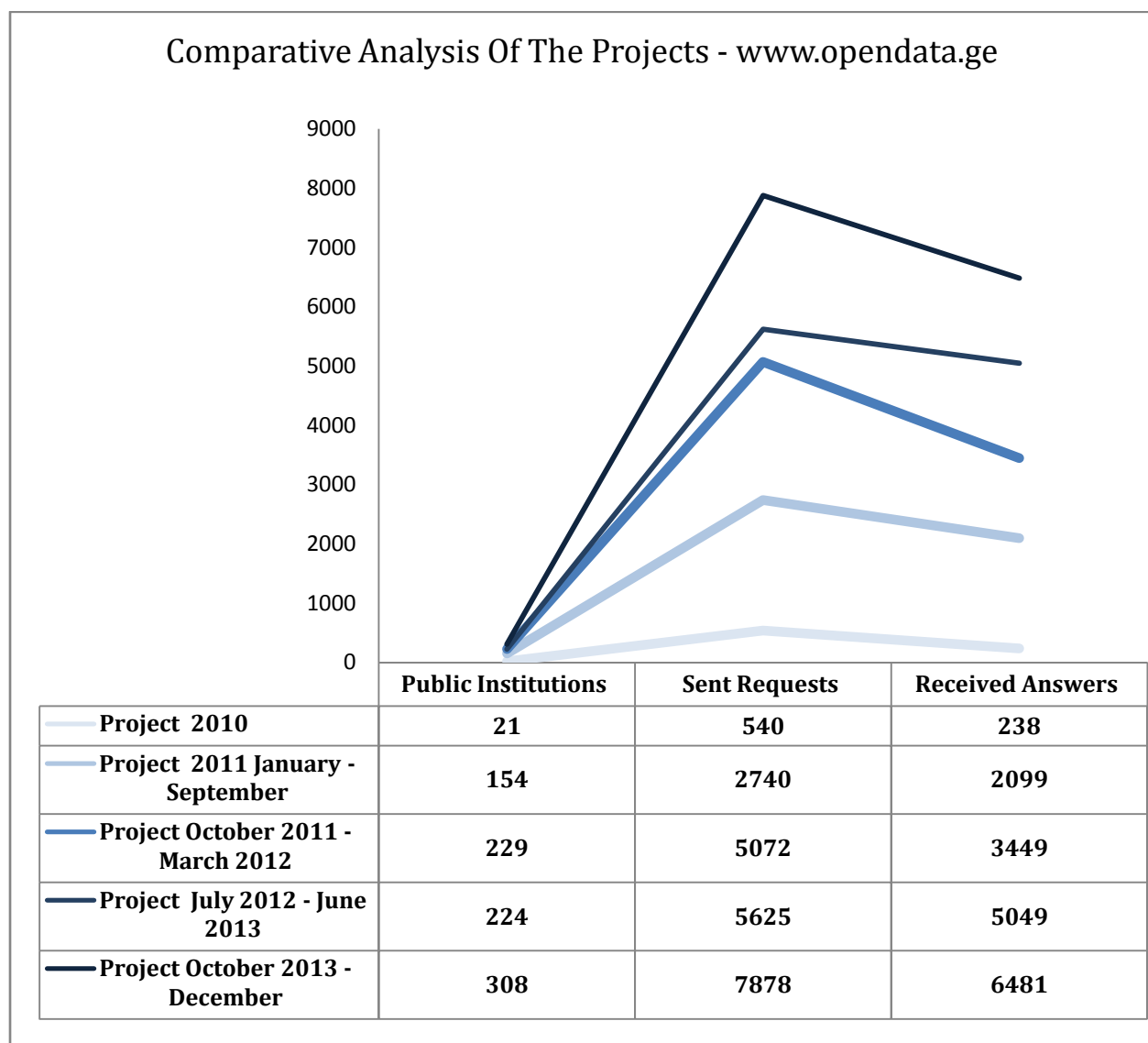
**9. Funding of Chokhatauri and Zestafoni Libraries**

**10. Statistical Information On Unified Entrance Examination**

## Statistics of Received Public Information

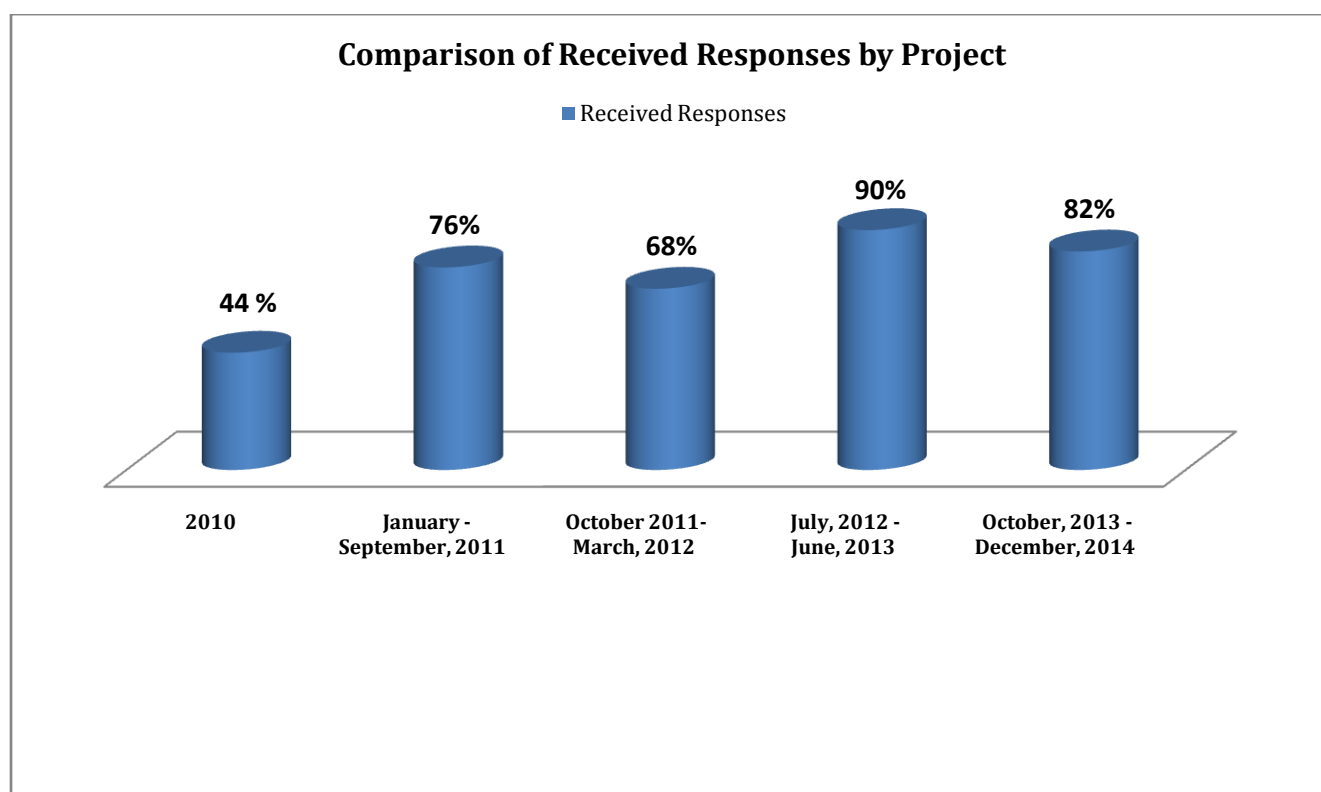
Within the framework of the project (October 20130 – December 2014) IDFI has addressed 308 public institutions with 7 878 public information requests, out of which the entities have replied to 6 481 requests.

As we can learn from the statistics compiled by IDFI over the last 4 years, since the pilot project in 2010 the number of public information responses made by public institutions has been gradually increasing. Therefore, the amount of information received by the Institute and available on the web-site ([www.opendata.ge](http://www.opendata.ge)) has also increased, giving visitors of the webpage opportunity to learn more about the topics of their interest.



It should be noted, that dynamics of ratio between the sent requests and received answers is frequently changing. Namely, before Parliamentary elections in 2012 the percentage of

unanswered requests was high, while during the period between July 2012 and September 2013 the rate of received answers has reached 90%. Unfortunately, based on our statistics in the current project the rate has decreased by 8% and has amounted to 82%.



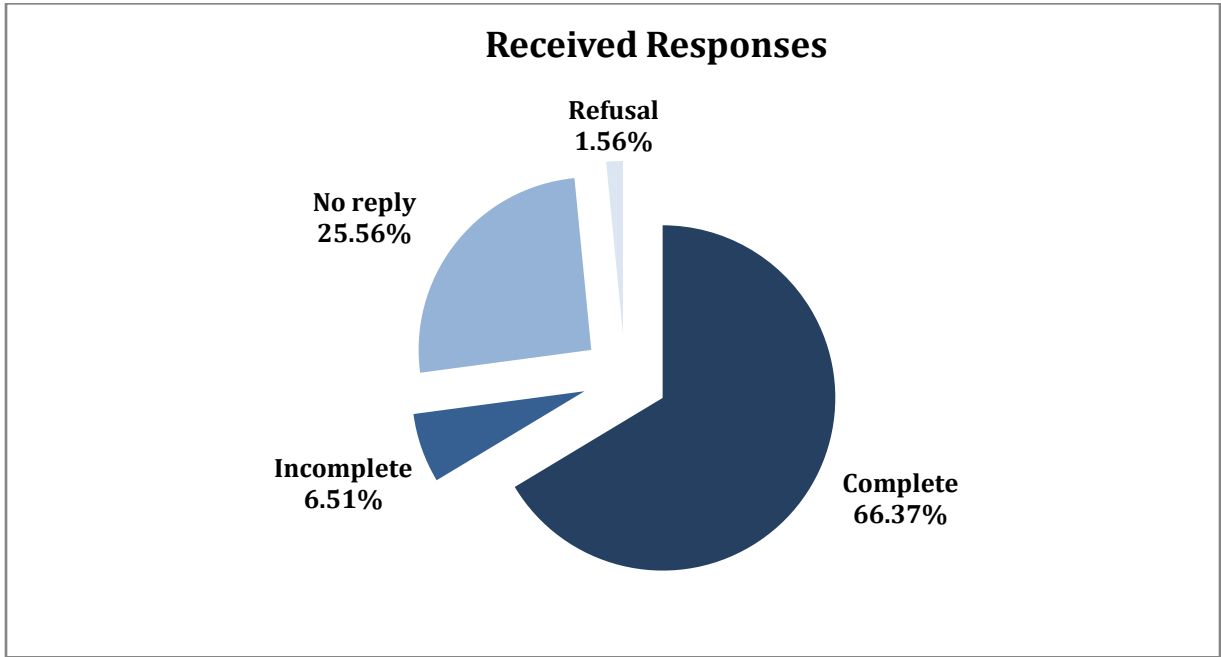
Within the framework of the project the replies received by IDFI can be classified according to a number of categories:

- Complete reply –Exhaustive information received from a public institution in reply to a request;
- Incomplete reply –Information received from a public institution partially covering the request;
- Refusal to provide public information – Unreasonably justified refusal of public institution to disclose information;
- Unanswered request – Inaction of the public institution, namely, evasion of public information disclosure. Legally such action is equaled to a refusal, however, IDFI compiles a separate statistics of such cases;
- No information kept at the institution/no action taken – Explanation of a public institution that the requested document is not kept at the entity or no action had been implemented.

Within the framework of the project (October 2013 – December 2014) IDFI has sent 7 878 requests to 308 public institutions. In 3628 cases the Institute received complete

responses, while in 356 cases information was incomplete. There were 85 cases of refusal, while 1397 requests were left without answer. Public institutions claimed that they had not implemented a specific action or did not have requested information in 2412 cases.

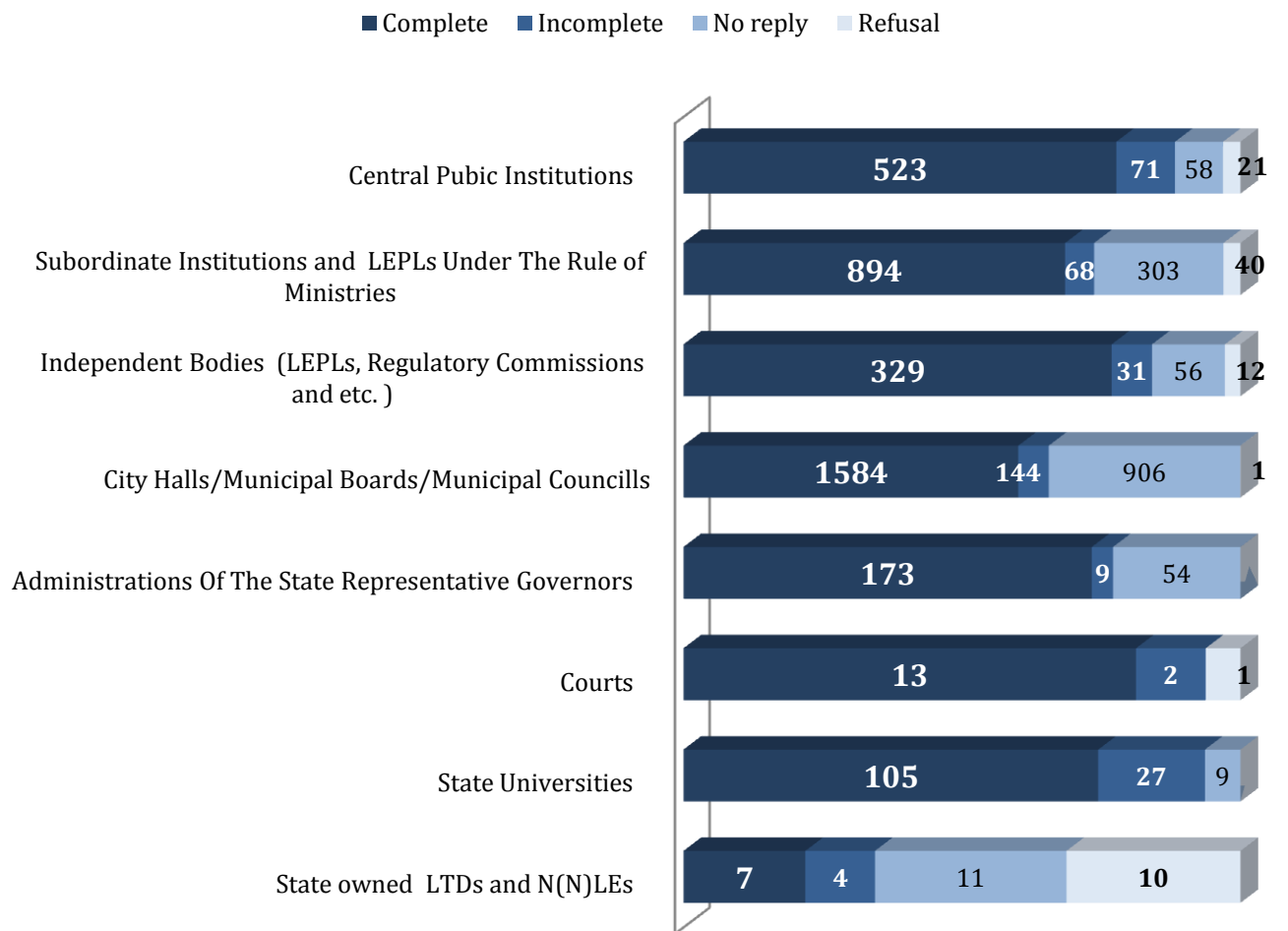
The charts below as well as rating of access to information does not include those replies where indicated that they did not have information or specific action had not implemented. Therefore, the data covers 5466 replies received by the Institute from 308 public institutions.



Based on the categories of public institutions the highest share of unanswered requests was observed in case of executive and representative bodies of local self-governmental entities (city halls, municipal boards, and municipal councils).

The largest number of refusals to disclose public information was observed in cases of state-owned LTDs and N(N)LEs. The abovementioned institutions were sent a total of 32 requests out of which 10 were refused, while in 11 cases questions were left unanswered.

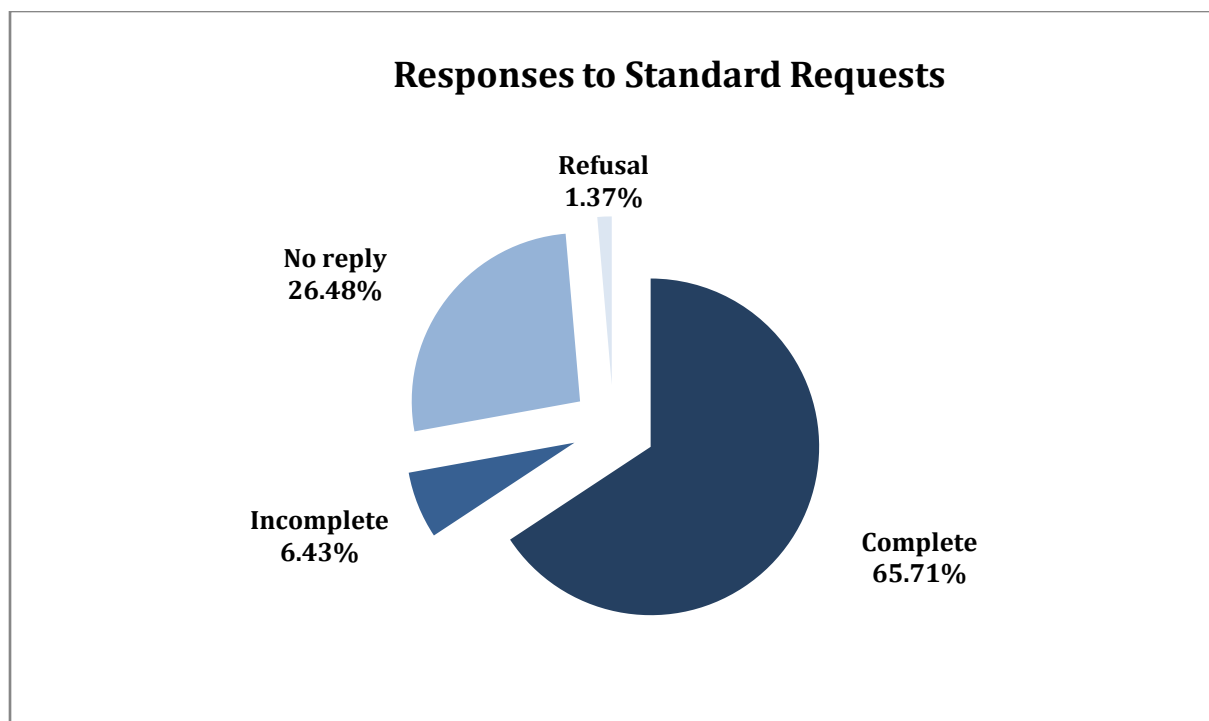
## Received Responses According to the Categories of Public Institutions



## Replies Received on Standard Requests

As already mentioned above, within the framework of the project public institutions were sent various types of questions, including standard requests developed by IDFI.

