

ACCESS TO PUBLIC INFORMATION IN GEORGIA

2019



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MAIN FINDINGS



Out of 6 240 FOI requests sent to public institutions during 2019, IDFI received responses on 5 180 requests (83%);



Out of 6 240 FOI requests sent to public institutions during 2019, in 3 480 cases (56%) IDFI received the information within the period of 10 days;



During 2019 significant ratio of public institutions (24%) refused to respond or disclose information regarding the internal audit checks. The second least accessible public information was the CVs of those appointed as the advisors of the heads of public institutions and the copies of their contracts;



During 2019 state-owned Limited Liability Companies (LLC) and state Non-Commercial (Non-Entrepreneurial) Legal Entities (N(N)LE) left the highest ratio of FOI requests without response – 74% of unanswered requests; the highest number of complete responses were received from governor administrations – 91% complete responses;



During 2019 25 public entities provided complete information within the period of 10 days (among them National Statistics Office, Office of the Public Defender (Ombudsman), State Inspector Service);



IDFI named the **whole system of the Ministry of Justice** and the subordinate agency of the Ministry of Finance – **State Treasury** as the most closed public institutions in 2019;



Together with the system of the Ministry of Justice and State Treasury 12 other public entities left the requests of IDFI without response (Border Police and 11 municipal self-governing entities, city halls and councils);



Among the central public institutions the highest level of access to public information was demonstrated by the Ministry of Foreign Affairs – 99% and the Parliament of Georgia – 98.3%, while the lowest level of transparency was demonstrated by the Ministry of Justice (4.55%) and the Administration of the Government of Georgia (27.84%);



During 2019 the Ministry of Finance (+30.6%) and the Ministry of Economy and Sustainable Development (+29.92%) showed the highest improvement in regards to access to public information, whereas the highest decrease was observed in case of the Administration of the Government of Georgia (-23,16%);



During the last 5 years the ratio of responses received on FOI requests was the lowest in 2019 (83%);



Compared to 2018, the percentage of complete responses decreased by 7% in 2019, while the ratio of unanswered requests increased by 5%;



During 2019 the number of public institutions demonstrating 100% access to public information is approximately twice as low compared to the previous year;



The ratio of complete responses received from municipal self-governing entities fell by 10% in 2019, while the number of unanswered requests increased by 11%.

INTRODUCTION

Institute for Development of Freedom of Information (IDFI) has been monitoring the state of access to public information in Georgia since 2010. The work of IDFI has played an important part in strengthening freedom of information in Georgia, identifying key trends and challenges related to access to public information, developing effective civic oversight mechanisms, and raising the level of accountability and open governance in the public sector.

In 2011, IDFI started to award public institutions demonstrating the highest levels of access to public information. This practice of naming (and shaming) the most and least open public institutions has encouraged competition in the public sector to maintain and improve accountability standards.

It should be noted that partner states of Georgia, including the USA, pay particular attention to the state of access to public information in Georgia, including the monitoring results of IDFI. For instance, the statistical data on the access to public information prepared by IDFI has been reflected in the Country Reports of Human Rights Practices of the US Department of State, which reviews the state of human rights protection in over 200 countries globally. Moreover, according to the Fiscal

Year 2021 State and Foreign Operations Funding Bill of the USA, the 15% cut of the financing allocated to Georgia could be caused by the suspension of various reforms in the country, including the delays in reforming transparency and access to public information in the public sector of Georgia. Namely, according to the explanatory report of the bill, one of the conditions necessary for receiving the 15% of the financing is the level to which the Government of Georgia successfully implements reforms in the direction of accountability and transparency, **including strengthening the standards of access to public information.**

The given report includes analysis of access to public information in Georgia in 2019. The report also includes trends of access to public information during 2010-2019 and the rating of public institutions.

The rating was compiled based on the methodology and criteria for assessing access to public information developed by IDFI in 2011*.

ACCESS TO PUBLIC INFORMATION IN GEORGIA - 2019

IDFI evaluated the level of access to public information in Georgia in 2019 based on freedom of information (FOI) requests sent to **284 public institutions** and relevant responses. The public institutions can be grouped into the following categories:

14

Central public institutions (Parliament of Georgia, Administration of the President and the Government, Ministries);

9

Government and ministries of Adjara A/R, Administration of the Government of Abkhazia A/R, South Ossetia Administration;

74

Legal Entities of Public Law (LEPL) and other sub-ministry entities;

28

Independent bodies (independent LEPLs, regulatory commissions and others);

* See the Report of IDFI – Access to Information in Georgia 2017, pg.3 and pg.17.



