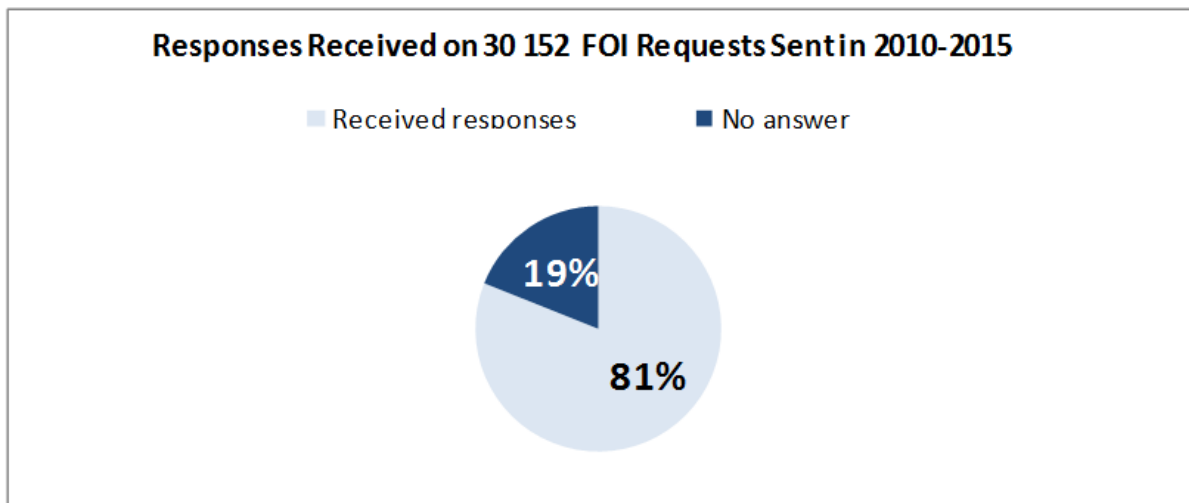


Practice of Disclosure of Public Information in 2010-2015

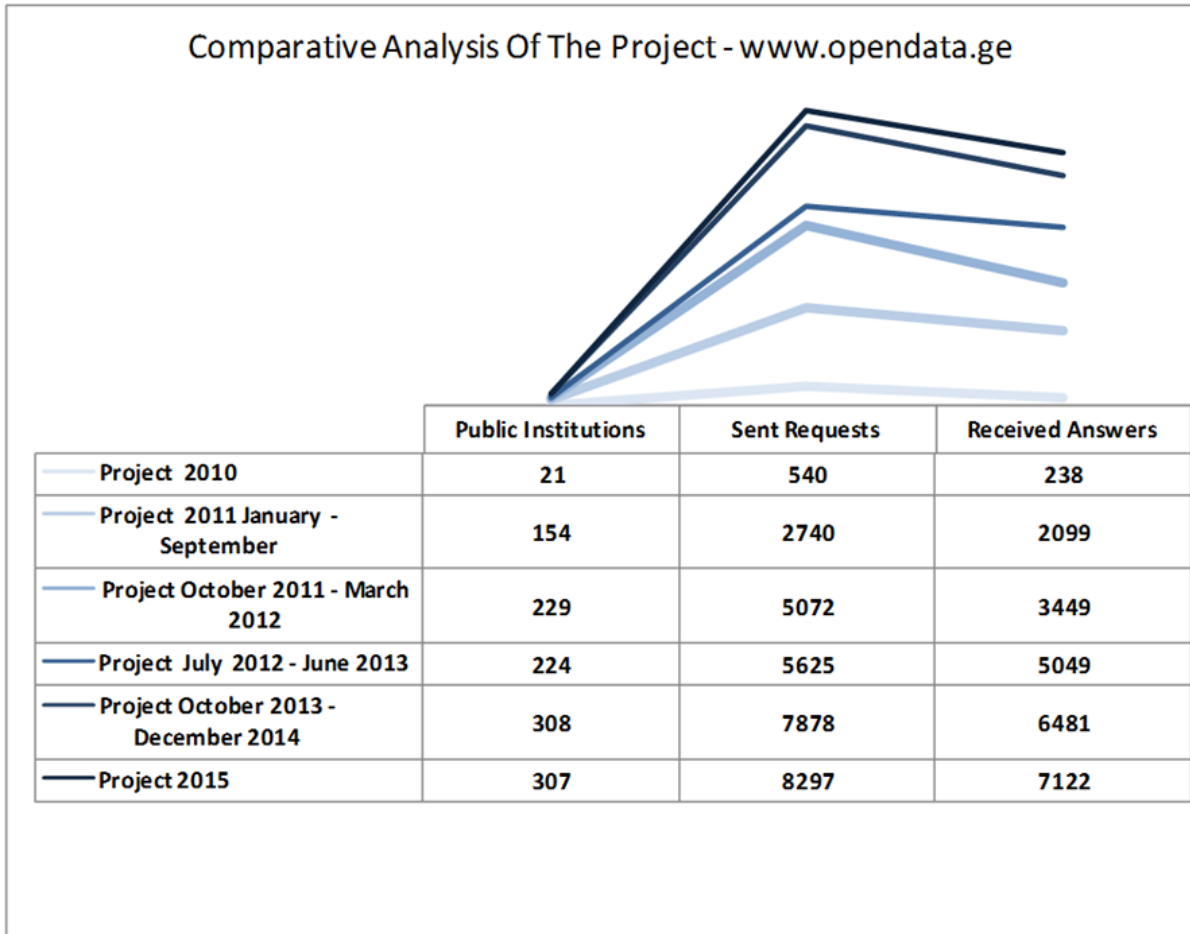
The Project "Public Information Database - opendata.ge" was one of the longest and the most successful projects of the Institute for Development of Freedom of Information (IDFI). The project was launched in 2010 with the initiative of the Open Society Georgia Foundation and its implementation was made possible by the financial support of Open Society – Georgia Foundation and Open Society Foundations. The pilot version of the project started in 2010. The project lasted until December 2015.