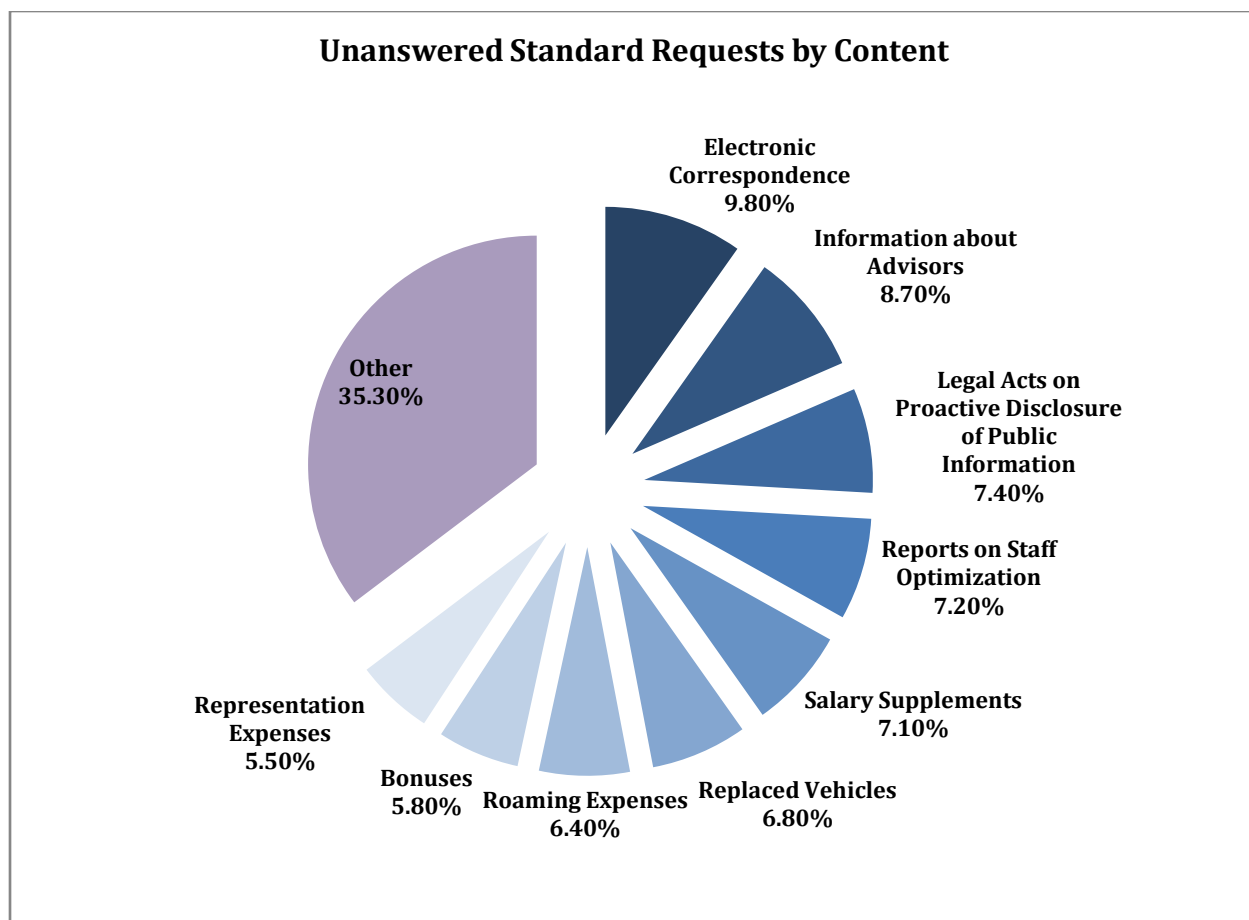
Out of a total of 5466 requests taken into consideration when presenting access to information rating, 4958 were standard requests. Complete responses were received on 3258 standard requests, there were 319 incomplete replies, 68 instances of refusals, while 1313 requests were left unanswered.



The study has revealed interesting observations linked with those standard requests which have not been answered by public institutions (refusal/no reply). The largest share of unanswered standard requests (9.3%) concerns e-correspondence, namely, copies of e-mails on state procurements sent and received via e-mail account of corresponding authorized person.

The second most closed public information is data on advisors of heads of public institutions (name, surname, CV, remuneration, legal act on appointment) – 8.7% of cases.

It turned out that the requests on legal acts introducing standards of proactive disclosure of information has proved to be particularly problematic for those public institutions not covered by Decree N219 of the Government of Georgia ( August 26<sup>th</sup>, 2013).



## Replies to Non-standard Requests

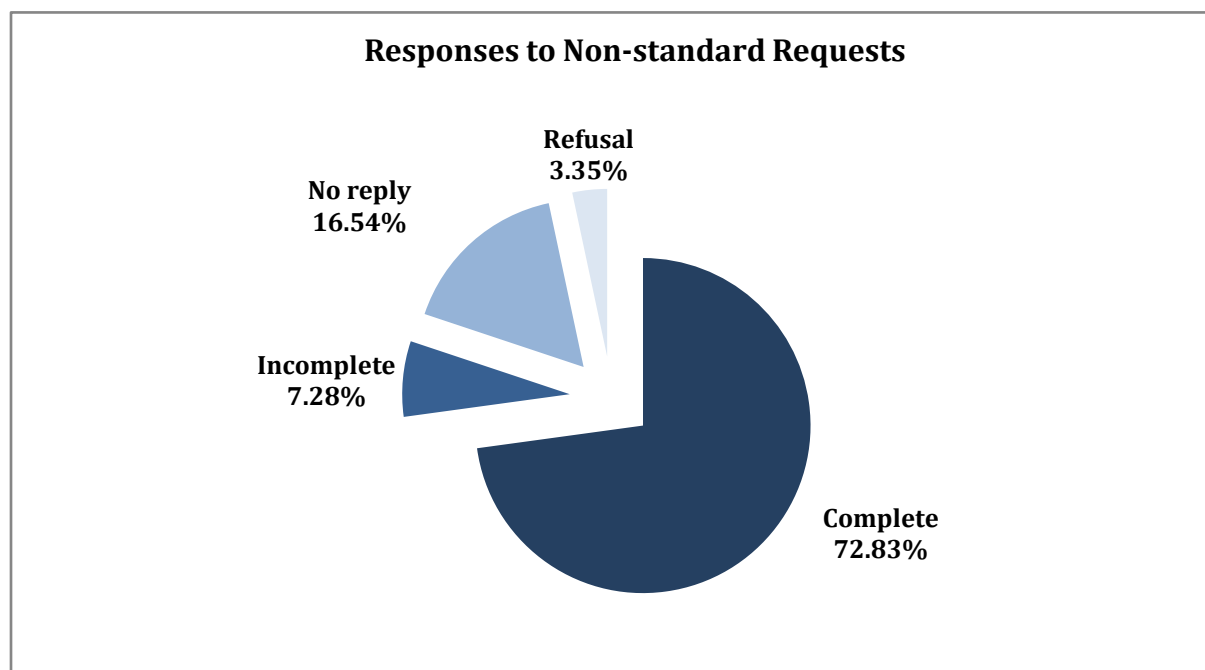
Within the framework of the project public institutions were also sent non-standard requests. These have been prepared by IDFI taken into consideration high public interest towards specific issues as well as questions prepared and sent upon request from citizens.

IDFI believes that increasing accountability and transparency of the government as well as planning and implementing effective policies is only possible in case of existence of active society. Therefore, one of the central goals of the project “Public Information Database – [www.opendata.ge](http://www.opendata.ge)” has been to increase engagement of citizens in the process of controlling transparency, openness and accountability of the government.

IDFI has been often addressed by citizens, Georgian and foreign students, researchers, journalists and bloggers in order to receive advice on FOI requests as well as get further information on different publications (reports, studies, articles, blogs, statements) prepared by the Institute.

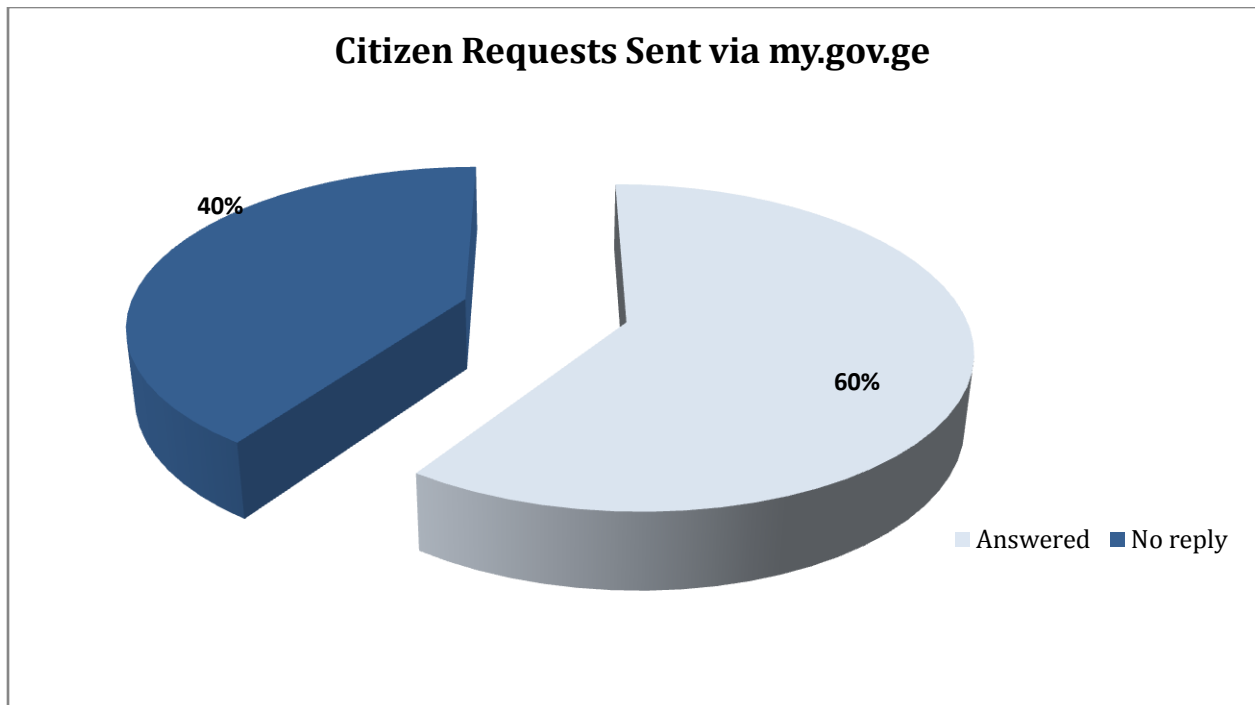


Within the framework of the project the public institutions were sent a total of 508 non-standard requests out of which complete replies were received in 370 cases, there were 37 incomplete responses, 17 refusals and 84 unanswered requests.



As part of the project IDFI also tried to ascertain to what degree public institutions complied with the requests sent by citizens. Institute also aimed at researching effectiveness of new standard of electronic FOI requests. With this in mind one of the employees of the Institute has sent requests to 52 public institutions using own account (without identifying the Institute). The sent requests concerned the amount of bonuses and salary supplements received by the head of corresponding public institution in 2014 (January – February).

Out of these 52 administrative bodies only 31 replied to the citizen. It is noteworthy that in most of these cases requests were left unanswered by the public institutions which were observed to have low level of accountability in cases of requests sent on behalf of IDFI.



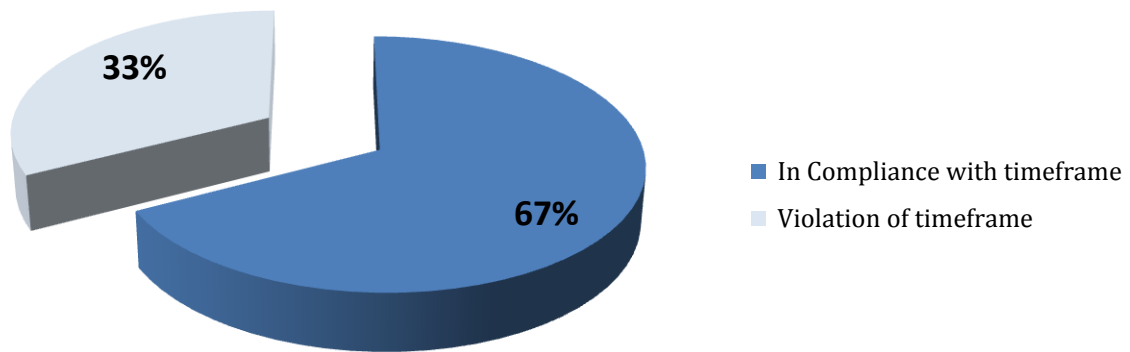
## FOI Timeframe Compliance

According to Georgian legislation, public institution is obliged to immediately respond to FOI request. At the same time, if information requires to be processed the 10 day-period can be applied for release of public information.

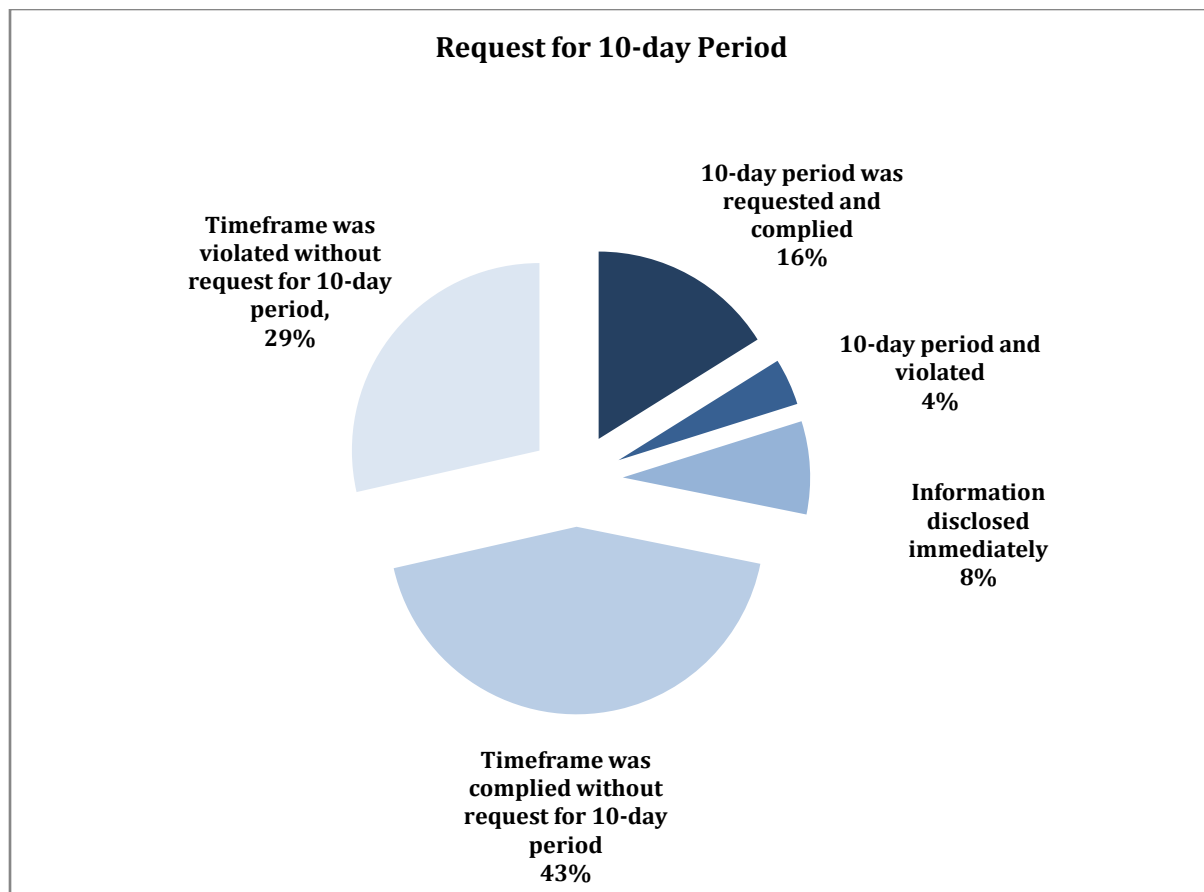
Considering that the Institute frequently requested large scope of information, timeframe compliance has been defined as 10 working days when drawing statistics. This was the case regardless of whether the public institution had requested 10 day-period for providing public information or not.

Out of 7878 FOI requests sent to public institutions, IDFI has received information within the 10-day period in 5311 cases. At the same time in 2567 instances (including unanswered requests) 10-day period defined by the legislation was violated.