Governor administrations;



Administrative bodies of the judicial system;

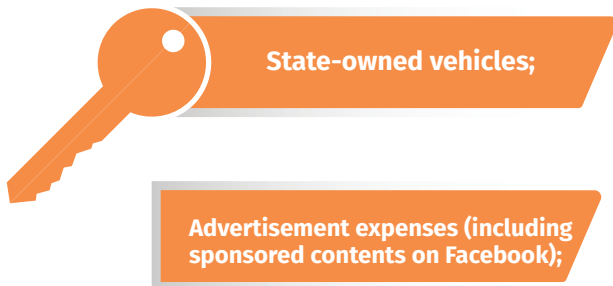


State LLCs, N(N)Ls, Sports Federation and Charity Fund.

REQUESTED PUBLIC INFORMATION

During 2019 IDFI send 6 240 FOI requests to 284 public institutions. When drafting standard FOI requests IDFI referred to the Decree of the Government of Georgia dated August 26, 2013. The decree lists the categories of public information, which is proactively published by public institutions on their official websites*.

The standard FOI requests sent by IDFI to various public institutions mostly concerned such topics of public governance as administrative expenses, management of state property, staff lists and remuneration, citizen participation, etc. Namely, during 2019 the standard FOI requests of IDFI included the following topics:



State-owned vehicles;

Fuel expenses, monthly limits and distances covered;

Advertisement expenses (including sponsored contents on Facebook);

Savings arising from vacant positions and relevant costs incurred within the savings;

*Public institutions have the obligation to publish information of high public interest on their official websites. Decree N219 of the Government of Georgia on Electronic Request and Proactive Publication of Information dated August 26, 2013 regulates such topics as the list of the information to be published proactively, relevant timeframes, responsible public entities, etc.



Finances allocated for bonuses and salary supplements and the picture of their utilization;

Staff lists and remuneration;

Contracts signed with those employed based on administrative and labor agreements, indicating relevant remuneration;

CVs of those appointed as the advisors of the heads of public institutions and the copies of their contracts;

Official email correspondence on urgent procurements;

Agreements signed with sub-contractors;

Responses regarding the requests of direct procurement received from the State Procurement Agency;

Information on the depreciated and unused property owned by public institutions;

Information on selling or destroying depreciated property;

Reports of internal audit checks;

Ongoing and completed court litigation cases.

The following additional information was requested from self-government entities as part of the standard FOI requests:



List of N(N)LEs and LLCs established by the municipalities;

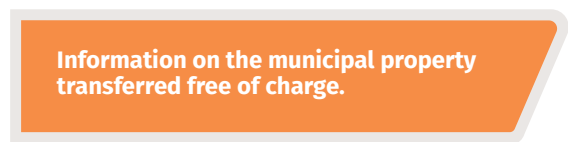
The number of staff members employed at N(N)LEs and LLCs established by the municipalities and the total fund of their remuneration;

Financing allocated from municipal budgets to sports clubs;

Information on the expenditures of Mayors' contingency funds;



Performance reports of municipal council members;



Information on the municipal property transferred free of charge.

Since 2011, IDFI has been submitting standard FOI requests to public institutions on an annual basis. As a result, the practice of preparing responses to the standard FOI requests has been established at these public institutions. Thus, they demonstrate readiness to provide complete information on the standard requests and show reluctance to respond to non-standard requests.

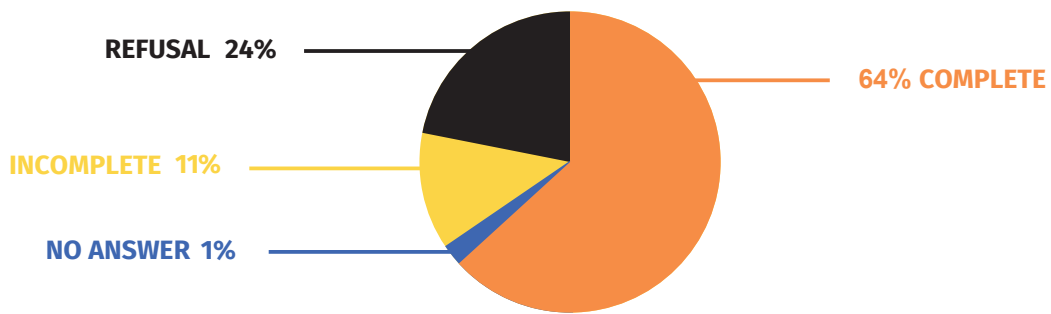
The purpose of non-standard FOI requests is to receive information on other topics of high public interest linked with specific functions of public institutions. Moreover, IDFI submits non-standard FOI requests to public institutions within the auspices of assistance provided to various interested citizens referring to the organization for expert advice. The examples of such non-standard request are antique refurbishment costs of the presidential residence, financing allocated to sports federations, official correspondence regarding the initiative of writing-off citizen debts, statistical information on plea bargains, requests received and granted within the auspices of the State Program for Referral Service, etc.