Within the framework of the projects implemented by IDFI in 2010-2015, **30152** Freedom of Information (FOI) requests were sent to public institutions, and only **24 438** replies were received.



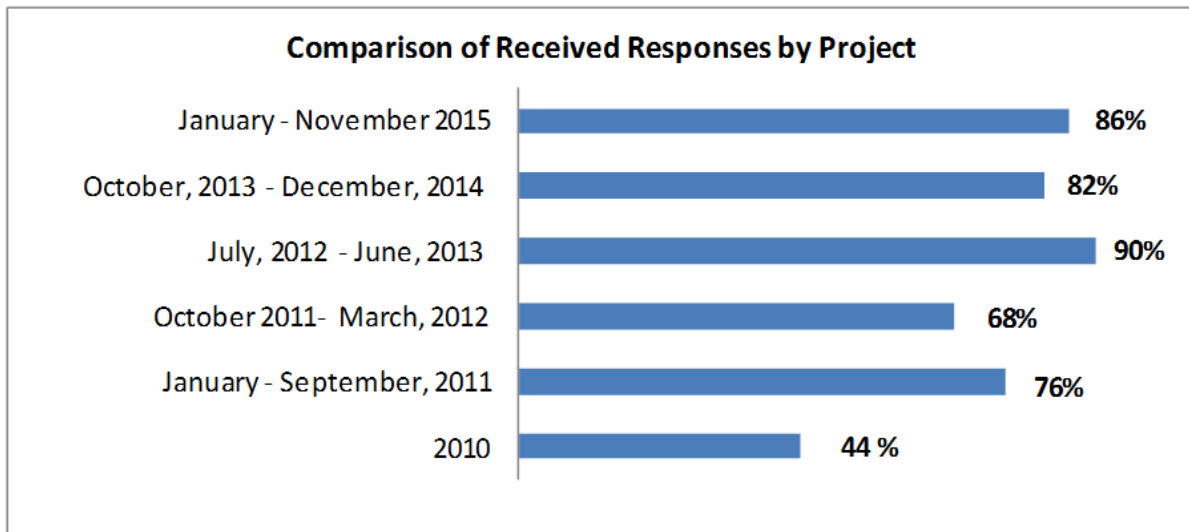
In 2010, in the framework of the pilot project, only 540 FOI requests were sent by IDFI to 21 public institutions. Statistics of requested public information significantly increased during the following projects, and in 2015 there were 8 297 requests for public information sent to 307 public institutions.

According to the statistics carried out by IDFI during 5 years, the number of replies to the requests for public information has been gradually increasing. Therefore, the amount of the information received by the Institute and uploaded to the webpage (www.opendata.ge) increased as well, thus giving the webpage visitors opportunity to learn more about the issues of their interest.