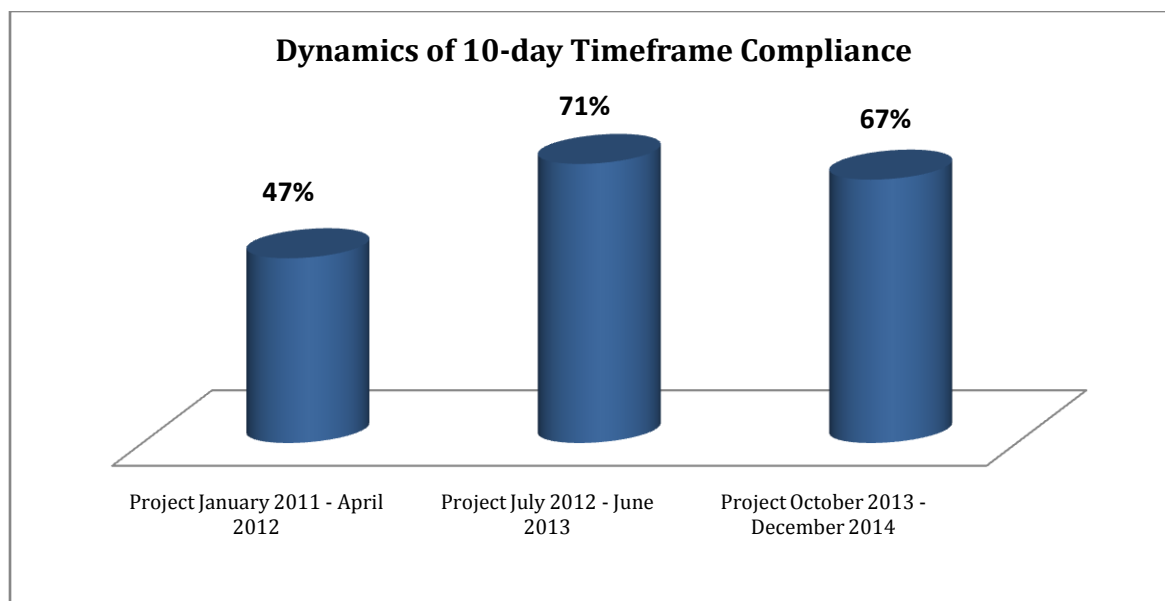
**Unanswered Requests  
(Including Violation of 10-Day Timeframe)**



Assuming that public information is considered to be immediately provided only when it is sent to the requester in three days, there have been only 635 cases when the Central public institutions immediately responded to FOI requests. The number of cases when public institutions requested 10-day period and provided information within this timeframe has amounted to 1272. In 318 cases public institutions requested 10-day period, however information was either not provided, or was sent in violation of the abovementioned timeframe. In 3414 cases there have been no requests for extension up to 10 working days; however, the information has been provided in the period between 4 to 10 days. In 2302 cases legally defined timeframe was violated without request for 10-day period.



Thus, according to the statistics, as compared to the last year compliance of 10-day period by public institutions has been decreased by 4%, which is due to considerable growth of the number of unanswered requests.



## The Form of Releasing of Public Information

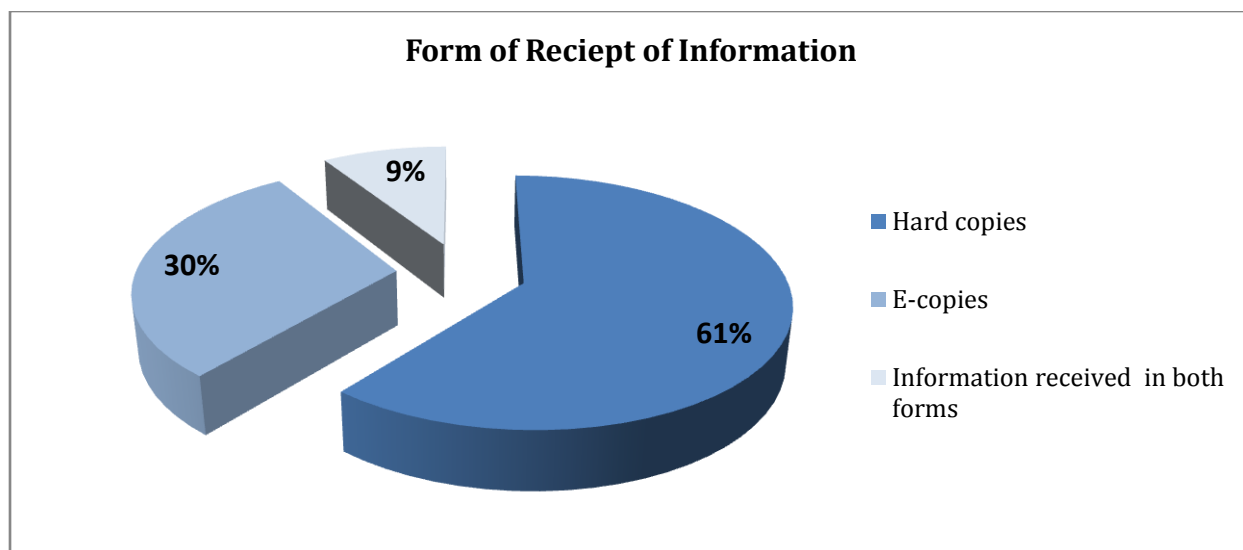
Georgian Legislation grants everyone has the right to choose the form of receipt of public information. The Institute has been using this right asking the public institutions to provide information electronic documents if information was produced electronically and/or could be converted into electronic format.

*In Compliance with Article 37 of the General Administrative Code of Georgia please provide the information which is produced electronically and/or could be converted into electronic format as an e-document to the e-mail address – [info@idfi.ge](mailto:info@idfi.ge), in other cases please provide the information in hardcopies.*

**Request of IDFI on the form of releasing of public information**

Even though IDFI preferred to receive information in electronic form, in most cases public institutions provided printed documents, which requires more administrative costs as compared to electronic form of disclosure. In some cases requested information was provided in both printed and electronic forms.

Out of a total of 6 481 replies the majority (3 953 replies) were received in hard copies, 1 939 replies were received electronically, while in 589 cases the same information was provided both in printed and electronic forms.



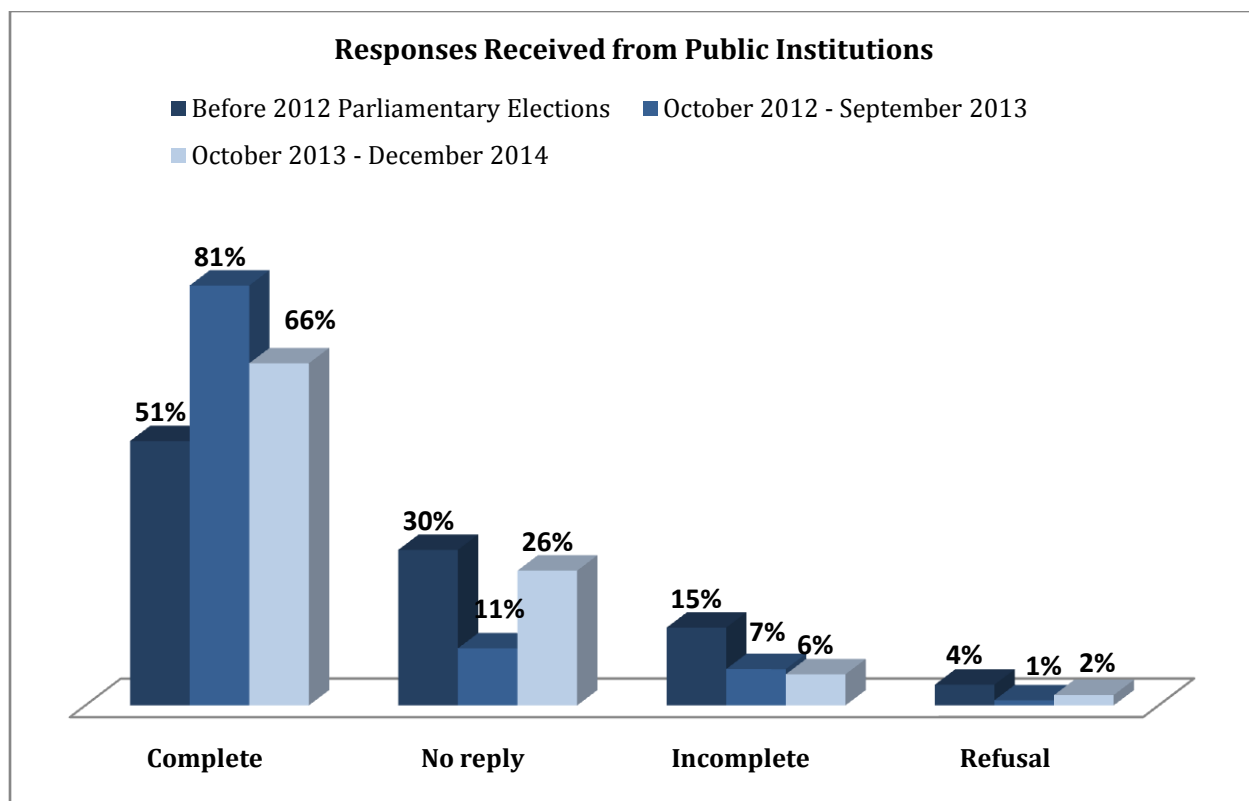
We believe that if requested public information exists in an electronic form and the requester prefers to receive it electronically, public institution is obliged to choose the more effective form of public information disclosure – e-form. This will spare administrative efforts of public institution, and give the requester opportunity not to be subject to payment of fee for copy of public information. In addition will eventually fasten and simplify the process of public information disclosure.

It should be noted that as compared to the project implemented in 2012-2013, the cases of e-disclosure by public institutions have considerably increased. During this period the share of e-documents received by the Institute amounted to only 15%.

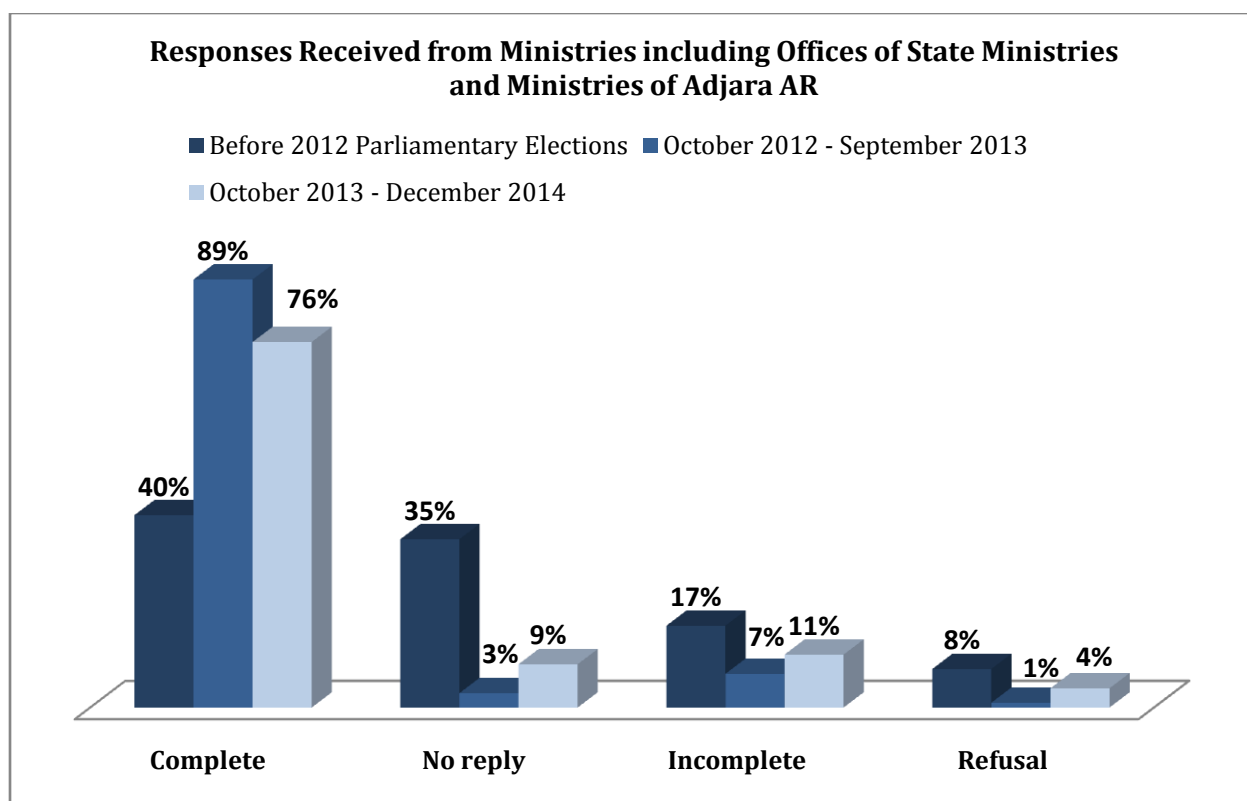
### **The Practice of Public Information Disclosure before and after 2012 Parliamentary Elections**

The implementation period of the previous project (July 2012 – June 2013) has coincided with the change of power as a result of Parliamentary Elections on October 1<sup>st</sup>, 2012. Within the framework of the project IDFI attempted to find out to what extent the positive trends in terms of access to public information observed at the starting point of political changes have been maintained in the public institutions.

The 81% rate of complete replies observed immediately after the elections (October 2012 – September 2013) has been decreased to 66% during the current project, while the share of unanswered requests has increased from 11% to 26% and has approached the rate before parliamentary elections.



In case of the Ministries during the current project (October 2013 – December 2014) as compared to the rates immediately after the elections (October 2012 – September 2013) the share of complete replies has decreased by 13%, unanswered replies have increased by 6%, incomplete replies increased by 4%, while refusal to release public information also increased by 3%.



In order to illustrate changes in approaches to disclose public information the example of Ministry of Internal Affairs can be brought. i.e. during the previous project period the Ministry has disclosed detailed information on bonuses and salary supplements of high officials (indicating names and surnames), while currently the same request was received incompletely (summed up) and only after submitting administrative complaint.

Same is the case regarding the Ministry of Finance of Georgia. During the current project the Ministry, in contrast to the previous project, abstained from disclosing detailed information on bonuses given to public officials.

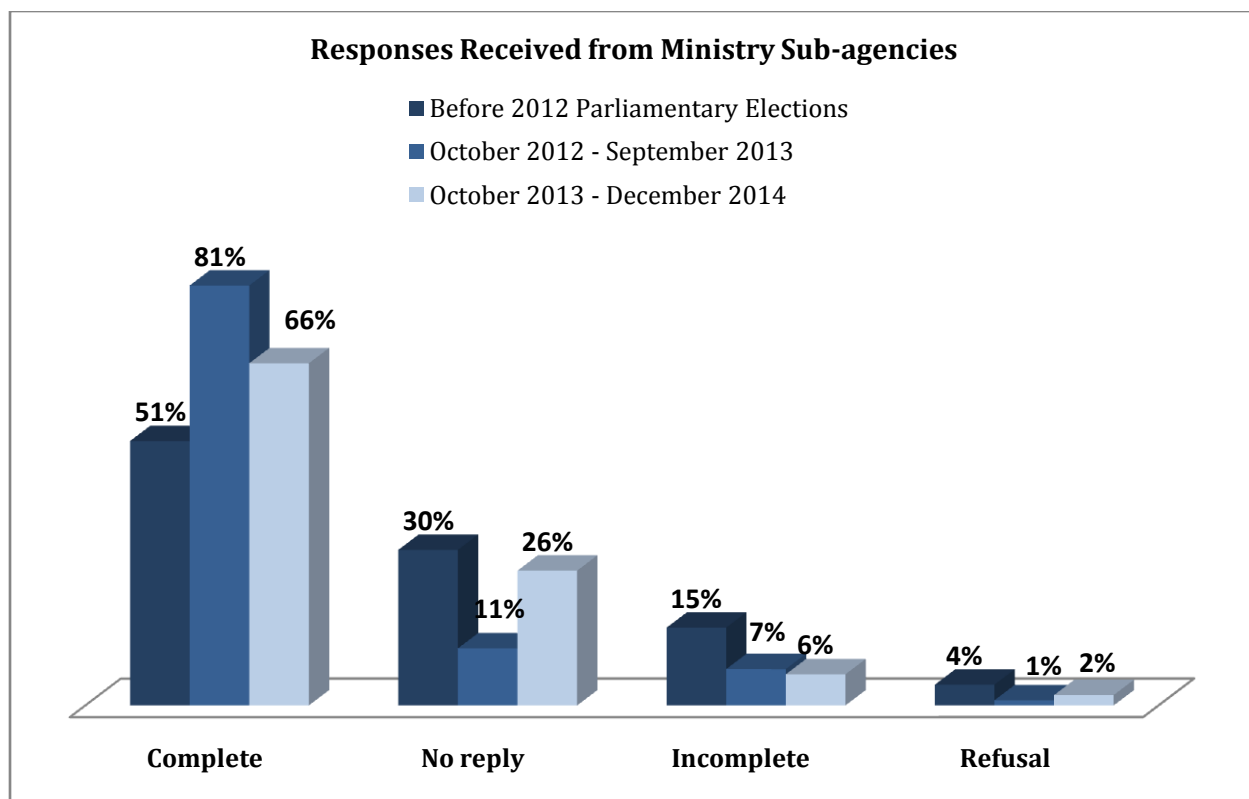
The Ministry of Economy and Sustainable Development provided us with detailed information on official visit expenses of each public official during the previous project, while only disclosed summed up information during the current reporting period.