STATISTICS OF THE PUBLIC INFORMATION RECEIVED DURING 2019

Out of the 6 240 FOI requests sent to 284 public institutions, IDFI received complete responses on 2 825 requests and incomplete responses on - 472 requests. In 52 cases public institutions refused to disclose public information, while in 1 060 cases the FOI requests of IDFI were left without a response. In the case of 1 831 instances requests, public institutions notified us that they did not have relevant information or had not conducted relevant activities. .

The diagram given below does not reflect the responses according to which public institutions did not have relevant information or had not conducted relevant activities. Thus the diagram covers the information received from 284 public institutions as a response to 4 409 FOI requests.

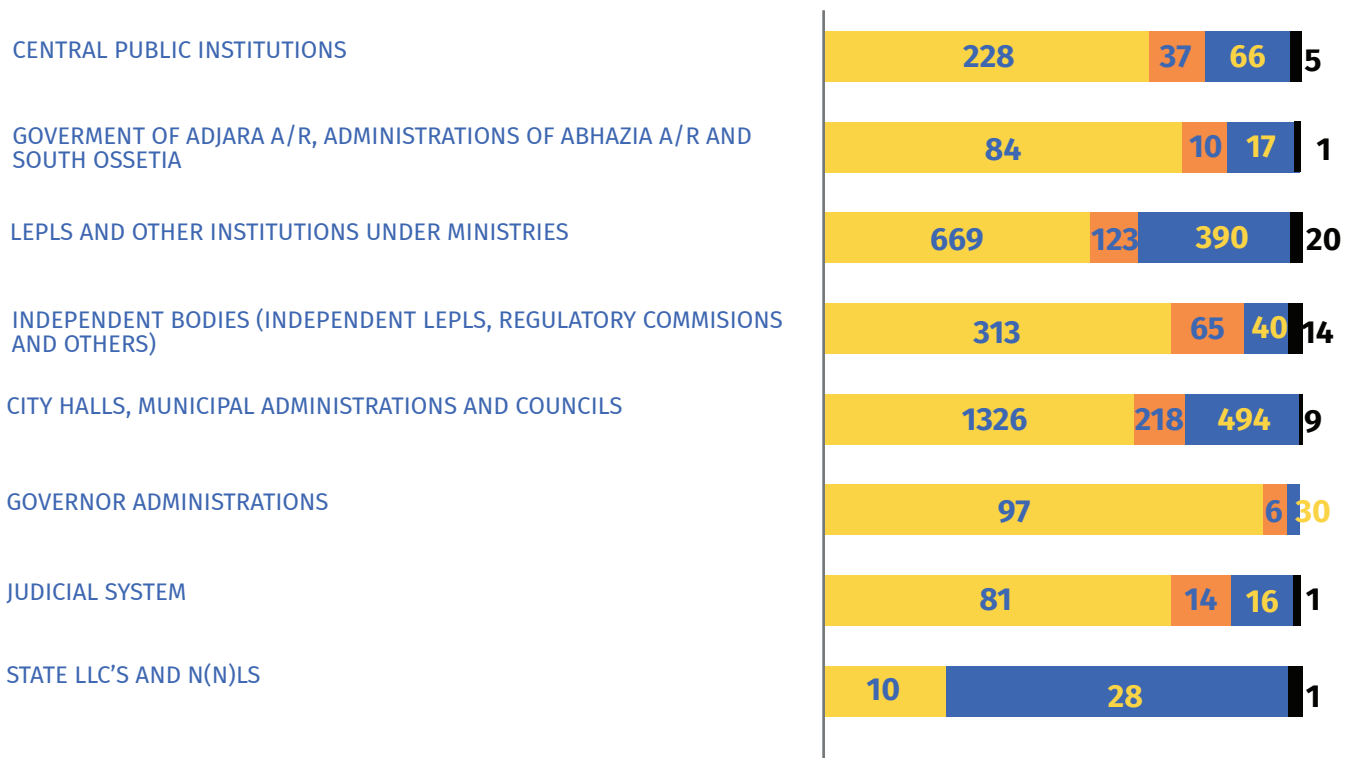
RECEIVED RESPONSES ON FOI REQUESTS



State LLCs and N(N)Ls left the highest number of FOI requests without response; In all 39 FOI requests were sent to these institutions during 2019, out of which 28 were not answered.

During 2019 the highest number of complete responses were received from Governor administrations. Namely, out of 106 requests sent to these institutions, complete responses were received in 97 cases.