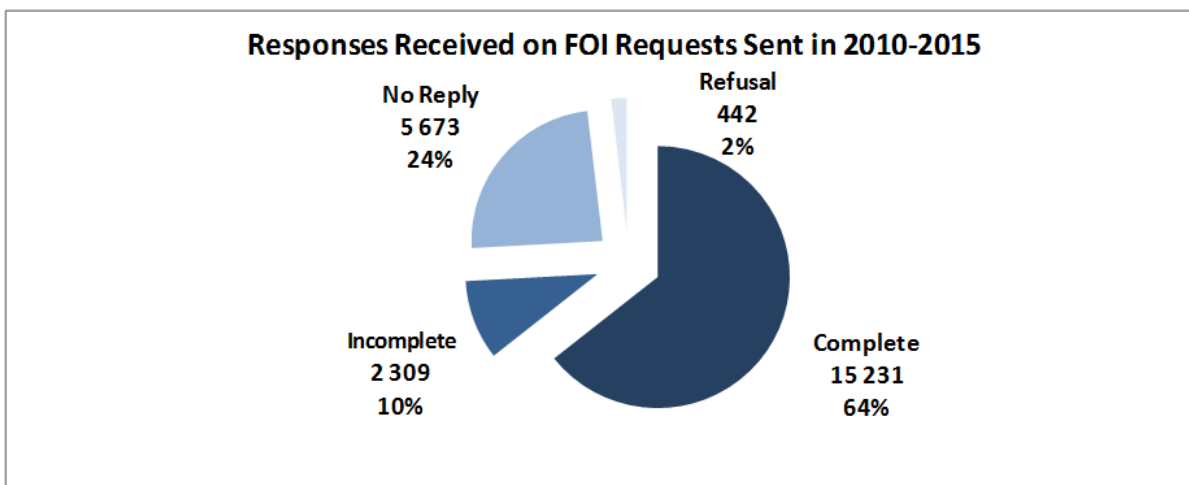
It should be noted that the dynamics of comparison between sent requests and received replies often varied. In particular, only 44% replies were received to the requests sent in 2010. In the framework of the project of 2011 (January-September) the indicator increased to 76%, and in the period starting from October 2011 up to March 2012 it decreased to 68%.

Among the projects implemented in 2010-2015 by IDFI, **the highest indicator (90%) of replies received to FOI requests was in the period between July 2012 and June 2013**. In the framework of the subsequent project (October 2013 – December 2014) the indicator decreased to 82%, and in 2015 (January-November) the indicator of received replies was 86%.



As a response to 30 152 requests sent to the public institutions during 2010-2015, IDFI received 15 231 complete replies, incomplete replies were given to 2 309 requests, there were 442 refusals, 5 673 requests were left unanswered, while in 6 497 cases public entities stated that they had not implemented any particular action or did not have the requested information.

The data provided on the diagrams below does not include the replies stating that requested document was not kept at the entity or no proper action had been implemented by a public institution.



During 2010-2015, the lowest (33%) indicator of the complete replies received by IDFI and the highest indicator (48%) of the unanswered requests were revealed in 2010.

In the framework of the project of 2011 (January-September), the indicator of complete replies increased up to 61%, and the requests left without answer decreased to 23%. In the period between October, 2011 and March 2012 the situation in term of access to public information has worsened again and the indicator of complete replies decreased to 45%, while the requests without reply increased up to 36%.