The overall impairment of access to information rating among Georgian public institutions is mostly attributed to the fact that a number of institutions which scored high during the 2012-2013 project period have now left most of the requests of IDFI unanswered. Therefore, lack of accountability of these institutions has led to worsening of the aggregate score of access to information among public institutions. One of the main reasons behind this decreased level of access to information is to be found in unanswered replies, which according to Georgian legislation qualifies as refusal. Precisely, a number of Ministry sub-

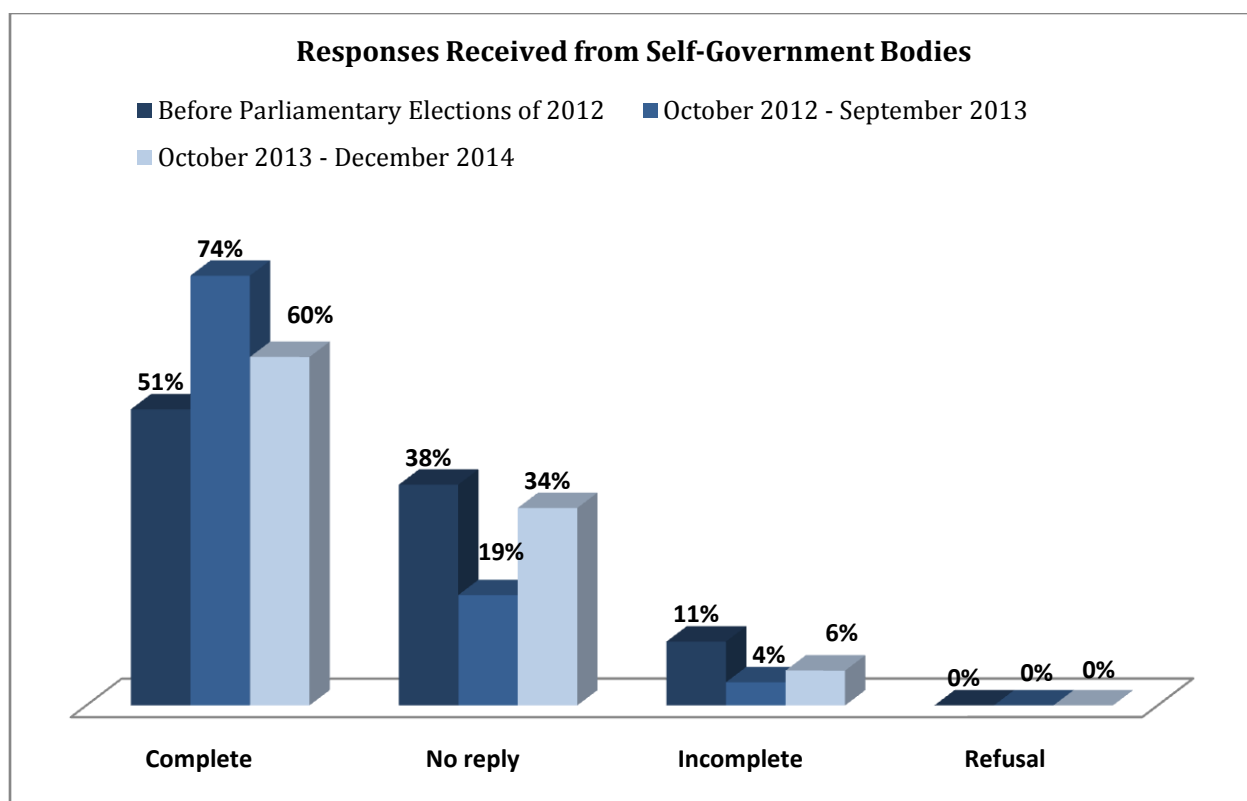


agencies as well as representative and executive bodies of local self-governments entities failed to provide requested information.

Immediately after 2012 Parliamentary elections (October 2012 – September 2013), the number of unanswered replies of Ministry sub-entities constituted only 3% which increased up to 23% during the current project. At the same time the share of complete replies has decreased from 89% to 69%.



Similar to the Ministry sub-entities, access to information rating has also significantly deteriorated in local self-governing bodies; Number of complete replies have decreased from 74% to 60%, while the index of unanswered requests increased from 19% to 34%. It is noteworthy that most of these requests were sent to these sub-entities before local self-government elections held in summer 2014. Therefore we are currently not able to present the data to what extent political changes at local self-government bodies affected practice of public information disclosure.



Access to information rating of specific public institutions, as well as comparison to the results of the previous project is presented below.

## Access to Information Rating

The data received within the framework of the project enables us to present access to information rating of public institutions.

This rating is based on the scores of access to information deduced from the coefficients given below:

Coefficients for Assessment of Received Information	
Information is provided completely in compliance with 10-day timeframe	<b>1</b>
Information is provided completely in violation of 10-day time-frame	<b>0,99</b>
Information is provided incompletely in compliance with 10-day time-frame	<b>0,5</b>
Information is provided incompletely in violation of 10-day time-frame	<b>0,49</b>
Information is provided completely after filing administrative complaint	<b>0,6</b>
Information provided incompletely after filing administration complaint	<b>0,3</b>
Unjustified refusal to provide information	<b>0</b>

No reply to request	0
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Access to information during the previous project (July 2012 – June 2013) was measured using the same methodology, which enables us to reveal interesting trends observed in a number of public institutions.

The study has shown that in the period between October 2013 and December 2014 complete information was most frequently disclosed by the following public institutions:

The Most Transparent Public Institutions					
	Public Institution	Number of Requests	Complete Responses	10-day time compliance	Access to Information
1	Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia	32	32	32	100%
2	Ministry of Environment and Natural Resources Protection of Georgia	29	29	29	100%
3	Tsageri Municipal Board	21	21	21	100%
4	Ministry of Sport and Youth Affairs	20	20	20	100%
5	Civil Service Bureau	19	19	19	100%
6	Georgian National Tourism Administration	18	18	18	100%
7	Dmanisi Municipal Board	18	18	18	100%
8	Kvareli Municipal Board	18	18	18	100%
9	Penitentiary and Probation Training Center	17	17	17	100%
10	National Agency of Execution of Non-Custodial Sentences and Probation	17	17	17	100%
11	Tbilisi State Medical University	17	17	17	100%
12	Georgian National Museum	16	16	16	100%
13	Social Service Agency	16	16	16	100%
14	Georgian Civil Aviation Agency	15	15	15	100%
15	Public Defender of Georgia	15	15	15	100%
16	Abasha Municipal Board	15	15	15	100%
17	Dmanisi Municipal Board	15	15	15	100%
18	Administration of State-Representative Governor in Mtsketa-Mtianeti Region	15	15	15	100%

19	“LEPL” National Youth and Children’s Palace of Georgia	14	14	14	100%
20	Office of the Personal Data Protection Inspector	14	14	14	100%
21	The National Parliamentary Library of Georgia	14	14	14	100%
22	Gori Municipal Council	14	14	14	100%
23	The Unified National Body of Accreditation – Accreditation Center	13	13	13	100%
24	Administration of State-Representative Governor in Kakheti Region	13	13	13	100%
25	“LEPL” Scientific-Research Center of the Agriculture	12	12	12	100%
26	State-Hydrographic Service of Georgia	12	12	12	100%
27	Administration of the State-Representative Governor in Samtskhe-Javakheti Region	12	12	12	100%
28	National Security Council of Georgia	12	12	12	100%
29	Basic Sapling Forestry of the Ministry of Environment and Natural Resources Protection	11	11	11	100%
30	Ministry of Education, Culture and Sport of Adjara A/R	11	11	11	100%
31	Standards and Metrology Center of Georgia	11	11	11	100%
32	Competition Department	11	11	11	100%
33	State Agency for Religious Issues	10	10	10	100%
34	Writer’s House of Georgia	10	10	10	100%
35	Georgian Intelligence Service	10	10	10	100%
36	“LEPL “ Legal Aid Service	10	10	10	100%
37	Eurasian Transport Corridor Investment Center	10	10	10	100%
38	Vano Khukhunaishvili Center for Effective Governance System and Territorial Arrangement Reform	10	10	10	100%



## The Most Closed Public Institution

### Penitentiary Department

As the study conducted by IDFI has revealed, the most closed public institution is Penitentiary Department, subordinate entity of the Ministry of Corrections and Legal Assistance. This public institution has not responded to any of 28 requests sent by the Institute within the framework of the project. Even though there were other institutions that did not answer to single FOI request either, the Penitentiary Department was named as the most closed institution based on the following reasons:

On June 4<sup>th</sup>, 2014 IDFI filed an administrative complaint to the Minister of Corrections and Legal Assistance Mr. Sozar Subari concerning the failure of the Penitentiary Department to comply with its legal obligation. Despite the fact that the Ministry of Corrections and Legal Assistance has granted the complaint and directed the Penitentiary Department to disclose information, the Department still refused to release requested information. IDFI was compelled to file an appeal to Tbilisi City Court with demand to receive public information. At the moment the case is being considered by Tbilisi City Court.

Find below the list of public institutions which failed to reply to any of the requests from IDFI:

The Most Closed Public Institutions				
N	Public Institution	Number of Requests	Refusal	Access to Information
1	Chamber of Commerce	33	33	0%
4	Healthcare Service of MIA	32	32	0%
5	MIA Service Agency	32	32	0%

<b>6</b>	LEPL „112“	32	32	0%
<b>8</b>	Tsalka Municipal Board	30	30	0%
<b>9</b>	Khobi Municipal Board	30	30	0%
<b>10</b>	Tetritskaro Municipal Council	30	30	0%
<b>11</b>	Marneuli Municipal Council	30	30	0%
<b>12</b>	Martvili Municipal Council	30	30	0%
<b>13</b>	Kobuleti Municipal Council	30	30	0%
<b>14</b>	Shuakhevi Municipal Council	30	30	0%
<b>15</b>	Tsalka Municipal Council	30	30	0%
<b>16</b>	Bolnisi Municipal Council	30	30	0%
<b>17</b>	Department of Corrections	28	28	0%
<b>18</b>	Security Police	27	27	0%

It is noteworthy, that the abovementioned institutions, which did not respond to any FOI request during the current project (October 2013 – December 2013) scored quite high within the frames of the previous project (July 2012 – June 2013). During the previous project IDFI had not requested information from representative bodies of the local self-government entities (Municipal Boards), hence their access to information rating for 2012-2013 is not available.

<b>Access to Public Information Ratings in the Most Closed Public Institutions</b> <b>(by Projects)</b>		
<b>Public Institution</b>	<b>Project (October 2013 – December 2014)</b>	<b>Project (July 2012 – June 2013)</b>
<b>Department of Corrections</b>	<b>0%</b>	<b>80%</b>
<b>Georgian Chamber of Commerce &amp; Industry</b>	<b>0%</b>	<b>96%</b>
<b>Security Police</b>	<b>0%</b>	<b>90%</b>
<b>Healthcare Service of the MIA</b>	<b>0%</b>	<b>88%</b>
<b>MIA Service Agency</b>	<b>0%</b>	<b>78%</b>

LEPL „112“	0%	84%
Khobi Municipal Board	0%	96.4%
Tsalka Municipal Council	0%	35,5%

## Rating of Access to Information by Categories of Public Institutions

### Central Public Institutions

During the reporting period only a few central public institutions provided IDFI with complete responses to FOI requests within the timeframe set by law: Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, Ministry of Environment and Natural Resources Protection of Georgia, Ministry of Sport and Youth Affairs and Ministry of Education, Culture and Sport of Adjara A/R.

Among 28 central public institutions of Georgia the lowest access to information rating was received by the **Ministry of Internal Affairs of Georgia** (26,8%) and the **Ministry of Finance of Georgia** (43,3%). In case of the Ministry of Internal Affairs 27 requests out of a total of 44 were left without a reply.

### Access to Information Rating in Central Public Institutions

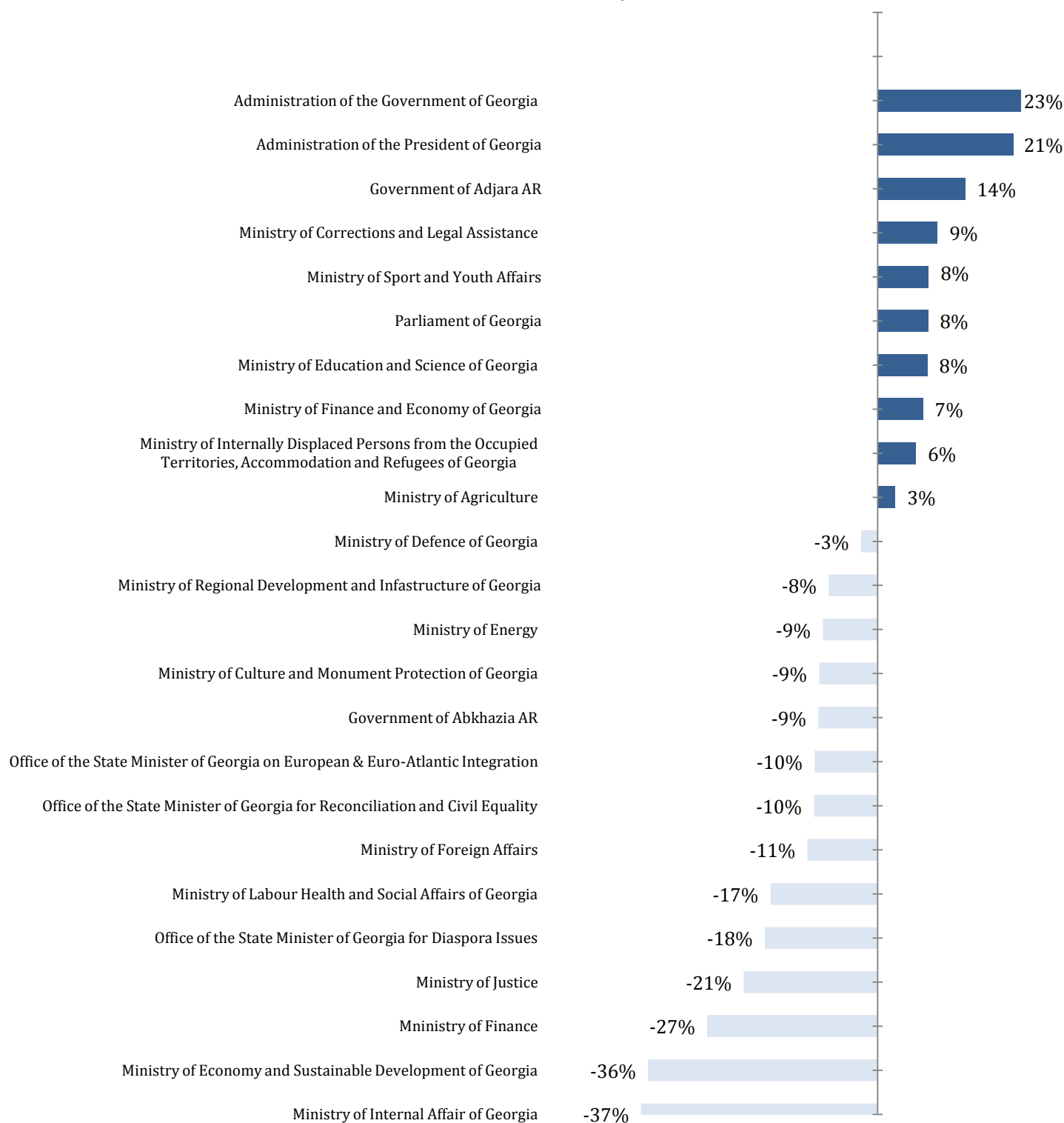
	Public Institution	Number of Requests	Complete	Incomplete	Refusal	No reply	10-day timeframe compliance	Access to Information
1	Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia	32	32	0	0	0	32	100 %
2	Ministry of Environment and Natural Resources Protection of Georgia	29	29	0	0	0	29	100 %
3	Ministry of Sport and Youth Affairs	20	20	0	0	0	20	100 %
4	Ministry of Education, Culture and Sport of Adjara AR	11	11	0	0	0	11	100

								%
5	Ministry of Labour, Health and Social Care of Adjara AR	14	14	0	0	0	13	99.9%
6	Government Administration of Georgia	28	27	1	0	0	26	98.1%
7	Ministry of Agriculture of Adjara AR	17	16	1	0	0	17	97.1%
8	Ministry of Agriculture of Georgia	26	24	2	0	0	22	96%
9	Government of Autonomous Republic of Adjara	17	15	2	0	0	8	93.7%
10	Ministry of Regional Development and Infrastructure of Georgia	29	28	1	0	0	24	92.3%
11	Ministry of Corrections and Legal Assistance	20	18	1	1	0	9	92%
12	Parliament of Georgia	23	20	2	0	1	22	91.3%
13	Office of the State Minister of Georgia on European & Euro-Atlantic Integration	21	18	2	1	0	13	90.1%
14	Office of the State Minister of Georgia for Reconciliation and Civic Equality	15	13	1	0	1	14	90%
15	Government of Autonomous Republic Abkhazia	17	15	0	0	2	15	88.2%
16	Ministry of Finance and Economy of Adjara AR	17	14	2	0	1	16	88.2%
17	Ministry of Defence	27	21	4	2	0	25	85.1%
18	Ministry of Energy	28	23	4	0	1	27	84.3%



19	Ministry of Foreign Affairs	19	14	4	0	1	5	83.5%
20	Ministry of Culture and Monument Protection of Georgia	33	25	4	0	4	29	81.8%
21	Ministry of Education and Science of Georgia	32	24	4	4	0	25	81.1%
22	President Administration	21	17	0	0	4	17	81%
23	The Office of the State Minister of Georgia for Diaspora Issues	20	14	4	2	0	18	79.9%
24	Ministry of Justice	26	18	4	1	3	8	76.4%
25	Ministry of Labour Health and Social Affairs of Georgia	25	16	5	2	2	23	74%
26	Ministry of Economy and Sustainable Development of Georgia	31	15	8	5	3	16	61%
27	Ministry of Finance	23	6	8	1	8	11	43.3%
28	Ministry of Internal Affairs of Georgia	44	12	3	2	27	1	26.8%

## Access to Public Information Ratings as Compared to Previous Project (July 2012 - June 2013)



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

According to the study, among Ministry sub-agencies, independent legal entities of public law, as well as regulatory commissions and other independent entities (105 public institutions in total) 23 public institutions reached 100% access to public information rating. The Ministry of Economy and Sustainable Development of Georgia has the largest number of sub-entities (five entities) which were granted 100% access to information rating.

Among 105 public institutions six have not replied to any requests sent by IDFI. I.e. the Penitentiary Department (named as the most closed public institution), Georgian Chamber of Commerce and Industry and four more subordinate institutions of the Ministry of Internal Affairs. A number of subordinate institutions of the Ministry of Justice were granted low access to information ratings as well. Their low scores are attributed to the fact that during the study these institutions only responded to public information requests after administrative complaints were filed by IDFI.