RECEIVED RESPONSES ON FOI REQUESTS BY THE CATEGORIES OF PUBLIC INSTITUTIONS



THE MOSTLY WITHHELD CATEGORIES OF PUBLIC INFORMATION - 2019

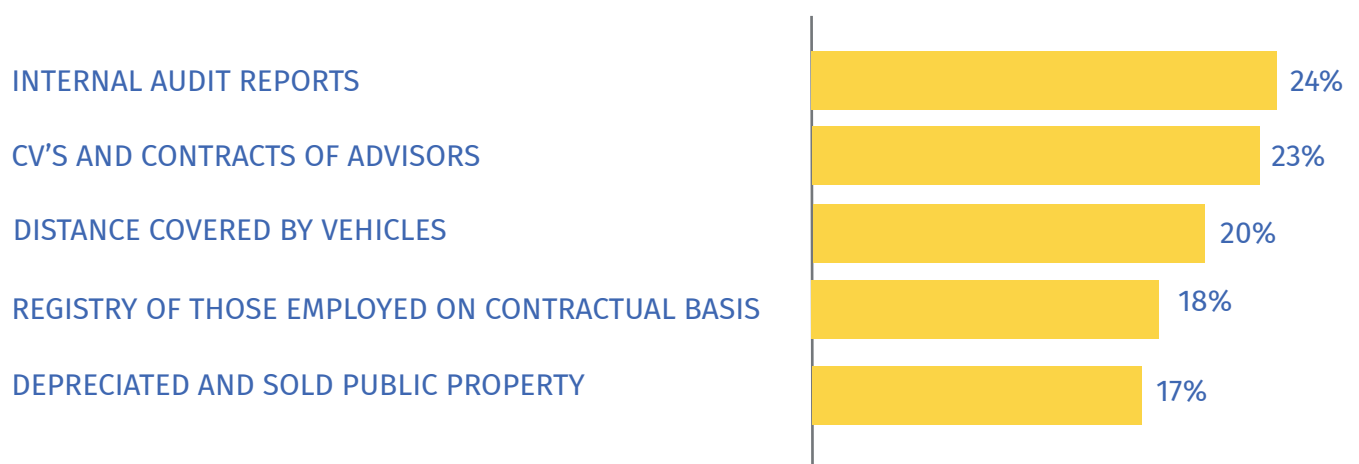
During 2019 the highest number of FOI requests declined by public institutions were linked with the reports of internal audit checks (24%). In the majority of the cases, public institutions elaborated that the results of internal audit checks constituted internal institutional documents and hence did not constitute open public information. In addition, they referred to the Law of Georgia on Internal Financial Control, according to which an internal auditor cannot disclose the results of internal audit checks without the consent of the head of an institution, except in cases provided by the legislation of Georgia.

IDFI finds that the refusal to disclose results of internal audit checks violates the requirements of the General Administrative Code of Georgia. Namely, Article 42 of the General Administrative Code of Georgia stipulates that audit check results and reports regarding the activities of public institutions cannot be made confidential. According to the decision of Tbilisi Court of Appeals on the case of IDFI vs. the Ministry of Economy and Sustainable Development, checks and balances are an integral part of the budgetary process and everyone has the right to access information regarding their results. The decision was later approved by the Supreme Court of Georgia.

The second category of mostly withheld information was linked with the CVs and contracts of those appointed as the advisors of the heads of public institutions. When refusing to disclose the information public institutions mostly referred to the argument of personal data protection. IDFI finds that at the least public institutions had to disclose CVs of advisors by redacting personal information.

During 2019 it was also problematic to receive public information on such topics as distance covered by the vehicles owned by public institutions, information on those employed based on administrative or labor agreements as well as information on depreciated and sold state property.

MOSTLY WITHHELD PUBLIC INFORMATION



During the monitoring period, a number of institutions failed to respond or refused to disclose public information linked with their specific responsibilities.

Examples:

National Tourism Administration did not respond to the FOI request of IDFI regarding the statistical information on tourism advertisement costs and tourism revenue;

The Administration of the Government of Georgia did not respond to the FOI request of IDFI regarding the contracts signed with lobbyist companies;

The Prosecutor's Office did not respond to the FOI request of IDFI regarding the reports of activities conducted by the Department for Investigating Crimes Committed throughout the Judicial Process during 2015-2018;

National Agency of Public Registry did not respond to the FOI request of IDFI regarding preferential taxation/offshore companies;

Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia did not respond to the FOI request of IDFI regarding the received and granted applications on financing oncological surgeries within the auspices of the State Program for Referral Service, indicating the financing requested and granted by each application;

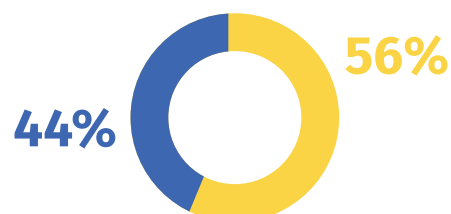
Tbilisi City Court refused to disclose copies of the court decisions regarding the white-collar crimes committed by public servants.