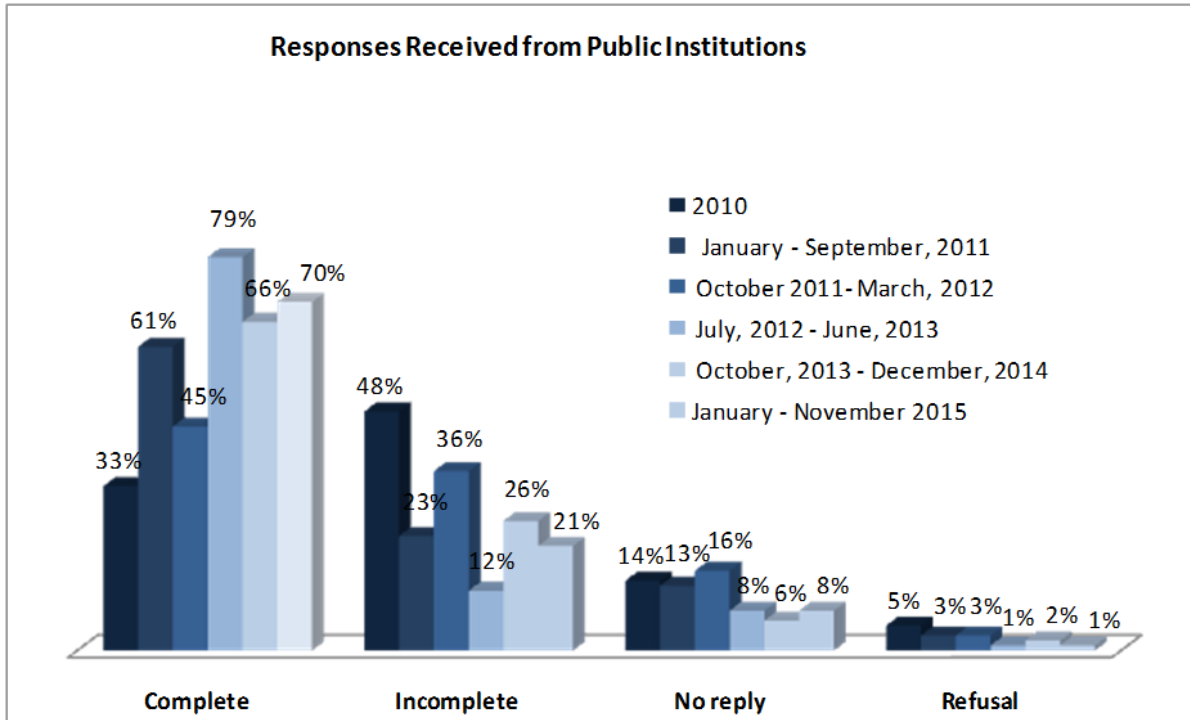
The period of implementation of the next project (July 2012 – June 2013) coincided with the change of the government through Parliamentary Elections held on October 1st, 2012. The research carried out in the framework of this project showed that initially the political changes had positive impact on accountability of

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the state institutions and access to public information. In particular, the indicator of complete replies increased up to 79%, and the number of unanswered requests decreased to 12%.

Unfortunately, the monitoring of access to public information implemented by IDFI in the framework of the next project has clearly shown that **in case of a great number of public institutions, the improvement in terms of access to information was associated with initial stage of the new government, when the public institutions had less motivation to conceal any information.** In particular, the 79% rate of complete replies at early stage of political changes decreased to 66% in the framework of the following project (October, 2013 – December, 2014), while the number of unanswered replies increased up to 26%.

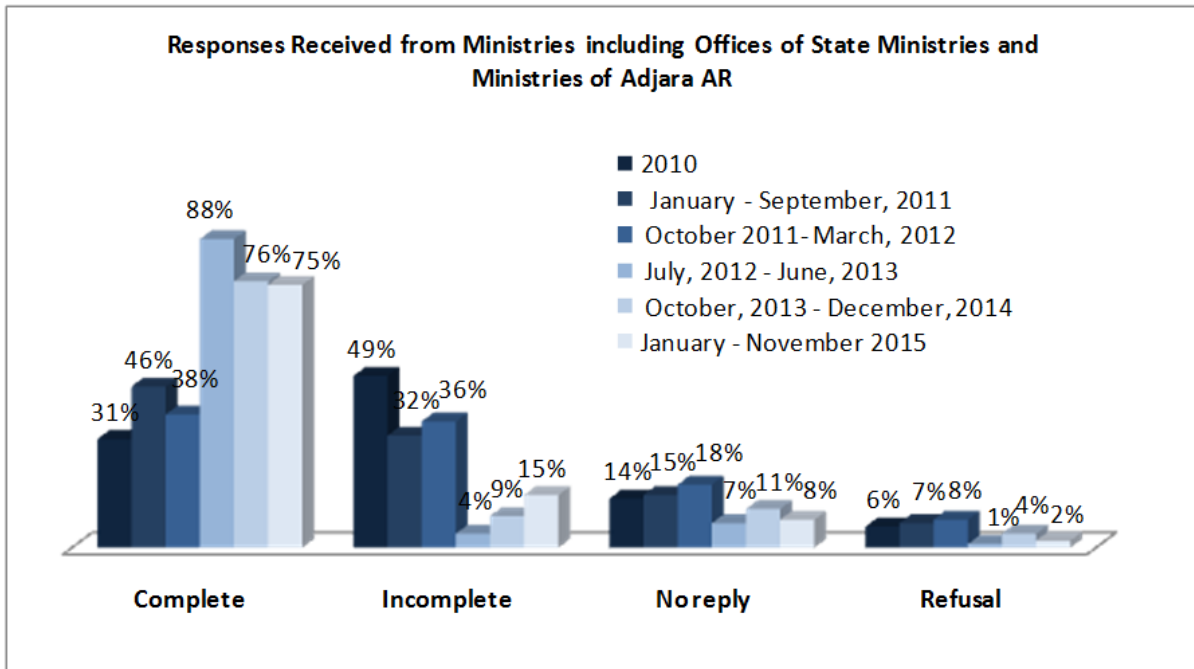
Total indicator of complete answers received in 2015 (January-November) has increased by 3% as compared to 2014 and amounted to 70%, while the requests left without reply decreased by 5% and amounted to 21%.