**As compared to the previous project implemented in 2012-2013 Special State Protection Service of Georgia has made the most significant progress (18,5%), while Georgian Chamber of Commerce and Industry has had the biggest regress (96%).**

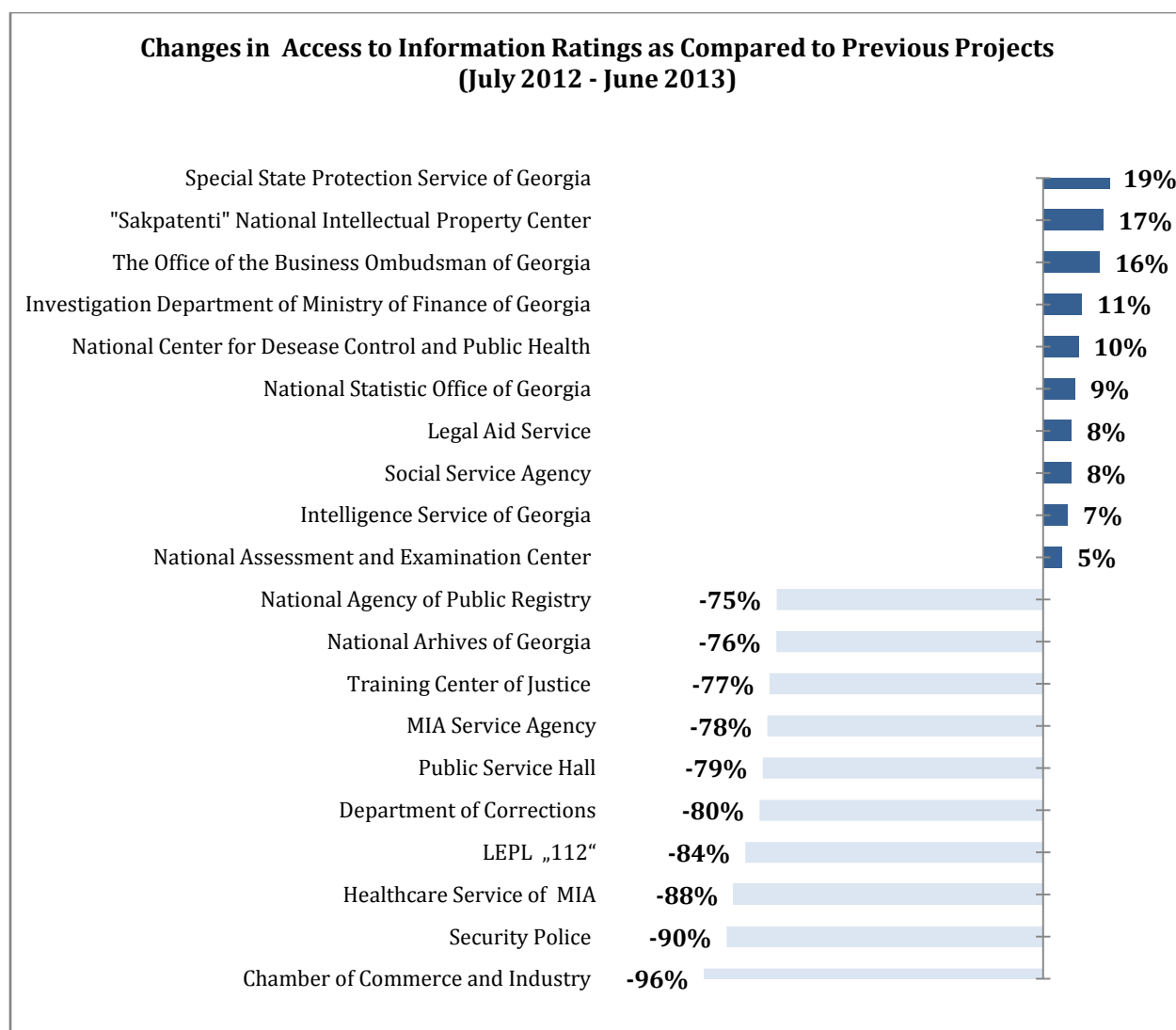
### Ten Most Open LEPLs, Subordinate Institutions and other Sub-Entities

	Public Institution	Number of Requests	Complete	Incomplete	No reply	Refusal	10-day term compliance	Access to public Information
1	Civil Service Bureau	19	19	0	0	0	19	100%
2	Georgian National Tourism Administration	18	18	0	0	0	18	100%
3	Penitentiary and Probation Training Center	17	17	0	0	0	17	100%
4	National Probation Agency	17	17	0	0	0	17	100%
5	National Museum of Georgia	16	16	0	0	0	16	100%
6	Social Service Agency	16	16	0	0	0	16	100%

7	Georgian Civil Aviation Agency	15	15	0	0	0	15	100%
8	Public Defender of Georgia	15	15	0	0	0	15	100%
9	“LEPL” National Youth and Children’s Palace of Georgia	14	14	0	0	0	14	100%
10	Office of the Personal Data Protection Inspector	14	14	0	0	0	14	100%

### Ten Most Closed LEPLs, Subordinate Institutions and other Sub-Entities

	Public Institution	Number of Requests	Complete	Incomplete	Refusal	No reply	10-day term compliance	Access to Information
1	Chamber of Commerce& Industry	33	0	0	0	33	0	0%
2	Healthcare Service of MIA	32	0	0	0	32	0	0%
3	MIA Service Agency	32	0	0	0	32	0	0%
4	LEPL „112“	32	0	0	0	32	0	0%
5	Department of Corrections	28	0	0	0	28	0	0%
6	Security Police	27	0	0	0	27	0	0%
7	Notary Chamber	27	7	0	1	19	0	15.6%
8	Public Service Hall	22	5	0	1	16	2	17.3%
9	Training Center of Justice	28	9	0	1	18	0	19.3%
10	National Agency for Public Registry	28	11	0	3	14	0	23.6%



## Representative and Executive Bodies of the Local Self-Governments

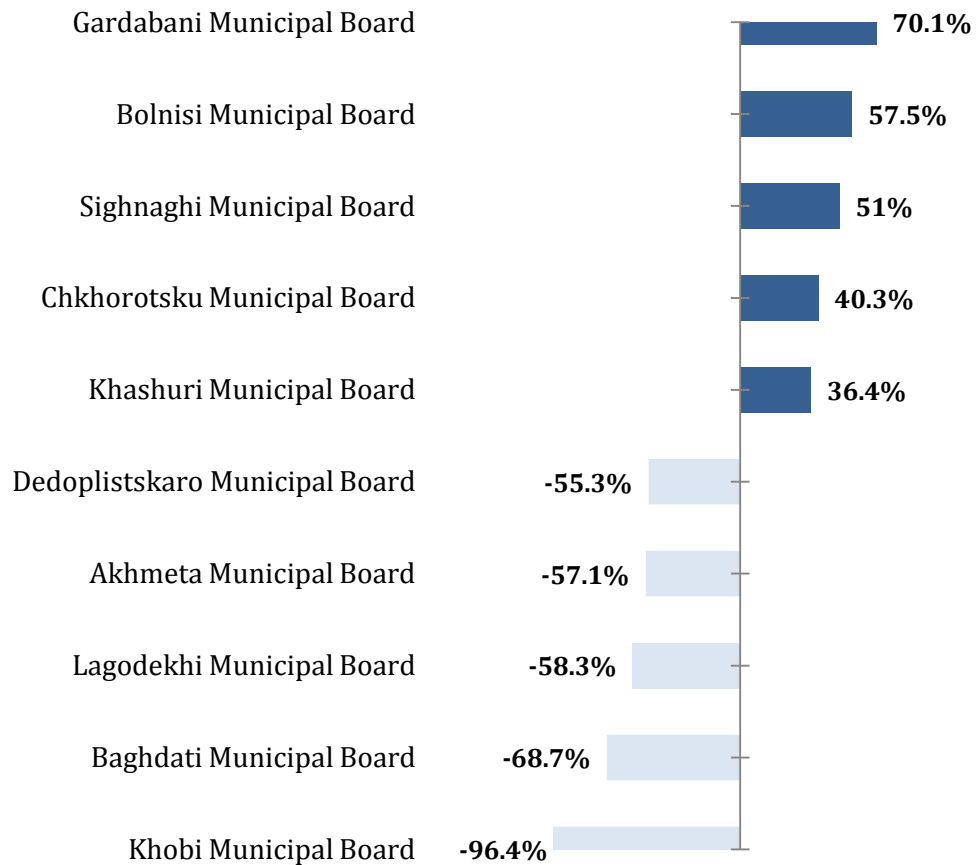
Six local self-government entities have scored up to 100% in access to public information rating. Municipal Boards of Dmanisi and Kvareli should be highlighted here, as their access to information ratings were 100%.

At the same time during the reporting period there were nine self-government entities that left all requests received from IDFI unanswered. Most of them are representative bodies of local self-governments (Municipal Councils). As already mentioned above, IDFI has not requested public information from the Municipal Councils during 2012-2013, hence we will only compare changes in access to information rating in case of City Halls and Municipal Boards. The study revealed that, Municipal Board of Gardabani has shown most progress in

terms of access to information (70.1%), while Municipal Board of Khobi has the highest regress (96.4%).

Local Self-Government Bodies with 100% Access to Public Information Rating					
N	Public Institution	Number of Requests	Complete Responses	Time- frame Compliance	Access to Information %
1	Tsageri Municipal Board	21	21	21	100%
2	Dmanisi Municipal Board	18	18	18	100%
3	Kvareli Municipal Board	18	18	18	100%
4	Abasha Municipal Board	15	15	15	100%
5	Dmanisi Municipal Council	15	15	15	100%
6	Gori Municipal Council	14	14	14	100%
Local Self Government Bodies with 0% Access to Public Information Rating					
N	Public Institution	Number of Requests	Refused Requests	Time- frame Compliance	Access to Information %
1	Tsalka Municipal Board	30	30	0	0%
2	Khobi Municipal Board	30	30	0	0%
3	Tetritskaro Municipal Council	30	30	0	0%
4	Marneuli Municipal Council	30	30	0	0%
5	Martvili Municipal Council	30	30	0	0%
6	Kobuleti Municipal Council	30	30	0	0%
7	Shuakhevi Municipal Council	30	30	0	0%
8	Tsalka Municipal Council	30	30	0	0%
9	Bonlini Municipal Council	30	30	0	0%

**Changes in Access to Public Information Ratings as Compared to  
Previous Projects  
(July 2012 - June 2013)**



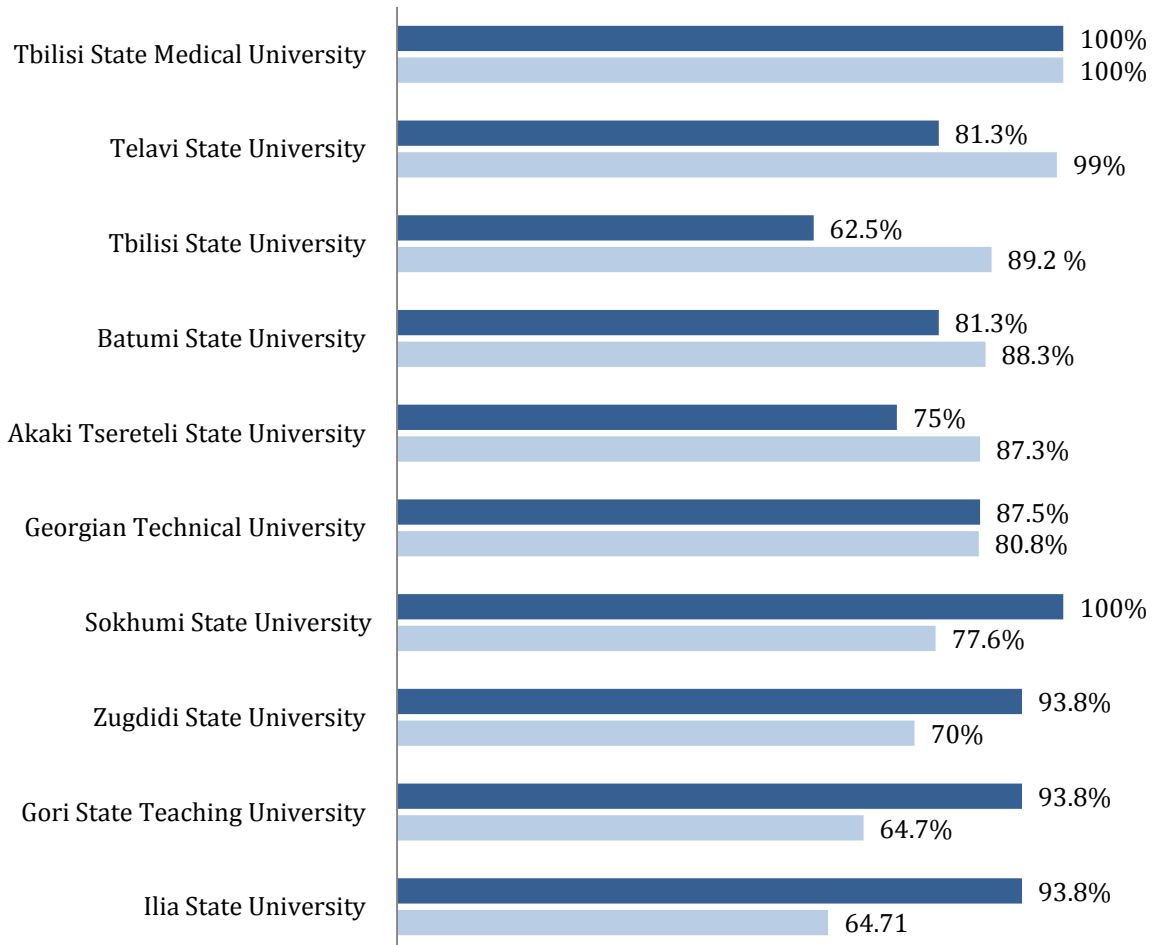
### State Universities

Among state universities of Georgia only Tbilisi State Medical University has scored 100% access to information rating. It is noteworthy that Tbilisi State Medical University had 100% rate of access to information during 2012-2013 project as well. The biggest progress in terms of access to information among state universities was shown by Iv. Javakhishvili Tbilisi State University (27%).

### Access to the Public Information Rating In State Universities

■ Project (July 2012 -June 2013)

■ Project (October 2013 - December 2014 )





## Particularly Problematic Issues Observed During the Reporting Period

Within the framework of the project we found it to be particularly problematic to receive complete information on the issues linked with salary supplements and bonuses of high officials, data on advisors to Ministers and Deputy Ministers as well as information on e-correspondence conducted by public servants via official email accounts. It should be emphasized that these are the issues of high public interest; hence it is especially important for public authorities to ensure that the information is freely available for anyone interested. Guaranteeing access to public information would raise public trust towards state institutions. The difficulties faced during the process of requesting the information will be discussed separately below.

### Salary Supplements and Bonuses Received by High Officials

During the year of 2014 information on salary supplements and bonuses was widely covered by the media and proved to be one of the issues of high public interest. During this period IDFI requested this information from public bodies and made it available to wider public. Nevertheless, it should be noted that public entities did not have uniform approach when responding to FOI requests on salary supplements and bonuses. IDFI case law shows that public entities are reluctant to publicize this information. In several cases authorities disclosed data only after the Institute had filed an appeal against their decisions. Nevertheless, in most of these cases the information was provided incompletely e.i. not separately indicating names and surnames of high officials. Public institutions argued that the ground for refusal to provide information was protection of personal data. In a number of cases public entities refused to provide IDFI with the information stating that data was already available online on their web-pages or the information was included in asset declarations of public officials.

IDFI would like to highlight one more time that information on salary supplements and bonuses of high officials is open public information, regardless of the fact that it might contain personal data. Article 44 of the General Administrative Code of Georgia regulates these issues, by stating that no public agency shall disclose information constituting personal secret, except for personal data of high officials (including candidates to such positions), without the consent of the information subject, or a founded decision that was rendered by court pursuant to the law. In addition, it is hard to agree with the rationale of public entities when they refuse to provide IDFI with the requested information, and refer to the information proactively disclosed on their web-pages. According to Georgian legislation public entities are obliged to proactively disclose information on salary supplements and bonuses of high officials on a quarterly basis. Hence it is impossible to get full picture on the finances received by individual public officials per month. As for asset declarations, it is important to bear in mind that even in case when a high official meets the

obligation and files asset declaration within the timeframe set by law, these documents still include only summed up data on the revenue of public official received during the course of one year. Moreover, Georgian legislation, unambiguously grants applicant the right to choose the form of receipt of public information. Furthermore, proactive disclosure of information does not free public entities from the obligation to provide applicant with the requested information.

During the course of the last year several important rulings of the court dealt with this issue. Precisely, on the case of IDFI against the Ministry of Finance the court held that, the Ministry violated its obligation when it refused to provide the Institute with the information in the requested form. In the given case data was not provided by month indicating names and surnames of high officials. The court ruled that access to information is not guaranteed when a public entity directs applicant to a certain web-page even in the case if the published information fully answers the request of the applicant. In the given case the Ministry was referring to asset declaration publicized on [www.declaration.gov.ge](http://www.declaration.gov.ge). **The judge held that asset declarations only include data on the summed up revenue received by the public official during the course of the previous year, hence it is impossible to deduce income of an official by month as well as ascertain specific integral parts of the revenue (salary, salary supplements, bonuses). The appeal of the Institute was also granted in the case of IDFI against the Ministry of Internal Affairs. In the given case the judge unambiguously highlighted that information on salary supplements and bonuses of high officials is open public information and should be made available to anyone interested.**

### **Data on Advisors to Ministers and Deputy Ministers**

In September 2014, IDFI addressed all Ministries and Offices of State Ministers with FOI request on advisors to ministers and deputy ministers. Namely, the request referred to their CVs, work experience, bonuses and salary supplements etc. The practice has revealed important flaws in the process of granting access to this information. i.e. often public entities refused to provide IDFI with the information arguing that it contained personal data. The refusal was based on the provisions of the General Administrative Code of Georgia as well as on the Law of Georgia on Conflict of Interests and Corruption in Public Service. According to Georgian legislation Minister Advisors do not fall within the list of high officials. Hence in case of advisors it is hard to make reference to the wording of General Administrative Code which highlights that personal data on high officials should be publicly available. Regardless of the wording of the law, it is important for public entities to make decision on case by case basis and grant access to certain information which might include personal data. The decision should be result of balancing public and private interests. After applying public interest test the entities should make decision to publicize information linked with advisors to ministers and deputy ministers. It is impermissible to

restrict access to information on the persons who by virtue of their position directly influence the decision making process. The mentioned refers to the data on minister advisors such as education, their duties, decrees on appointment, work experience, salary supplements and bonuses etc.