TIMEFRAMES OF DISCLOSING PUBLIC INFORMATION

During 2019, out of 6 240 FOI requests sent to public institutions, in 3 480 cases, IDFI received the information within a period of 10 days. Moreover, including the requests left without a response, the deadline of 10 days was violated in 2 760 cases.

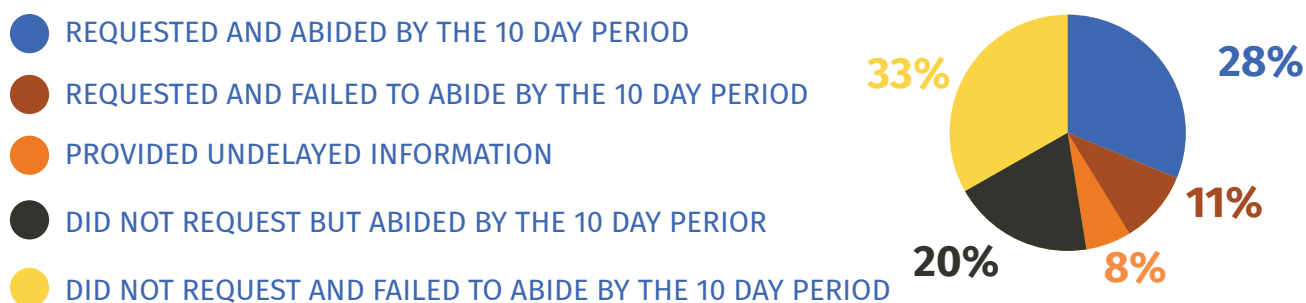
DYNAMICS OF 10 DAY TIMEFRAME COMPLIANCE (Including unanswered requests)

- Compliance with the deadline
- Non-compliance with the deadline



If we assume that public institutions provide an undelayed response to FOI requests in case if they do so within a period of 3 days, then we can conclude that public institutions provided an undelayed response to our FOI request in 478 cases only. In 1 735 cases, public institutions requested a period of 10 days and disclosed information within the deadline, while in 675 cases public institutions requested a period of 10 days but failed to provide information or did not comply with the deadline. In 1 267 instances, public institutions did not request a 10 day period, however, they provided information within 4 to 10 days, while in 2 075 cases the timeframe set by the law was violated without requesting a 10 days period..

DYNAMICS OF REQUESTING 10 DAY PERIOD



RATING OF ACCESS TO PUBLIC INFORMATION – 2019

MOST ACCOUNTABLE PUBLIC INSTITUTIONS - 2019

The monitoring of access to public information conducted by IDFI during 2019 demonstrated that 25 public institutions provided complete information on our FOI requests within a period of 10 days. During the same period, the number of public institutions with a 100% rating has decreased twice compared to the previous year (42 public institutions).

During 2019 6 public institutions provided complete information on our FOI requests, however, they violated the timeframe of 10 days, thus taking into consideration the methodology of the monitoring they received the rating of 99%.

During the same period, the Parliament of Georgia demonstrated a high level of access to public information (98.3%). The institution responded to the highest number of FOI requests sent by IDFI, however, they provided an incomplete response on one of the questions.

MOST ACCOUNTABLE PUBLIC INSTITUTIONS

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	COMPLIANCE WITH THE 10-DAY TIMEFRAME	ACCESS TO INFORMATION
1. NATIONAL STATISTICS OFFICE	18	18	18	100%
2. PUBLIC DEFENDER (OMBUDSMAN)	17	17	17	100%
3. STATE INSPECTOR SERVICE	17	17	17	100%
4. NATIONAL INTELLECTUAL PROPERTY CENTER - SAKPATENTI	16	16	16	100%
5. MTSKHETA CITY HALL	16	16	16	100%
6. MARTVILI MUNICIPALITY CITY HALL	15	15	15	100%
7. CIVIL SERVICE BUREAU	14	14	14	100%
8. ENTERPRISE GEORGIA	14	14	14	100%
9. NATIONAL CENTER FOR EDUCATIONAL QUALITY ENHANCEMENT	13	13	13	100%
10. STANDARDS AND METROLOGY CENTER OF GEORGIA	13	13	13	100%
11. DEPARTMENT OF ENVIRONMENTAL SUPERVISION	13	13	13	100%
12. ENVIRONMENTAL INFORMATION AND EDUCATION CENTER	13	13	13	100%
13. MTSKHETA-MTIANETI GOVERNOR'S ADMINISTRATION	13	13	13	100%
14. CHOKHATAURI MUNICIPAL COUNCIL	13	13	13	100%
15. MINISTRY OF AGRICULTURE OF ADJARA AR	12	12	12	100%