In the framework of the projects implemented in 2010-2015, there were different trends of access to information in terms of categories of public institutions.

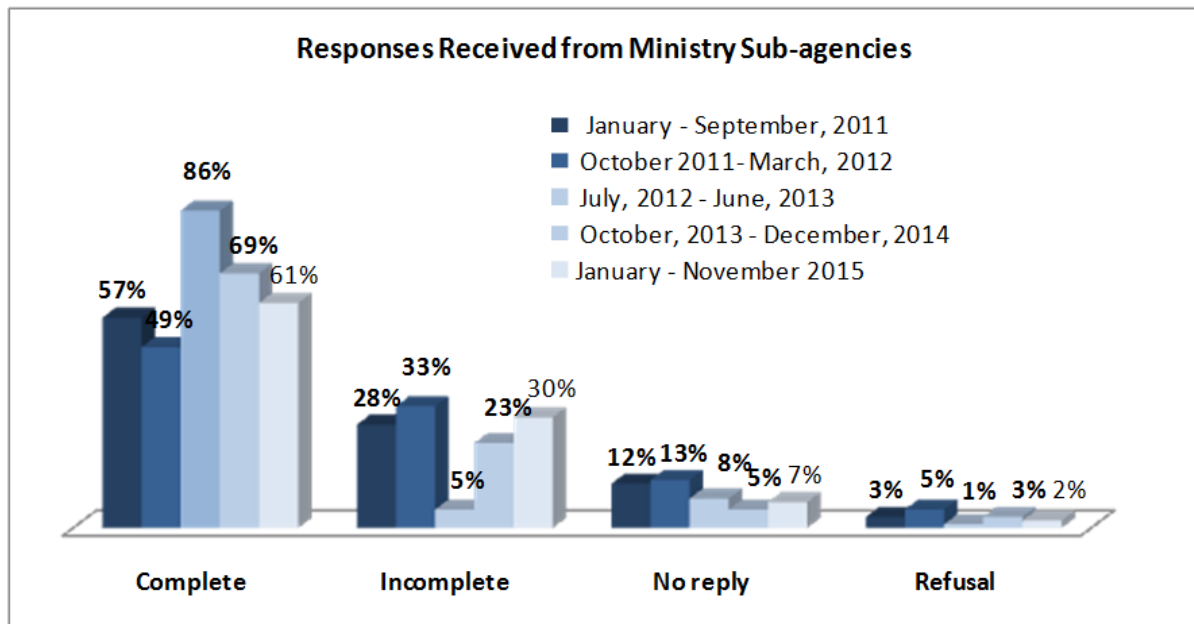
In case of the Ministries, the highest indicator of the complete replies was only 46% during the projects implemented in 2010-2012. In the period between July 2012 and June 2013 the indicator increased to 88%. However, during the following projects the Ministries did not provide the kind of information, which was disclosed in details by them in the beginning of 2013. This trend had negative impact on the rate of complete replies which has decreased to 76% in the period between October, 2013 and December, 2014 and further decreased to 75% in 2015 (January-November).

The rate of the requests left unanswered varied correspondingly. While the rate was 4% in the project during July 2012 – June 2013, it increased up to 9% in the period between October, 2013 and December, 2014 and further up to 15% in 2015 (January - November).