### **Correspondence via Official E-mail Accounts**

According to Georgian legislation information held, received, processed, created or sent by a public agency including electronic information falls within the definition of public information. Regardless of the wording of the law, during the course of the past year IDFI faced a number of cases when public entities refused to disclose information arguing that information sent or received via official e-mail account did not fall within the scope of public information as it did not in itself constitute a document having certain legal consequences.

It is noteworthy, that unlike Georgia this issue is no longer disputed in the countries of developed democracies. Precisely, countries (the USA, Canada, Estonia, Norway and etc) have agreed that regardless of the form of receiving or sending data decisions on classifying information can only be based on its content. Instead of questioning access to information sent and received via official e-mail accounts the dispute nowadays concerns publicizing correspondence conducted via private e-mail accounts of high public officials. In a number of countries (e.g. the USA and Canada) concerns are raised that officials, including high public officials often use private e-mail addresses when conducting official correspondence in order to exclude the data from the scope of FOI legislation. Hence a number of developed countries have addressed the concern by stating that information regardless whether it is sent and received via private or official e-mail account constitutes public information, and thus should be made accessible in case if requested.

Unfortunately, Georgian practice highlights the existing problem of access to information sent and received by public officials via official e-mail accounts. To demonstrate the issue the case law of IDFI can be discussed. In 2014 the Institute referred to the Ministry of Finance of Georgia as well as the LEPLs of the Ministry of Justice of Georgia and requested information on e-mail correspondence. In the latter case IDFI was refused the request by all entities, except for Data Exchange Agency and National Enforcement Bureau. Moreover what is highly problematic is the similarity of the responses. Precisely, the LEPLs highlighted that information sent and received via official e-mail accounts did not fall within the definition of public information as it did not constitute a document. The similarity of the wording as well as the content of the refusals might well be suggesting lack of independence of the discussed LEPLs.

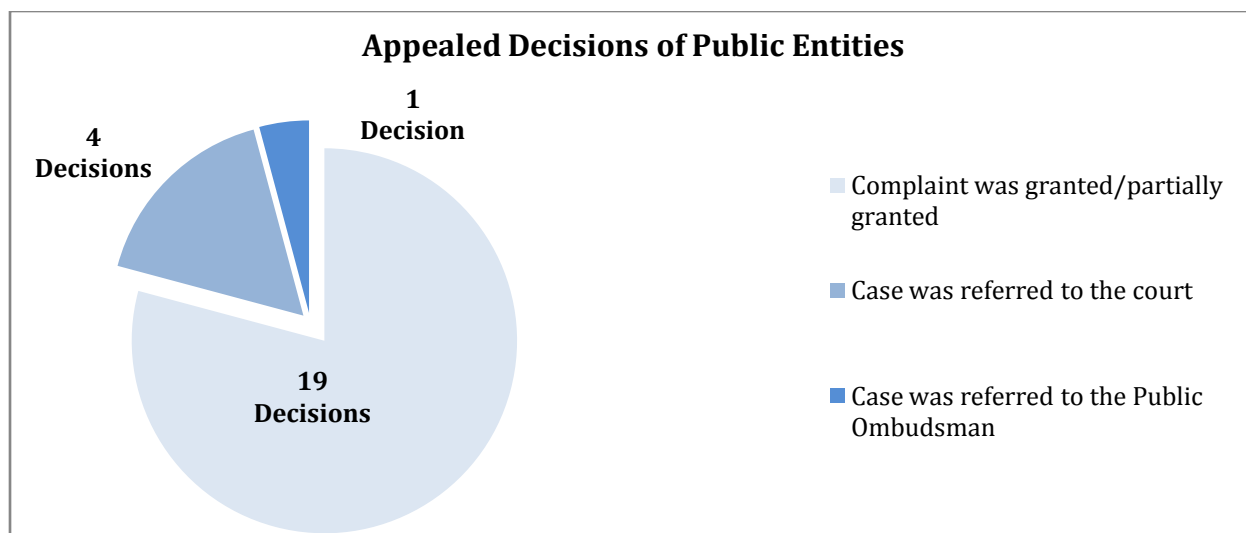
Similarly the Ministry of Finance of Georgia refused to provide IDFI with the information linked with e-mail correspondence. IDFI appealed against the decision in Tbilisi City Court.

In this case the court made important interpretation of the law, highlighting that electronic information defers from material document only in the form of existence, and not its content. **Electronic as well as material documents, falls within the scope of public information as long as it is included in the uniform system of document-circulation of corresponding public entity and there is obligation to keep and protect the information. Regardless of the above-mentioned, in this case court did not grant request of IDFI by highlighting that the ground for disclosing the requested information was missing as the Institute requested copies of e-mails sent and received by the Minister in January 2014 without indicating specific content of the correspondence.**

IDFI appealed against the decision in the Tbilisi Court of Appeals. The Institute would like to express its hope that the court will set high standard of access to e-mail correspondence conducted via official e-mail accounts, hence the information will be made publicly available to anyone interested.

### **Appealed Decisions of Public Entities**

In 2014 IDFI has been referring to the problem of decreased rate of access to public information in administrative bodies as compared to previous years. As it has already been highlighted in the given report the rating of access to public information was considerably high during the year of 2013. Public entities disclosed information which was linked with the activities conducted by the members of former governing political party, e.g. administrative expenses, salary supplements and bonuses etc. Nevertheless in 2014 Ministry of Internal Affairs refused to publicize information on salary supplements and bonuses received by the high officials. This decision was in contrast with the one of the previous year, when the Ministry provided us with complete information on the same issues. It should be noted that decreased rate of access to information in 2014 resulted in a higher number of decisions appealed by IDFI.



In 2014 IDFI appealed against 25 decisions of public entities. In 19 cases the appeal was partially or fully granted and IDFI was provided requested information hence the cases were not referred to the court. The decision on one administrative appeal is still pending in a public entity. In four cases the decision of public bodies was appealed in the courts, whereas in one case IDFI referred to the Office of Ombudsmen.

As for the court ruling on the cases, it should be highlighted that the appeal of IDFI was fully granted by the court in the case of IDFI against Ministry of Internal Affairs. Hence the Ministry was held responsible to provide IDFI with complete information. In addition Tbilisi City Court accepted the appeal of IDFI against Tbilisi City Court itself, where the administration refused to provide requested public information. In the case of IDFI against the Ministry of Finance only single request was denied, whereas the remaining 6 requests were granted by the court. The dispute against Penitentiary Department is still underway. It should be noted that IDFI referred to the Office of Ombudsmen in the case against the Ministry of Economy. The Ombudsmen fully internalized the position of IDFI, holding that the Ministry did violate its obligation. Thus, the Ombudsman addressed the entity with recommendation to provide the Institute with requested public information.

It is important to emphasize here that unlike practice of the previous years in 2014 the court accepted appeals of IDFI which were usually denied. This should unambiguously be assessed as a positive development and serves as a proof that the court practice of the previous years, when decisions were always made in favor of public entities, is changing towards the goals of objectivity and transparency.

## Appealed Decisions



Ministry of Economy and Sustainable Development



Ministry of Finance



Tbilisi City Court



Ministry of Internal Affairs (2 cases)



Penitentiary Department



Office of the Prosecutor



The Office of the State Minister of Georgia for Diaspora Issues



Ministry of Regional Development and Infrastructure



Ministry of Energy



LEPLs of the Ministry of Justice (11 cases)



Georgian National Energy and Water Supply Regulatory Commission



Bolnisi City Council



Georgian Chamber of Commerce and Industry

## Ministry of Economy and Sustainable Development

On January 27<sup>th</sup> 2014 IDFI referred to the Ministry of Economy and Sustainable Development of Georgia. Different public information was requested, e.g. amount of salary supplements and bonuses of high officials, audit check reports, higher education diplomas of Minister and Deputy Minister etc. The information provided by the Ministry as a response to the request was not complete. Namely we received incomplete response to 8 requests, the Ministry refused to provide us with the information on 4 requests. Consequently on 24<sup>th</sup> of February 2014 IDFI filed an administrative appeal in the Ministry of Economy. An oral hearing was held with the aim of ascertaining all details of the case. Representatives of IDFI attended the hearing. Unfortunately in the following period the Ministry did not take any measures to look into the case and did not inform IDFI on the decision of the appeal. Hence IDFI referred the case to Public Ombudsmen, highlighting that the right of the Institute to access information was violated as a result of the Ministry failing to meet its obligations. The Ombudsmen was asked to develop and refer its recommendations to the Ministry of Economy and Sustainable Development.

After processing the application Public Ombudsmen developed special recommendations. The document unambiguously highlights that the information requested by IDFI was indeed open public information; hence the Ministry of Economy had the obligation to disclose complete data in the requested form within the timeframe set by law.

It should be highlighted that the Ministry refused to provide IDFI with the information on internal audit checks by arguing that “Internal audit department did not find it advisory to publicize the information”. According to Georgian legislation information held by a public entity is public except for the cases when it contains personal data, state or commercial secret. Moreover according to the General Administrative Code of Georgia information including reports and results of audit checks of public entities shall not be classified. Based on the above mentioned the recommendation clearly states that refusing to publicize information based on the argument that it ‘is not advisory’ constitutes violation of law.

The ombudsmen paid special attention to the failure of the Ministry of Economy to issue a relevant legal act as a result of proceeding the application of IDFI. **The recommendation stresses that the approach of the Ministry of Economy, stating that failure to issue legal act within the timeframe set by law is to be deemed as a refusal to the application, might hinder the rights of citizens to access free public information.**

It is obvious that the Ministry of Economy and Sustainable Development has violated the right of the applicant to access public information, hence the Public Defender has addressed the ministry to ensure that the right of applicant is well protected and directed the entity to provide IDFI with the requested information.



## The Ministry of Finance

In January 2014 IDFI referred to the Ministry of Finance of Georgia and Requested public information on 15 topics. On March 5<sup>th</sup> 2014 the requested information was provided incompletely. E.g. information on salary supplements and bonuses of high officials was not provided indicating names and surnames of the officials, same was the case in regards with the data on the expenses of business trips conducted abroad and etc. As the Ministry of Finance violated its obligation IDFI referred the case to Tbilisi City Court. It is important to highlight here, that in the given dispute the court made ruling that was in contrast with previous court practice, when judges refused to grant our applications. Precisely all our requests were accepted by the court, except for the one linked with correspondence conducted via official e-mail accounts. At the moment the case is pending in Tbilisi Court of Appeals and the parties to the dispute await the decision of the court.

## Important Interpretations Made by the Court

Tbilisi City Court made several important interpretations of law on the given dispute. In Particular regarding the request on salary supplements and bonuses of high officials the court held that the Ministry of Finance violated law when it failed to provide complete information that is the data by month indicating names and surnames of public officials. **The Court further stressed that access to public information does not in itself include the possibility to direct applicant to the web-page, where requested information of the same content can be found.** In the given case reference was made by the Ministry of Finance to asset declarations published on web-page of [www.declaration.gov.ge](http://www.declaration.gov.ge). **The judge held that asset declarations include only data on the summed up revenue received by public officials during the course of previous year, hence it is impossible to deduce from asset declaration monthly income of an official as well as specific integral parts of the revenue (salary, salary supplements, bonuses).**

Furthermore when discussing the issue of representation expenses as well as the expenses of official visits the court held that the **referring to its web-page could not be seen as provision of requested information by the Ministry of Finance.** The rationale behind the judgment was that the information published on the web-page failed to meet the question of the applicant, that is the information was published in sum, making it impossible to ascertain amount of financing spent on each event separately.

The court stressed the issue of urgent procurements, referred to the principle of publicity of procurement procedures and emphasized that the refusal of the Ministry did not include reference to one of the exceptions from public information enshrined in Georgian legislation. Hence the Ministry of Finance was found responsible to provide the Institute with complete information on urgent procurements.



**When discussing the issue of disclosing information in the requested form the court emphasized that the applicant is granted with the right to choose the form of receiving information.** In the given case, taking into consideration the fact that the applicant did not request information in electronic form and moreover bearing in mind that the information requested was not published on the web-page, the court held that the Ministry of Finance had failed to fulfill its obligations.

The court made important interpretation on the issue of proactive disclosure and highlighted that usually public entities publish summed up information which is renewed only on a quarterly basis. **Hence when information is requested as grouped by certain categories, applicant should not be restricted by the content of the information disclosed proactively and should be able receive information in the requested form.** The court ruled that the Ministry of Finance was responsible to provide applicant with complete information in the requested form instead of directing applicant to its web-page.

The court denied appeal linked with correspondence conducted via official e-mail addresses. IDFI requested complete information on e-mails sent and received by the Minister via his official e-mail account in January 2014. In this case the court made important interpretation of the law, highlighting that electronic information defers from material document only in the form of existence, and not its content. **Electronic as well as material documents fall within the scope of public information as long as are included in the uniform system of document-circulation of an involved public entity and there is an obligation to keep and protect the information. Regardless of the above-mentioned, in this case the court did not grant the request of IDFI by highlighting that the ground for declaring requested information public was missing as the Institute requested copies of emails sent and received by the Minister in January 2014 without indicating specific content.** IDFI appealed this part of the decision in the Tbilisi Court Appeals. The Institute would like to express its hope that the court will set high standard of access to e-mail correspondence conducted via official e-mail accounts, hence the information will be made publicly available to anyone interested.

### **Ministry of Internal Affairs**

On June 13<sup>th</sup> 2014 IDFI requested public information from the Ministry of Internal Affairs. Precisely, the amount of salary supplements and bonuses received by high officials (indicating names and surnames) in 2013 and statistical data on investigation launched on the crimes of disclosure of the secrecy of private conversation and privacy of personal correspondence.

The letter was submitted to the ministry on June 16<sup>th</sup> 2014. The Ministry did not respond to the request of IDFI hence the Institute filed an administrative appeal. Unfortunately even after receiving an administrative appeal the Ministry kept ignoring the request. Thus with the aim of protecting its interests IDFI referred the case to the court and requested provision of complete information as stated in the letter of June 15<sup>th</sup> 2014.

It is to be stressed, that during consideration of the case by the court, the Ministry tried to procrastinate the process. In several cases the representative of the Ministry did not attend the hearing, in addition the hearing was postponed several times after announcements made by the representatives of the Ministry, highlighting that in the nearest future they would ensure that complete information was received by the Institute. Despite this announcement, even after the hearing on the case was postponed several times, the Ministry provided IDFI with incomplete information. The Ministry disclosed only summed up information on salary supplements and bonuses received by the Minister, Deputy Minister and Department Chairmen.

**On December 24<sup>th</sup> 2014 judge Nana Daraselia fully granted the appeal of IDFI and directed the Ministry of Internal Affairs to provide the Institute with complete information on salary supplements and bonuses received by the Minister, Deputy Minister and Department Chairmen by month indicating names and surnames of the officials.**

We hope that the Ministry of Internal Affairs will fully implement the decision of the court and provide us with complete information on salary supplements and bonuses received by the high officials.

### **Tbilisi City Court**

On December 20<sup>th</sup> 2013 IDFI referred to Tbilisi City Court via the platform implemented by the High Council of Justice and requested information on the number of motions received by the court on the cases of granting permission or conducting wiring and recording of telephone conversations during the year of 2012. Tbilisi City Court failed to respond to the request hence IDFI filed an appeal in the court with in order to protect its interests.

During the hearing held on the case the respondent highlighted that requested information constituted state secrecy. The court did not agree with the argumentation of the respondent and fully granted the appeal of IDFI. Hence Tbilisi City Court was found responsible to provide IDFI with complete information.

The given case is particularly important, as the judge of Tbilisi City Court did not agree with the arguments of the representatives of the same public entity highlighting that requested

information constituted state secrecy. We find that the case can serve as an indication of high standards of independence and impartiality of the Judiciary.

### The Penitentiary Department

On May 13<sup>th</sup> 2014 IDFI referred to the Penitentiary Department with a FOI request. Inter alia information on salary supplements and bonuses received by the high officials of the department, data on representational expenses, higher educational diplomas of the high officials etc. was requested. The Department failed to respond to the request hence IDFI referred the case to the Ministry of Corrections and Legal Assistance. The Ministry fully granted the appeal of IDFI and directed the Department to provide IDFI with the requested information. Nevertheless, the Department violated Georgian legislation one more time and again failed to ensure that applicant received requested information. As a result the case was taken to Tbilisi City Court. **It is worth highlighting that the appeal was submitted to the court on August 14<sup>th</sup> 2014. Nevertheless up to now no hearing has been conducted on the case by the court.**

According to the position of the department as highlighted in its counter appeal submitted to the court, information on salary supplements and bonuses does not fall within the definition of public information as enshrined by General Administrative Code of Georgia. The Department argued that there is no provision in Georgian legislation obliging public entities to keep information on salary supplements and bonuses received by high official separately from the data on other officials.

### The Office of the Prosecutor

In July 2014 IDFI referred to the Office of Prosecutor. Inter alia information on salary supplements and bonuses, as well as other data on the expenses of the public entity was requested. The Prosecutor's Office failed to provide the Institute with the information requested within the time limits set by the law, hence the case was taken to the State Prosecutor. On August 30<sup>th</sup> the appeal of IDFI was fully granted, nevertheless IDFI received only incomplete responses to its questions. The data on salary supplements and bonuses of high officials was received only in sum without indication of names and surnames of high officials. Information on representation and other expenses of the public entity was also provided in incomplete form. Nevertheless IDFI did not further take the case to the court.

The given case is significant as the entity failed to provide IDFI with complete information regardless of the fact that the administrative appeal was fully granted by the public entity. This may serve as an indicator of lack of transparency and accountability within the entity.