	NUMBER OF REQUESTS	COMPLETE	COMPLIANCE WITH THE 10-DAY TIMEFRAME	ACCESS TO INFORMATION
16. NATIONAL AGENCY OF WILDLIFE	12	12	12	100%
17. ADMINISTRATION OF THE STATE REPRESENTATIVE GOVERNOR IN SAMEGRELO-ZEMO SVANETI REGION	12	12	12	100%
18. LAND TRANSPORT AGENCY	12	12	12	100%
19. MINISTRY OF EDUCATION, CULTURE AND SPORT OF ADJARA AR	12	12	12	100%
20. POTI CITY COUNCIL	11	11	11	100%
21. KARELI MUNICIPAL COUNCIL	11	11	11	100%
22. KHOBI MUNICIPAL COUNCIL	11	11	11	100%
23. BAGHDATI MUNICIPAL COUNCIL	10	10	10	100%
24. CENTER OF ELECTORAL SYSTEMS DEVELOPMENT, REFORMS AND TRAININGS	10	10	10	100%
25. PENITENTIARY AND PROBATION TRAINING CENTER	10	10	10	100%
26. RACHA-LECHKHUMI AND KVEMO SVANETI GOVERNOR ADMINISTRATION	11	11	5	99.4%
27. NATIONAL CENTER FOR DISEASE CONTROL AND PUBLIC HEALTH	19	19	0	99%
28. STATE FUND FOR PROTECTION AND ASSISTANCE OF (STATUTORY) VICTIMS OF HUMAN TRAFFICKING	17	17	0	99%
29. MINISTRY OF FOREIGN AFFAIRS	15	15	0	99%
30. TKIBULI MUNICIPALITY CITY HALL	16	16	0	99%
31. KHULO MUNICIPAL COUNCIL	13	13	0	99%
32. ZUGDIDI MUNICIPAL COUNCIL	11	11	0	99%
33. PARLIAMENT OF GEORGIA	29	28	29	98,3%

LEAST ACCOUNTABLE PUBLIC INSTITUTIONS

Since 2011 IDFI has been naming the least accountable public institutions based on the results of the monitoring. In 2019, IDFI once again named the **whole system of the Ministry of Justice** as the most closed public institution, together with the sub-agency of the Ministry of Finance – **State Treasury**.

During 2019 IDFI sent 328 FOI requests to the Ministry of Justice and its sub-entities, out of which 299 requests were left without a response. The only exception was the Penitentiary and Probation Training Center, which provided complete information as a response to IDFI's FOI request. Access to information ratings of other entities under the Ministry of Justice fluctuated between 0%-5%. 10 sub-entities did not respond to the FOI requests and thus they received the rating of 0%. The Ministry of Justice failed to respond to 21 requests out of the total 22, and thus received the rating of 4.55%.

It should be highlighted that during the period of the last five years IDFI has named the system of the Ministry of Justice as the least accountable public institution in Georgia for the third time. The decrease in the level of accountability of the Ministry of Justice has been evident since 2014 when compared to the previous year (95.6%) the institution received the rating of 48.4%, the rating continued to decrease in the following years with 3.9% in 2015 and 0% in 2016. Some progress was made in 2017, when the access to information ratings of the whole system of the Ministry of Justice equaled to 46.28% (the rating of the Ministry of Justice alone in the same year was 74.9%), however, the average rating fell to 5.36% in 2018 and 7.94% in 2019.

During 2014 a total of 1 928 FOI requests were sent to the whole system of the Ministry of Justice, out of which 1 509 requests (78.3%) were left without a response. Taking into consideration the above-mentioned the Ministry of Justice and its sub-entities have a particularly negative impact on the overall state of access to public information in Georgia.

The state of access to public information at the system of the Ministry of Justice was not affected by the cases of precedential importance pursued by IDFI against the Ministry. For instance, in 2017 the Supreme Court of Georgia directed the Ministry of Justice to disclose official email correspondence. Moreover, in 2017 based on the application submitted by IDFI at the Office of the Public Defender (Ombudsman) the Minister and the heads of 10 sub-entities were declared as administrative offenders. Another appeal of IDFI was fully granted by the City Court of Tbilisi, and LEPL National Archives of Georgia was directed to fully disclose the information requested by IDFI.