In case of the Legal Entities of Public Law subordinated to the Ministries and the sub-agencies, the lowest indicator of complete replies (49%) and the highest indicator of requests left without reply (33%) was during the period starting from October, 2011 up to March, 2012. As for the highest indicator of complete replies (86%) and the lowest indicator of requests left without reply (5%) were revealed in the period between July 2012 and June 2013.

It should be noted that starting from 2014, the worsening of general index of access to information was especially due to a great number of public institutions that left FOI requests unanswered, which equals to refusal in legal terms. In particular, in the period between October 2013 and December 2014 the indicator of complete replies in case of sub-agencies decreased to 69%, while the number of unanswered requests increased up to 23%. The negative trend continued in 2015 and the rate of complete replies amounted to 61%, while the unanswered replies reached 30%.



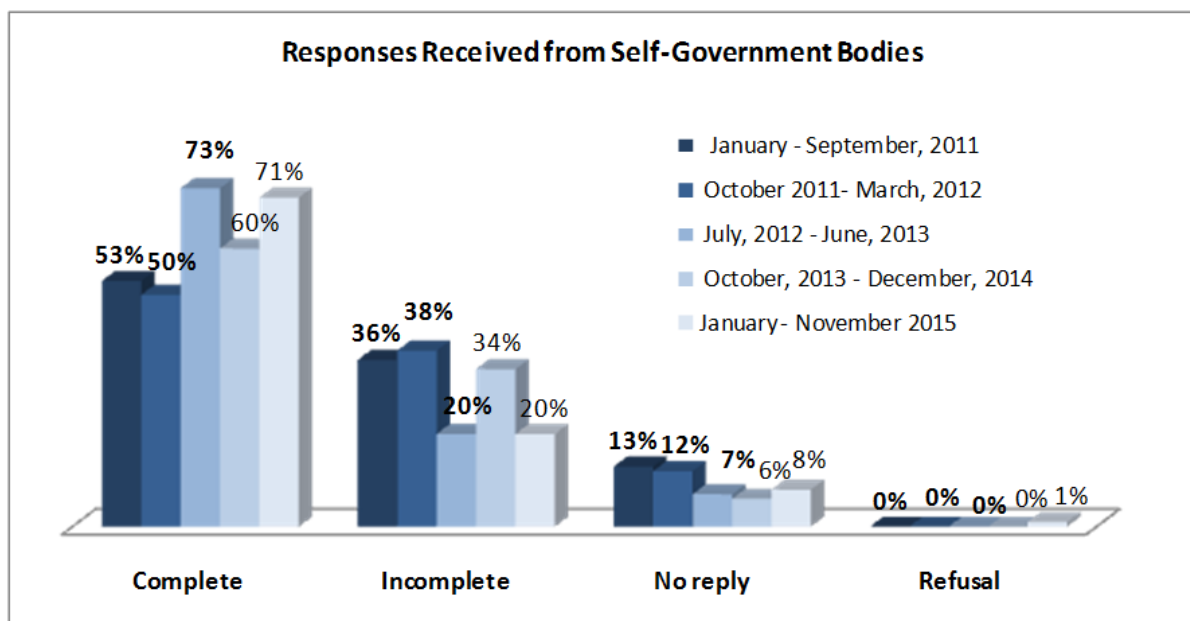
It should be noted that starting from 2014, the worsening of general index of access to information was especially due to a great number of public institutions that left FOI requests unanswered, which equals to refusal in legal terms. In particular, in the period between October 2013 and December 2014 the indicator of complete replies in case of sub-agencies decreased to 69%, while the number of unanswered requests increased up to 23%. The negative trend continued in 2015 and the rate of complete replies amounted to 61%, while the unanswered replies reached 30%.

In the framework of the projects implemented in 2011-2012 the indicator of complete replies by the local self-administration bodies ranged between 50%-53%, and the indicator of requests without reply was 36%-38%. Interestingly, that during the indicated period the local self-administration bodies showed higher level of accountability, compared to the central state institutions.

In the framework of the project starting from July 2012 up to June 2013 the indicator of complete replies by the local self-administration bodies increased up to 73%, and the indicator of the requests left without reply decreased to 20%. During the following project (October 2013 – December 2014) the indicator of complete replies amounted to 60%, and the indicator of requests left without reply was 35%.