### **The Ministry of Internal Affairs (statistical data)**

On September 25<sup>th</sup> 2014 IDFI addressed the Ministry of Internal Affairs with FOI requests. IDFI requested statistical information on the number of cases launched and investigated on the crimes of premeditated murder and premeditating murder under aggravating circumstances for the period of 2003 until the data of the receipt of the letter.

The Ministry failed to respond to the request within the time limits set by Georgian legislation hence on October 27<sup>th</sup> IDFI filed an administrative appeal against the decision. On November 12<sup>th</sup> the Ministry provided IDFI with the requested statistical information, hence the Institute withdrew its appeal.

### **The Chamber of Commerce and Industry**

On November 11<sup>th</sup> 2014 IDFI sent a FOI request to the Chamber of Commerce and Industry. The letter was submitted to the public entity on the same date. Nevertheless Chamber of Commerce failed to respond to the FOI request; hence an administrative appeal was filed against the decision. Till to date IDFI has not received any information on the measures taken by the public entity with the aim of proceeding the request.

We find that the practice of ignoring FOI requests is highly problematic. It suggests low level of transparency and accountability of administrative bodies and gives enough ground for assuming that these entities do not respect the right to information granted to every person and refuse to internalize the obligation placed on them by law. We hope that our appeal will not be left without attention and the Chamber of Commerce will provide IDFI with the requested information without the need of referring the case to the court.

### **The Office of the State Minister for Diaspora Issues and the Ministry of Regional Development and Infrastructure**

On November 12<sup>th</sup> IDFI referred with two FOI requests to the Ministry of Infrastructure and the Office of the State Minister for Diaspora Issues. IDFI requested information regarding names and surnames of advisors, their biographies, work experience, decrees on their appointment as well as data on salary supplements and bonuses.

The Office of the Minister for Diaspora Issues refused to provide IDFI with the requested information after consulting the Office for Personal Data Protection and highlighted that requested information contained personal secrecy. On October 10<sup>th</sup> 2014 IDFI filed an administrative appeal against the decision. As a result the Office of the Minister provided IDFI with incomplete information. Similar was the case regarding the FOI request referred to the Ministry of Regional Development and Infrastructure. I.e. the public entity partially disclosed information only after administrative appeal was filed by IDFI.

Regardless of the fact that information on Minister and Deputy Minister can not per se be seen not to include personal data, we find it necessary for public entities to make decision on case by case basis, which will be the result of conducting public interest tests and thus balancing public and private interests. **There is no doubt that after conducting public interest tests the administrative entities will come to a conclusion of publicizing data on the advisors of the Minister and the Deputy Minister, as these are the persons directly influencing the decision making process in the Ministries, hence public interest on the issue is particularly high.**

### LEPLs of the Ministry of Justice (11 administrative appeals)

In November 2014 IDFI submitted FOI requests to all sub entities (LEPLs) of the Ministry of Justice. The request referred to information on salary supplements and bonuses, consultancy costs of the entities as well as statistical data on part-time employees. None of the entities responded to the FOI request, hence IDFI filed administrative appeals against the decisions to leave FOI requests unanswered. The entities provided the public information only after filing the appeal.

Despite the abovementioned, the request of IDFI was refused by all entities, except for Data Exchange Agency and National Enforcement Bureau. Moreover the similarity of the responses is highly problematic. Precisely, the LEPLs highlighted that information sent and received via official e-mail accounts did not fall within the definition of public information as it did not constitute a document.

### Georgian National Energy and Water Supply Regulatory Commission

On March 7<sup>th</sup> 2014 IDFI sent a FOI request to Georgian National Energy and Water Supply Regulatory Commission. The Institute requested information regarding salary supplements and bonuses, different expenses of the entity, higher education diplomas of the members of the commission and other data. The commission provided IDFI with incomplete information, nevertheless after receiving information partially IDFI did not further appeal the case to the court.

### Bolnisi City Council

On March 17<sup>th</sup> 2014 IDFI addressed Bolnisi City Council with a FOI request on employee lists, number of part-time employees, members of recruitment commissions, as well as decrees on recruitment process adopted by the entity. The City Council failed to provide IDFI with the requested information within the timeframe set by the law, nevertheless information was submitted to the Institute after administrative appeal was filed by IDFI.

## Ministry of Energy

IDFI referred FOI request to the Ministry of Energy on January 27<sup>th</sup> 2014. Information on 15 topics was requested. The ministry failed to provide IDFI with complete responses on 7 questions and refused to disclose any data on one topic. Hence the decision was appealed at the Minister of Energy. On February 28<sup>th</sup> hearing was conducting on the case and relevant decree adopted by the Minister Kakha Kaladze. According to the decree the appeal was fully granted and the administrative department of the Ministry of Energy was directed to provide IDFI with complete information. As a result the Institute received complete information on the requested topics.

## Conclusions

Positive tendency in terms of access to information was observed in Georgia after the changes implemented as a result of Parliamentary Elections held on October the 1<sup>st</sup> 2012. In its report published in 2013 IDFI expressed hope that this tendency would be maintained in subsequent years as well. **Unfortunately, the process of monitoring conducted by IDFI in 2014 showed that the increased level of access to public information in a number of public entities in previous years was linked with the early stage of holding office, when less willingness to classify information.** When talking about the decreased level of access to public information, the problems in the Penitentiary Department, Chamber of Commerce and Industry, Ministry of Internal Affairs and its sub-entities, Ministry of Finance, Ministry of Economy and Sustainable Development as well as the Ministry of Justice and its sub-entities should be emphasized. In 2014 these entities failed to provide IDFI with the information which was fully disclosed by the same entities in previous years.

Unfortunately in 2014 a **number of unanswered FOI requests by public entities was considerably high as compared to previous years.** We find that the practice of leaving FOI requests unanswered is highly problematic. It suggests low level of transparency and accountability of administrative bodies and gives enough ground for assuming that these entities do not respect the right to information granted to every person and refuse to internalize the obligation placed on them by law.

**Moreover the approach of public entities regarding issues of access to financial information of high officials, data on Minister advisors and correspondence conducted via official e-mail accounts proved to be highly problematic in a significant number of public entities.** A number of cases was observed when administrative entities failed to develop statistical information on topics of high public interest such as crime statistics.

The practice implemented in a number of public entities, that is maintaining high rate of access to information in 2014 should unambiguously be assessed positively. The approach emphasizes that these entities succeed to permanently meet their obligation enshrined by legislation regardless of political changes.

It is also important to highlight that as a result of the process of monitoring conducted by IDFI, 100% access to information rate is observed in the entities such as National Security Council and Georgian Intelligence Service. This clearly suggests that regardless of the functions and the sphere of operation of the entity, when it might be dealing with loads of documents containing state secrecy, it is easily possible to maintain high level of access to open public information, hence highly respecting the principle of accountability and transparency. The standards of access to information implemented in these entities should serve as an example and be shared by all other state entities.

It is crucial to highlight that in 2014 the most evident improvement towards higher level of access to information was observed in the Administration of the Government of Georgia and the Administration of the President of Georgia. This positive change is particularly important bearing in mind that these two entities are the ones annually receiving Access to Information Reports from all other public entities, hence they should be setting good example of high standards of transparency and accountability.

Based on the case law of IDFI during the past year it can be concluded that one of the most positive changes is observed in the Judiciary. **In 2014 judges accepted the appeals of IDFI in the cases, on which the courts were previously prone to take opposite decisions.** The tendency should unambiguously be assessed positively as it highlights that the faulty practice of taking decisions in favor of administrative entities is changing towards the goals of higher level of transparency and objectivity.

Based on the above mentioned, we find it crucial for public entities to take into consideration the following recommendations, which will reinforce the process of higher level of access to public information in state institutions:

- It is crucial that public entities apply public interest tests and take decision on disclosing information of high public interests balancing public and private interests, regardless of the fact that the information may include personal data or other secrecy;
- New regulation should be developed within the public entities regarding document processing and circulation which will reflect tendency of approaching importance of electronic communication. Hardcopies and electronic information, as well as official correspondence of the employees conducted via official email addresses should be included in the process of uniform document circulation.

- When conducting internal audit checks, special attention should be paid to observance by public entities of their obligation to ensure high level of access to public information. E.g. the number of FOI request received, the number of complete responses as well as the number and reasons for the refusal to provide applicants with information requested should be looked into.
- Information should be proactively disclosed on the web-pages of public entities in the manner that will ensure access to financial and other information of high public interest to the highest degree possible. Hence on the one hand, amendments should be made to the Decree of the Government of Georgia №219, which will oblige public entities to proactively disclose more detailed information and on the other, state institutions should be taking initiative to publicize detailed information, especially on the issue of high public interest.

Unfortunately IDFI case law emphasized one more time that Georgian legislation lacks operational leverages that would ensure that right to access public information is well observed and protected by public entities. Decisions taken by the Public Defender do not have mandatory character, court hearings are time consuming and in many cases the information under dispute loses its importance while cases are still under consideration, the mechanism of filing administrative appeals is not effective. In contrast with other regimes such as of personal data protection, representatives of public entities do not face any sanctions in case if they fail to respect requirements of Freedom to Information legislation. The mentioned underlines the importance of developing a well operational mechanism for protecting right to information once more. IDFI believes that establishing the office of Freedom of Information Commissioner will address the issue. Decisions adopted by the Commissioner will be binding upon public entities; hence state institutions will treat the decisions with higher respect and accountability. This will result in the situation when the right to information of anyone interested is protected to a higher standard.

In 2014 the Government of Georgia within the auspices of Open Government Partnership Initiative (OGP) undertook the obligation to review FOI legislation and adopt new law on Freedom to Information. During the year of 2014, with the support of Open Society – Georgia Foundation, and with the involvement of the Ministry of Justice important progress has been achieved in this regards. The draft law on Freedom to Information was prepared by the working group, composed inter alia by the experts of IDFI and other NGOs working on the issues of transparency and accountability. Extensive practice of these organizations was taken into consideration when drafting law. We hope that in the nearest future the law on Freedom to Information will be adopted, and in this process the government will fully internalize the approaches developed by these organizations including the recommendations presented in this report.



## Access to Information Rating

Project duration: October 2013 – December 2014

As a conclusion, IDFI would like to remind the reader that based on the statistical data the Institute traditionally awards public institutions with certificates. We find that the tradition implemented by IDFI in 2011 in line with the best international practice reinforces stronger accountability of public institutions as well as healthy competition between them. According to already established tradition, certificates will be awarded to those public entities which have given complete responses to all requests as well as those which failed to ensure proper level of access to public information within the period of October 2013 – December 2014.

IDFI will award the public entities according to the following nominations:

- **Nomination for Ensuring Access to Public Information;**
- **Nomination for the Best Progress in Access to Public Information;**
- **Nomination for Restricting Access to Public Information;**
- **The Most Closed Public Institution;**

For each nomination (except the Most Closed Public Institution) public institutions are selected based on the categories of institutions.

### **- Central Public Institutions**

**The Certificate for Ensuring Access to Information** goes to the following central public institutions:

- Ministry of Internally Displaced Persons From the Occupied Territories, Accommodation and Refugees of Georgia
- Ministry of Environment and Natural Resources Protection of Georgia
- Ministry of Sports and Youth Affairs of Georgia
- Ministry of Education, Culture and Sports of Adjara A/R

Among the above listed institutions the Ministry of Environments and Natural Recourses Protection as well as the Ministry of Education, Culture and Sports of Adjara A/R should be particularly highlighted. These institutions have maintained 100% access to information rating since 2012-2013 project. IDFI would also like to award the Administration of the Government of Georgia for the Best Progress Achieved in Access to Public Information. This institution showed the best improvement in regards with access to public information as compared to other central public institutions. In contrast with the rating (75%) observed in

2012-2013 in the current project the Access to Information Rating of the Administration of the Government of Georgia has improved by 23 points and reached 98%.

**The Certificate for Restricting Access to Public Information** is given to the Ministry of Internal Affairs which scored the lowest in Access to Public Information Rating among central public institutions.

- **LEPLs and Sub-agencies**

In the category of LEPLs and sub-agencies **the Certificate for Ensuring Access to Public Information** is given to all public institutions with 100% Access to Public Information Rating (24 LEPLs and sub-agencies in total). Civil Service Bureau, Penitentiary and Probation Training Centre, Civil Aviation Agency, Public Defender, The Unified National Body of Accreditation - Accreditation Center, State Hydrographic Service and Agency of Standards and Metrology should be particularly mentioned as they have maintained 100% Access to Public Information Rating 2012-2013.

**The Certificate for Restricting Access to Public Information** in this category is given to all those public institutions which have not replied to a single request from the Institute (5 LEPLs and sub-agencies in total).

- **Regional Public Entities**

In case of regional public entities (City Halls, Municipal Councils, Municipal Boards and Administrations of the State-Representative Governors) **Certificate for Ensuring Access to Public Information** is given to those public institutions which achieved 100% rating (8 regional bodies in total).

**The Certificate for Restricting Access to Public Information** is given to all those institutions which failed to respond to any of the requests sent by IDFI (9 regional entities in total). Among the public institutions awarded in this category we would like to especially highlight Municipal Boards of Dmanisi and Kvareli, which have been maintaining 100% rate of access to information for years.

- **Most Closed Public Institution**

Based on a number of conditions IDFI also names the most closed public institutions within the framework of the project. During the period between October 2013 and December 2014 the most closed public institution named by IDFI is Penitentiary Department.

Access to information scores of each public institution over the period between October 2013 and December 2014 can be found in the ratings below.

N	Public Institutions	The Number of Requests	Complete	Incomplete	Refusal	No reply	Time Compliance	Access to Information %
1	Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia	32	32	0	0	0	32	100%
2	Ministry of Environment and Natural Resources Protection of Georgia	29	29	0	0	0	29	100%
3	Tsageri Municipal Board	21	21	0	0	0	21	100%
4	Ministry of Sport and Youth Affairs	20	20	0	0	0	20	100%
5	Civil Service Bureau	19	19	0	0	0	19	100%
6	Georgian National Tourism Administration	18	18	0	0	0	18	100%
7	Dmanisi Municipal Board	18	18	0	0	0	18	100%
8	Kvareli Municipal Board	18	18	0	0	0	18	100%
9	Penitentiary and Probation Training Center	17	17	0	0	0	17	100%
10	National Agency of Execution of Non-Custodial Sentences and Probation	17	17	0	0	0	17	100%
11	Tbilisi State Medical University	17	17	0	0	0	17	100%
12	Georgian National Museum	16	16	0	0	0	16	100%
13	Social Service Agency	16	16	0	0	0	16	100%
14	Georgian Civil Aviation Agency	15	15	0	0	0	15	100%
15	Public Defender of Georgia	15	15	0	0	0	15	100%
16	Abasha Municipal Board	15	15	0	0	0	15	100%
17	Dmanisi Municipal Council	15	15	0	0	0	15	100%
18	Administration of State-Representative Governor in Mtsketa-Mtianeti Region	15	15	0	0	0	15	100%
19	“LEPL” National Youth and Children’s Palace of Georgia	14	14	0	0	0	14	100%
20	Office of the Personal Data Protection Inspector	14	14	0	0	0	14	100%
21	The National Parliamentary Library of Georgia	14	14	0	0	0	14	100%
22	Gori Municipal Council	14	14	0	0	0	14	100%
23	The Unified National Body of Accreditation – Accreditation Center	13	13	0	0	0	13	100%
24	Administration of State-Representative Governor in Kakheti Region	13	13	0	0	0	13	100%
25	“LEPL” Scientific-Research Center of the Agriculture	12	12	0	0	0	12	100%

26	State-Hydrographic Service of Georgia	12	12	0	0	0	12	100%
27	Administration of the State-Representative Governor in Samtskhe-Javakheti Region	12	12	0	0	0	12	100%
28	National Security Council of Georgia	12	12	0	0	0	12	100%
29	Basic Sapling Forestry of the Ministry of Environment and Natural Resources Protection	11	11	0	0	0	11	100%
30	Ministry of Education, Culture and Sport of Adjara AR	11	11	0	0	0	11	100%
31	Standards and Metrology Center of Georgia	11	11	0	0	0	11	100%
32	Competition Department	11	11	0	0	0	11	100%
33	State Agency for Religious Issues	10	10	0	0	0	10	100%
34	Writer's house of Georgia	10	10	0	0	0	10	100%
35	Georgian Intelligence Service	10	10	0	0	0	10	100%
36	"LEPL " Legal Aid Service	10	10	0	0	0	10	100%
37	Eurasian Transport Corridor Investment Center	10	10	0	0	0	10	100%
38	Vano Khukhunaishvili Center for Effective Governance System and Territorial Arrangement Reform	10	10	0	0	0	10	100%
39	Ministry of Labour, Health and Social Care of Adjara AR	14	14	0	0	0	13	99.90%
40	Administration of South Ossetia	8	8	0	0	0	4	99.50%
41	Telavi State University	12	12	0	0	0	0	99%
42	Government of Georgia	28	27	1	0	0	26	98.10%
43	National Assessment and Examinations Center	19	18	1	0	0	19	97.40%
44	State Audit Office of Georgia	19	18	1	0	0	19	97.40%
45	National Center for Educational Quality Enhancement	20	19	1	0	0	16	97.30%
46	Khashuri Municipal Council	17	16	1	0	0	17	97.10%
47	Ministry of Agriculture of Adjara AR	17	16	1	0	0	17	97.10%
48	Administration of the State-Representative Governor in Samegrelo-Zemo Svaneti Region	16	15	1		0	16	96.90%
49	Levan Samkharauli National Forensics Bureau	16	15	1	0	0	13	96.80%
50	Gori Municipal Board	15	14	1	0	0	15	96.70%
51	Gardabani Municipal Council	15	14	1	0	0	15	96.70%
52	Technical and Constructions Supervision Agency	14	13	1	0	0	14	96.40%
53	Environmental Information and Education Center	14	13	1	0	0	14	96.40%
54	Center of Electoral Systems Development, Reforms and Trainings	14	13	1	0	0	14	96.40%
55	Mestia Municipal Council	14	13	1	0	0	14	96.40%
56	Ministry of Agriculture	26	24	2	0	0	22	96%
57	Khelvachauri Municipal Council	16	15	1	0	0	0	95.90%
58	Emergency Medical Center	12	11	1	0	0	12	95.80%