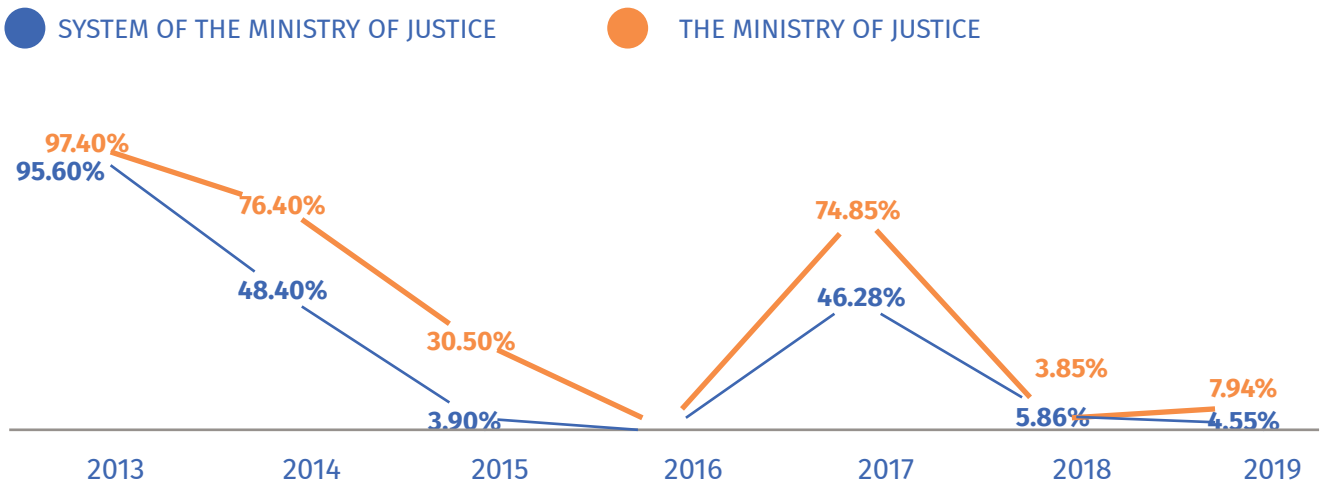
MOST CLOSED PUBLIC INSTITUTIONS 2019

SYSTEM OF THE MINISTRY OF JUSTICE

PUBLIC INSTITUTION	NUMBER OF REQUESTS	NO RESPONSE	ACCESS TO INFORMATION
MINISTRY OF JUSTICE OF GEORGIA	22	21	4,55%
NATIONAL AGENCY OF PUBLIC REGISTRY	25	25	0
LEGISLATIVE HERALD OF GEORGIA	23	23	0
NOTARY CHAMBER OF GEORGIA	23	23	0
NATIONAL PROBATION AGENCY	23	23	0
DATA EXCHANGE AGENCY	23	23	0
PUBLIC SERVICE HALL	23	23	0
TRAINING CENTER OF JUSTICE	23	23	0
NATIONAL ARCHIVES OF GEORGIA	23	23	0
CENTER FOR CRIME PREVENTION	23	23	0
SMARTLOGIC	23	23	0
NATIONAL BUREAU OF ENFORCEMENT*	24	23	2,5%
PUBLIC SERVICE DEVELOPMENT AGENCY	24	23	4,17%

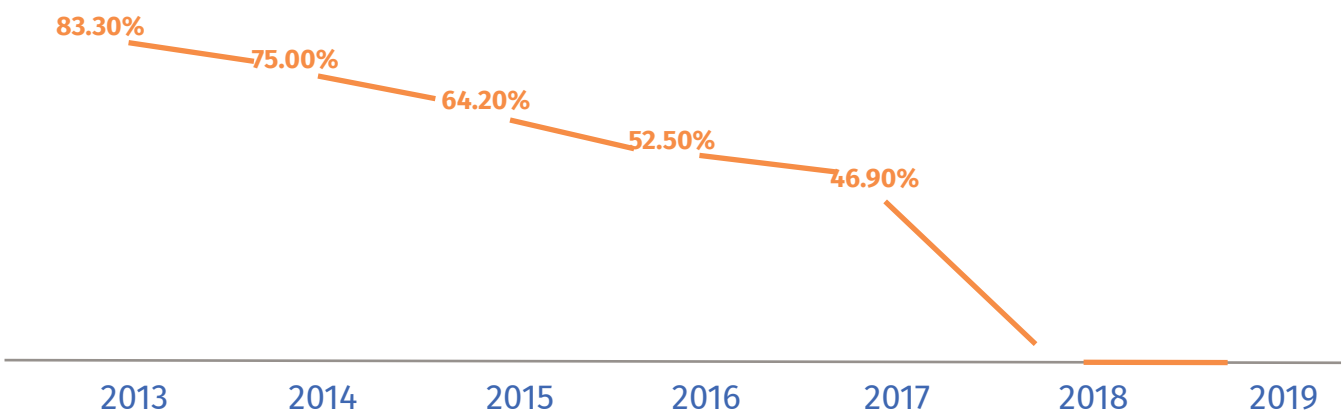
* SOME INFORMATION WAS PROVIDED AFTER SUBMITTING AN ADMINISTRATIVE COMPLAINT OR WITH THE DELAY OF A MONTH WITHOUT PRIOR NOTIFICATION.