Improvement of general indicator of availability of the information in 2015 (January-November) was mostly due to significant increase of complete replies by the local self-administration bodies. In 2015 complete replies of self-administration units compared to the previous project (October 2013 – December 2014) increased by 11%, and the requests left without reply decreased by 14%.

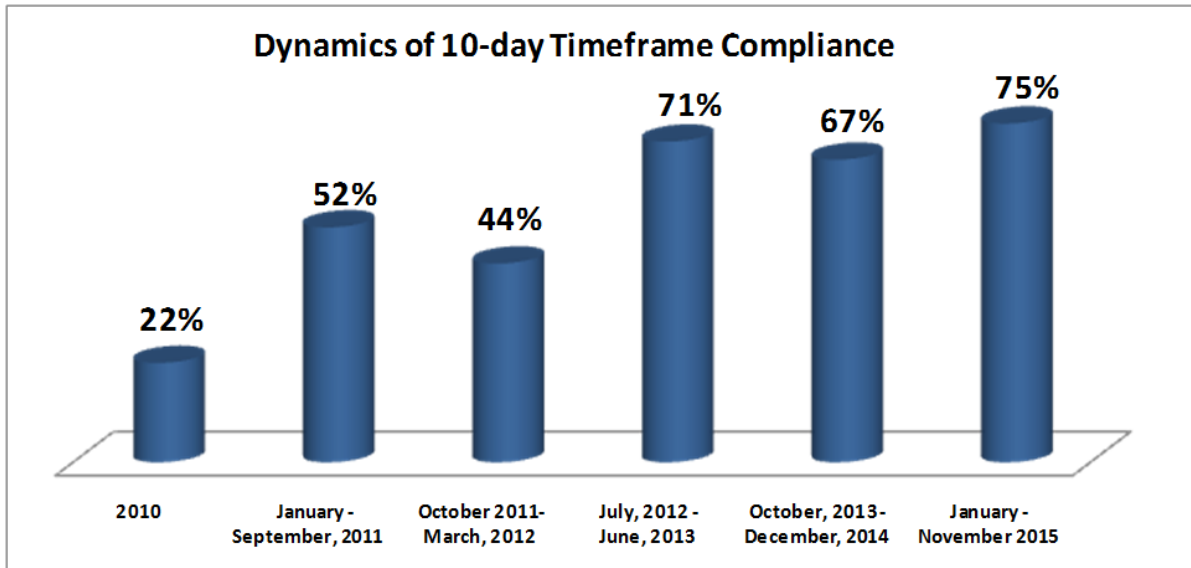
The fact shall be indicated that elections of self-administration units were held in summer 2014, therefore, the project of 2015 (January-November) coincided with the early phase of the political changes in the local self-administration bodies.



The Practice of Complying with the Period of Disclosure of Information in 2010-2015

According to the Georgian legislation, a public institution is obliged to disclose public information immediately. At the same time, a period of 10 days for disclosure can be established if the information needs processing. Considering the fact that the information requested by the Institute in 2010-2015 was sizeable in most cases, for the purposes of statistical analysis the Institute had decided to consider the 10 day-period as compliance of the timeframe.

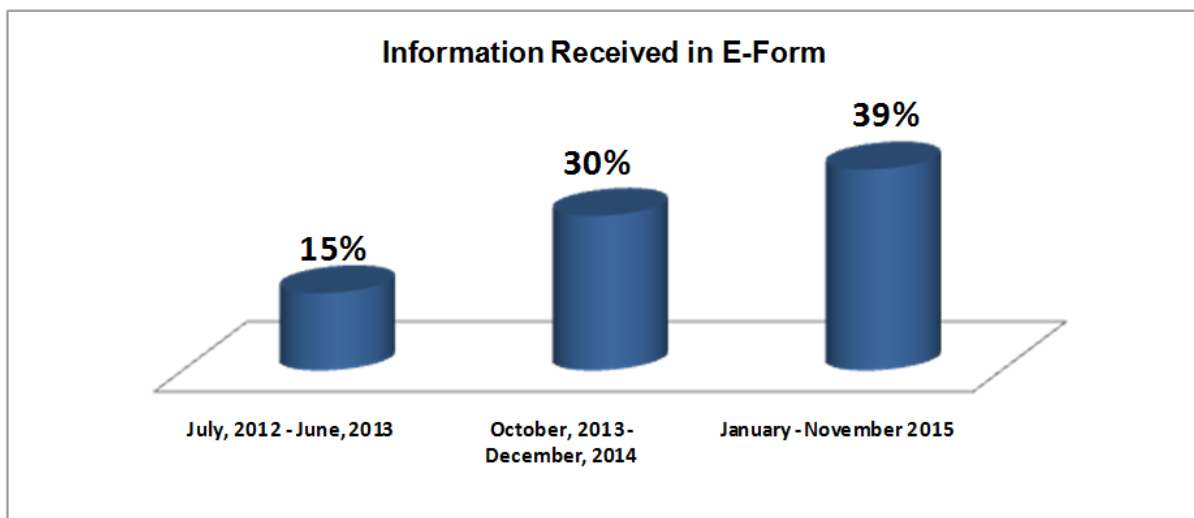
According to projects carried out in 2010-2015, the highest rate of timeframe compliance falls on the year 2015 (January-November) with 75% of timely replies. 2010 was the year with the lowest rate of compliance(22%).