59	Akhmeta Municipal Council	12	11	1	0	0	12	95.80%
60	Administration of the State-Representative Governor in Kvemo-Kartli Region	12	11	1	0	0	12	95.80%
61	Chkhorotsku Municipal Board	11	10	1	0	0	11	95.50%
62	Election Administration of Georgia	21	20	0	0	1	20	95.20%
63	National Statistics Office of Georgia	19	17	2	0	0	19	94.70%
64	Poti City Hall	18	17	0	0	1	17	94.40%
65	Tkibuli Municipal Council	9	8	1	0	0	9	94.40%
66	Maritime Transport Agency of Georgia	17	15	2	0	0	17	94.10%
67	Akhalkalaki Municipal Council	17	15	2	0	0	17	94.10%
68	Telavi Municipal Council	17	15	2	0	0	17	94.10%
69	National Forestry Agency	17	16	0	0	1	16	94.10%
70	Municipal Development Fund of Georgia	16	15	0	1	0	16	93.80%
71	Samtredia Municipal Board	16	15	0	0	1	15	93.80%
72	Kvareli Municipal Council	16	15	0	0	1	15	93.80%
73	Government of Autonomous Republic of Adjara	17	15	2	0	0	8	93.70%
74	Disease Control and the National Center for Public Health	17	16	0	0	1	3	93.40%
75	National Center for Teacher Professional Development	14	13	0	0	1	13	92.90%
76	The Academy of the Ministry of Finance	14	13	0	1	0	14	92.90%
77	Entrepreneurship Development Agency	16	15	0	0	1	0	92.80%
78	Gurjaani Municipal Council	20	18	1	0	1	19	92.50%
79	Veterans Affairs State Service	13	11	2	0	0	13	92.30%
80	Tchiatura Municipal Council	13	11	2	0	0	13	92.30%
81	Administration of the State-Representative Governor in Shida-Kartli Region	13	11	2	0	0	13	92.30%
82	State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking	13	12	0	0	1	12	92.30%
83	Educational and Scientific Infrastructure Development Agency	13	12	0	0	1	12	92.30%
84	Ministry of Regional Development and Infrastructure of Georgia *	29	28	1	0	0	24	92.30%
85	Ministry of Corrections and Legal Assistance	20	18	1	1	0	9	92.00%
86	National Bank of Georgia	18	15	3	0	0	18	91.70%
87	Mtskheta Municipal Council	12	10	2	0	0	12	91.70%
88	State Procurement Agency	12	10	2	0	0	12	91.70%
89	Z.Paliashvili Tbilisi Opera and Ballet State Theatre	13	11	2	0	0	5	91.70%
90	Digital Broadcasting Agency	12	11	0	0	1	11	91.70%
91	Kaspi Municipal Council	12	11	0	0	1	11	91.70%

92	Kareli Municipal Council	18	16	1	0	1	17	91.70%	
93	Administration of the State-Representative Governor in Guria Region	12	11		0	0	1	11	91.70%
94	Parliament of Georgia	23	20	2	0	1	22	91.30%	
95	Sachkhere Municipal Board	17	15	1	0	1	16	91.20%	
96	Dusheti Municipal Council	17	15	1	0	1	16	91.20%	
97	Chokhatauri Municipal Council	11	9	2	0	0	11	90.90%	
98	National Environmental Agency	11	10	0	1	0	11	90.90%	
99	Gurjaani Municipal Board	16	14	1	0	1	15	90.60%	
100	Kharagauli Municipal Board	16	14	1	0	1	15	90.60%	
101	National Food Agency	16	14	1	1	0	10	90.30%	
102	Akhalkalaki Municipal Board	16	14	1	0	1	6	90.10%	
103	Office of the State Minister of Georgia on European & Euro-Atlantic Integration	21	18	2	1	0	13	90.10%	
104	Georgian Wine Association	15	12	3	0	0	15	90%	
105	Office of the Business Ombudsmen of Georgia	10	9	0	1	0	10	90%	
106	Chiatura Municipal Board	15	13	1	0	1	14	90%	
107	Office of the State Minister of Georgia for Reconciliation and Civic Equality	15	13	1	0	1	14	90.00%	
108	Tbilisi City Council	19	16	2	0	1	18	89.50%	
109	Khashuri Municipal Board	19	17	0	0	2	17	89.50%	
110	Lentekhi Municipal Council	14	11	3	0	0	14	89.30%	
111	Sagarejo Municipal Council	14	11	3	0	0	14	89.30%	
112	Financial Monitoring Service of Georgia	14	12	1	0	1	13	89.30%	
113	Tbilisi State University	15	13	1	0	1	2	89.20%	
114	Tskaltubo Municipal Council	23	20	1	0	2	21	89.10%	
115	Agency of Protected Areas	18	16	0	2	0	18	88.90%	
116	State Regulation Agency for Medical Activities	9	8	0	1	0	9	88.90%	
117	Kutaisi City Council	19	17	0	0	2	0	88.60%	
118	Batumi State University	14	11	3	0	0	0	88.30%	
119	Georgian National Film Center	17	13	4	0	0	17	88.20%	
120	National Intellectual Property Center (Sakpatenti)	17	14	2	0	1	16	88.20%	
121	Ambrolauri Municipal Council	17	14	2	0	1	16	88.20%	
122	Ministry of Finance of Adjara AR	17	14	2	0	1	16	88.20%	
123	Government of Abkhazia AR	17	15	0	0	2	15	88.20%	
124	Tskaltubo Municipal Board	21	18	1	0	2	19	88.10%	
125	Georgia’s Innovation and Technology Agency	13	11	1	1	0	0	87.50%	
126	Kazbegi Municipal Board	16	13	2	0	1	15	87.50%	
127	Akaki Tsereteli State University	13	10	3	0	0	0	87.50%	

128	Georgian Technical University	17	14	2	0	1	0	87.30%
129	Zestaponi Municipal Board	16	14	0	0	2	7	87.10%
130	Oni Municipal Board	16	13	2	0	1	6	86.90%
131	State Oil and Gas Agency	15	13	0	0	2	13	86.70%
132	Georgian National Communication Agency	27	21	5	1	0	14	86.60%
133	Zestaponi Municipal Council	15	13	0	0	2	6	86.20%
134	National Bureau of Enforcement *	15	14	1	0	0	11	86.00%
135	Akhaltzikhe Municipal Council	14	10	4	0	0	14	85.70%
136	Supreme Council of Adjara	7	5	2	0	0	7	85.70%
137	Special State Protection Service of Georgia	14	11	2	0	1	13	85.70%
138	Financial-Analytical Service	14	11	2	0	1	13	85.70%
139	Mtskheta Municipal Board	14	11	2	0	1	14	85.70%
140	Land Transport Agency	14	12	0	1	1	13	85.70%
141	Aspindza Municipal Council	17	13	3	0	1	0	85.30%
142	Terjola Municipal Council	17	14	1	0	2	15	85.30%
143	The Ministry of Defence of Georgia	27	21	4	2	0	25	85.10%
144	Service Agency of the Ministry of Finance of Georgia	16	13	1	2	0	16	84.40%
145	Kareli Municipal Board	16	13	1	0	2	14	84.40%
146	Ministry of Energy of Georgia	28	23	4	0	1	27	84.30%
147	Sagarejo Municipal Board	19	15	2	1	1	18	84.20%
148	Education Management Information Center	19	16	0	0	3	16	84.20%
149	Ministry of Foreign Affairs	19	14	4	0	1	5	83.50%
150	Roads Department of Georgia	15	11	3	1	0	15	83.30%
151	Telavi Municipal Board	15	12	1	0	2	13	83.30%
152	Ozurgeti Municipal Board	15	12	1	0	2	13	83.30%
153	Border Police of Georgia	21	15	5	1	0	16	83.10%
154	Center for controlling Drug and Health Policies	9	7	1	0	1	0	82.40%
155	Terjola Municipal Board	17	13	2	0	2	15	82.40%
156	Ministry of Culture and Monument Protection	33	25	4	0	4	29	81.80%
157	Supreme Council of Abkhazia	8	6	1	0	1	7	81.30%
158	Senaki Municipal Council	16	13	0	0	3	13	81.30%
159	Ministry of Education and Science of Georgia	32	24	4	4	0	25	81.10%
160	Administration of the President of Georgia	21	17	0	0	4	17	81%
161	Tbilisi City Hall	29	21	5	0	3	24	80.90%
162	Laboratory of Ministry of Agriculture	13	10	1	0	2	11	80.80%
163	Sokhumi State University	11	7	4	0	0	0	80.80%
164	Dedoplistskaro Municipal Council	18	14	1	0	3	15	80.60%
165	Sighnaghi Municipal Board	15	10	4	0	1	14	80%
166	Sighnaghi Municipal Council	15	11	2	0	2	13	80%



167	Culture Heritage Protection Agency	20	16	0	0	4	16	80%
168	The Office of the State Minister of Georgia for Diaspora Issues	20	14	4	2	0	18	79.90%
169	Tetritskaro Municipal Board	17	13	1	0	3	14	79.40%
170	Data Exchange Agency *	12	11	1	0	0	0	79.20%
171	Lentekhi Municipal Board	24	19	0	0	5	19	79.20%
172	Investigation Service of Ministry of Finance	14	8	6	0	0	14	78.60%
173	Office of Resource Officers of Educational Institutions	14	11	0	2	1	13	78.60%
174	Aspindza Municipal Board	19	14	2	0	3	0	78.10%
175	Chokhatauri Municipal Boards	16	12	1	0	3	13	78.10%
176	Zugdidi State University	14	9	4	0	1	0	77.60%
177	Children and Youth National Center	20	15	1	0	4	16	77.50%
178	LEPL Children and Youth Development Center	11	8	1	1	1	10	77.30%
179	Rustavi City Hall	22	17	0	0	5	17	77.30%
180	Revenue Agency	15	11	1	2	1	14	76.70%
181	Tianeti Municipal Council	17	12	2	0	3	13	76.50%
182	Ministry of Justice	26	18	4	1	3	8	76.40%
183	Gardabani Municipal Board	19	14	1	0	4	15	76.30%
184	National Agency of State Property	21	12	8	0	1	20	76.20%
185	Khelvachauri Municipal Council	13	8	4	0	1	0	76%
186	State Treasury	10	6	3	1	0	10	75%
187	Health Insurance Mediation Service	16	12	0	1	3	13	75%
188	Dusheti Municipal Board	26	19	1	0	6	20	75%
189	Abasha Municipal Council	20	15	0	0	5	15	75%
190	Ministry of Labour Health and Social Affairs of Georgia	25	16	5	2	2	23	74%
191	Ambrolauri Municipal Board	23	17	0	0	6	17	73.90%
192	Lanchkhuti Municipal Council	17	12	1	0	4	13	73.50%
193	Public Service Development Agency *	15	13	0	2	0	0	73.30%
194	Legislative Herald of Georgia *	16	11	3	2	0	13	73.10%
195	Z.Zhvania School of Public Administration	19	14	0	0	5	0	72.90%
196	Khulo Municipal Council	11	8	0	0	3	8	72.70%
197	Millennium Challenge Account (MCA- GEORGIA)	9	4	5	0	0	9	72.20%
198	Tkibuli Municipal Board	16	11	1	0	4	12	71.90%
199	Chkhorotsku Municipal Council	16	11	1	0	4	12	71.90%
200	Kharagauli Municipal Council	16	11	1	0	4	12	71.90%
201	Senaki Municipal Board	14	8	4	0	2	12	71.40%
202	Samtredia Municipal Council	21	15	0	0	6	15	71.40%
203	Vani Municipal Board	26	18	1	0	7	19	71.20%
204	Zugdidi Municipal Board	21	14	2	0	5	4	70.90%



205	Adigeni Municipal Board	24	17	0	0	7	17	70.80%
206	Gori State Teaching University	12	7	3	0	2	0	70%
207	State Material Reserves Department	13	9	0	3	1	12	69.20%
208	Agricultural Cooperative Development Agency	14	9	1	0	4	10	67.90%
209	Tianteni Municipal Board	20	13	1	0	6	14	67.50%
210	Oni Municipal Council	14	9	1	0	4	4	67.40%
211	“SmartLogic” *	14	10	2	1	1	0	67.10%
212	Baghdati Municipal Council	12	6	4	0	2	10	66.70%
213	Khobi Municipal Council	18	12	0	0	6	12	66.70%
214	Batumi City Council	24	15	2	0	7	17	66.70%
215	Prosecutor’s Office of Georgia *	25	15	9	0	1	10	66.60%
216	Shuakhevi Municipal Board	30	20	0	0	10	0	66%
217	Ozurgeti Municipal Council	15	9	2	0	4	0	65.90%
218	Lanchkhuti Municipal Board	22	14	1	0	7	15	65.90%
219	Khulo Municipal Board	30	19	1	0	10	20	65%
220	Ilia State University	17	9	4	0	4	13	64.70%
221	Mestia Municipal Board	24	15	1	0	8	16	64.60%
222	Kutaisi City Hall	30	18	3	0	9	0	64.30%
223	Batumi City Hall	26	14	5	0	7	0	63.50%
224	Keda Municipal Council	29	17	2	0	10	19	62.10%
225	Ministry of Economy and Sustainable Development of Georgia	31	15	8	5	3	16	61%
226	Poti Municipal Council	25	15	0	0	10	0	60%
227	Borjomi Municipal Board	30	18	0	0	12	18	60%
228	Borjomi Municipal Council	30	18	0	0	12	18	60%
229	Keda Municipal Board	30	17	1	0	12	18	58.30%
230	Bolnisi Municipal Board *	12	11	0	0	1	0	57.50%
231	Akhaltzikhe Municipal Board	24	11	4	0	9	15	54.20%
232	Kaspi Municipal Board	24	13	0	0	11	13	54.20%
233	Academy of the MIA	13	6	2	5	0	13	53.80%
234	Tsalenjikha Municipal Board	27	14	1	0	12	15	53.70%
235	National Folklore Center	19	9	1	0	9	10	50%
236	Zugdidi Municipal Council	30	13	4	0	13	17	50%
237	Ninotsminda Municipal Council	30	15	0	0	15	15	50%
238	Tsalenjikha Municipal Council	30	15	0	0	15	15	50%
239	Kobuleti Municipal Board	25	12	1	0	12	5	49.70%
240	Dedoplistkaro Municipal Board	30	15	0	0	15	0	49.50%
241	Akhmeta Municipal Board	28	13	1	0	14	14	48.20%
242	Marneuli Municipal Board `	27	12	2	0	13	7	47.90%

243	Lagodekhi Municipal Council	30	14	0	0	16	8	46.50%
244	Ministry of Finance *	23	6	8	1	8	11	43.30%
245	Administration of the State-Representative Governor in Racha-Lechkhumi da Kvemo Svaneti Region	30	13			17	0	42.90%
246	Ninotsminda Municipal Board	30	12	1	0	17	13	41.70%
247	Administration of the State Representative Governor in Imereti Region	30	12	1		17	13	41.70%
248	Khoni Municipal Board	23	9	1	0	13	0	41.30%
249	Adigeni Municipal Council	28	10	2	0	16	12	39.30%
250	Martvili Municipal Board	30	11	1	0	18	5	38.10%
251	Georgian National Energy and Water Supply Regulatory Commission	18	5	3	9	1	17	36.10%
252	Tsageri Municipal Council	24	8	1	0	15	9	35.40%
253	Kazbegi Municipal Council	20	5	4	0	11	9	35%
254	Lagodekhi Municipal Board	27	8	1	0	18	0	31.10%
255	Khoni Municipal Council	30	9	0	0	21	0	29.70%
256	Rustavi City Council	24	6	1	0	17	7	27.10%
257	Ministry of Internal Affairs of Georgia *	44	12	3	2	27	1	26.80%
258	Center for Crime Prevention *	30	11	0	1	18	2	24.70%
259	National Archives of Georgia *	25	10	0	1	14	0	24%
260	National Agency of Public Registry *	28	11	0	3	14	0	23.60%
261	Baghdati Municipal Board	23	5	0	0	18	5	21.70%
262	Sachkhere Municipal Council	23	5	0	0	18	5	21.70%
263	Vani Municipal Council	30	6	1	0	23	7	21.70%
264	Training Center of Justice *	28	9	0	1	18	0	19.30%
265	Public Service Hall *	22	5	0	1	16	2	17.30%
266	Notary Chamber of Georgia *	27	7	0	1	19	0	15.60%
267	Security Police	27	0	0	0	27	0	0%
268	Department of Corrections	28	0	0	0	28	0	0%
269	Tsalka Municipal Board	30	0	0	0	30	0	0%
270	Khobi Municipal Board	30	0	0	0	30	0	0%
271	Tetritskaro Municipal Council	30	0	0	0	30	0	0%
272	Marneuli Municipal Council	30	0	0	0	30	0	0%
273	Martvili Municipal Council	30	0	0	0	30	0	0%
274	Kobuleti Municipal Council	30	0	0	0	30	0	0%
275	Shuakhevi Municipal Council	30	0	0	0	30	0	0%
276	Tsalka Municipal Council	30	0	0	0	30	0	0%
277	Bolnisi Municipal Council	30	0	0	0	30	0	0%
278	Healthcare Service of the MIA	32	0	0	0	32	0	0%

279	MIA Service Agency	32	0	0	0	32	0	0%
280	LEPL „112“	32	0	0	0	32	0	0%
281	Georgian Chamber of Commerce & Industry	33	0	0	0	33	0	0%

\* Information is provided after submitting Administrative complaint

**Note1** The rating does not include replies according to which the requested information did not exist or specific action had not been carried out.

**Note2** The rating does not include Public Institutions which were addressed with 5 or less requests during the reporting period.

**Note3** Information from the Ministry of Internal Affairs, LEPL Service Agency, LEPL „112“ and LEPL Georgian Chamber of Commerce & Industry was received after the report was finalized (with the delay of two months), hence the Institute was unable to reflect these responses in the rating.