The form of Disclosure of Information in 2012-2015

Georgian legislation gives the right to determine the appropriate form of receiving the information to the author of the request. Since 2012, the Institute has been exercising this right and requesting the information in electronic form (information which was already electronic or could be converted to electronic format).

Despite the fact that the Institute preferred electronic documents, in most cases, the public institutions disclosed the information in printed form, which required additional administrative resources compared to providing information in e-form. However, it should be noted that the practice of disclosing information in e-form by the public institutions improved significantly year by year. The percentage of information received in e-form during the project carried out in July 2012-June 2013 amounted to only 15%, the following project saw an increase up to 30% and in 2015 the percentage of information received in e-form amounted to 39%.



We believe that if the requested public information is in e-form and the author of the request prefers to have

the information electronically, the public institution is obliged to meet the request and provide the information in a more efficient manner - electronically to be precise. This will save the administrative resources of the public institution and will also exempt the author of the request from paying the fee for copies of documents, which will ultimately accelerate and simplify the process of disclosure of information.

The most Accountable Public Institutions in 2010-2015

Based on the statistical data acquired throughout the projects carried out in 2010-2015, IDFI has named the most accountable public institutions:

- **Office of Public Defender (Ombudsman) of Georgia**
- **Municipal Board of Dmanisi**

In the period of 2010-2015, the Institute has sent 103 requests of public information to the Office of Public Defender. IDFI received complete replies on 102 of those requests and only one incomplete reply. All the replies were provided within the 10 day period determined by the Georgian legislation.

A total of 81 requests were sent to Municipality Board of Dmanisi in 2010-2015, out of which all the requests were completely satisfied. In 17 cases, the period determined by the Georgian legislation was not respected.

The Most Closed Public Institutions in 2010-2015

As we mentioned above, since 2011 IDFI has been naming the public institutions with lack of accountability, the ones which did not fulfill the obligations defined by the law and did not ensure provision of public information. The highest number (17) of public institutions in terms of limiting access to public information was named in the period between October 2011 and March 2012, while the least (4) – in July 2012 – June 2013.

Starting from 2011 IDFI has revealed the most closed public institutions within the framework of each project.

Most Closed Public Institutions By Project	
October 2011 March 2012	• Ministry of Defense of Georgia
June 2012 September 2013	• Georgian National Energy and Water Supply Regulatory Commission
October 2013 December 2014	• Penitentiary Department
January 2015 November 2015	• Ministry of Economy and Sustainable Development

It should be noted that some of the public institutions named as the most closed ones significantly improved their performance during the following projects. The Ministry of Defense of Georgia, which was named as the

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most closed public institution in 2011-2012, has increased its level of access to information around 75%-90% during the following projects. In 2012-2013 the Ministry of Defense of Georgia was also named as one of those entities which showed biggest progress in terms of access to information.

The Georgian National Energy and Water Supply Regulatory Commission (GNERC), which was named as the most closed public institution in 2012-2013, has improved its rate of access to information up to 36.1% in 2014, while in 2015 it was already named as one of the public institutions having the biggest progress in terms of access to information.

The Penitentiary Department, named as the most closed public institution in 2014, was reorganized and became part of the structure of the Ministry of Corrections of Georgia. Thus, IDFI does not possess the 2015 data of access to information in case of this particular entity.