AVERAGE RATING OF ACCESS TO PUBLIC INFORMATION- SYSTEM OF THE MINISTRY OF JUSTICE



Since 2013 access to public information rating has been gradually decreasing in the case of State Treasury, the sub-entity of the Ministry of Finance. In 2013 the rating of the institution equaled 83.3%, which gradually decreased to 46.9% in 2017. For the last two years, State Treasury has been leaving the FOI requests of IDFI unanswered and thus its rating equaled 0%.

ACCESS TO PUBLIC INFORMATION RATING- STATE TREASURY



In addition to the system of the Ministry of Justice and State Treasury 12 other public institutions, including the Border Police violated their responsibilities and did not respond to the FOI requests of IDFI in 2019.

The remaining 11 public institutions with the lowest access to public information rating are city halls and councils of various municipalities. It should be highlighted that Kaspi Municipal Council has been demonstrating a low level of accountability during the previous years as well and thus receiving a rating of 0%. During the previous year, Bolnisi and Shuakhevi municipal councils provided IDFI with requested public information only after submitting administrative complaints against them, however, IDFI did not take the same measures in 2019, as a result of which the institutions left the FOI requests of IDFI without response.

MOST CLOSED PUBLIC INSTITUTIONS IN 2019

	REQUESTS	UNANSWERED	RESULT
BORDER POLICE	23	23	0%
BOLNISI MUNICIPAL COUNCIL	19	19	0%
KASPI MUNICIPAL COUNCIL	19	19	0%
NINOTSMINDA MUNICIPAL COUNCIL	19	19	0%
SHUAKHEVI MUNICIPAL COUNCIL	19	19	0%
ADIGENI MUNICIPALITY CITY HALL	24	24	0%
AKHALKALAKI MUNICIPALITY CITY HALL	24	24	0%
BORJOMI MUNICIPALITY CITY HALL	24	24	0%
GARDABANI MUNICIPALITY CITY HALL	24	24	0%
TERJOLA MUNICIPALITY CITY HALL	24	24	0%
LENTEKHI MUNICIPALITY CITY HALL	24	24	0%
SIGNAGI MUNICIPALITY CITY HALL	24	24	0%

ACCESS TO PUBLIC INFORMATION RATING BY THE CATEGORIES OF PUBLIC INSTITUTIONS

CENTRAL PUBLIC INSTITUTIONS

Based on the results of the monitoring conducted during 2019 the Ministry of Foreign Affairs demonstrated the highest degree of accountability – 99% among the central public institutions (the Parliament of Georgia, Administration of the President of Georgia, Government Administration and ministries). The Ministry of Foreign Affairs provided complete responses to all of the FOI requests sent by IDFI, however, the information was provided with the violation of the 10-day timeframe. A high level of access to public information was also demonstrated by the Parliament of Georgia – 98.3%, which also received the most number of FOI requests from IDFI (29 questions) and provided complete responses to all but a single request.

The Administration of the Government of Georgia and the Ministry of Justice showed the lowest levels of access to public information during 2019, with the ratings of 27.94% and 4.55% respectively.

ACCESS TO PUBLIC INFORMATION RATING AT CENTRAL PUBLIC INSTITUTIONS

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY DEADLINE	ACCESS TO PUBLIC INFORMATION
MINISTRY OF FOREIGN AFFAIRS	15	15	0	0	0	15	99%
PARLIAMENT OF GEORGIA	29	28	1	0	0	9	98,28%
MINISTRY OF ENVIRONMENT PROTECTION AND AGRICULTURE OF GEORGIA	19	18	0	1	0	8	94,60%
OFFICE OF THE STATE MINISTER OF GEORGIA FOR RECONCILIATION AND CIVIC EQUALITY	12	10	2	0	0	9	91,67%
MINISTRY OF INTERNALLY DISPLACED PERSONS FROM THE OCCUPIED TERRITORIES, LABOUR, HEALTH AND SOCIAL AFFAIRS OF GEORGIA	30	24	5	0	1	10	88,30%
MINISTRY OF ECONOMY AND SUSTAINABLE DEVELOPMENT	25	19	5	1	0	10	85,16%
ADMINISTRATION OF THE PRESIDENT OF GEORGIA	22	17	3	0	2	9	83,36%
MINISTRY OF REGIONAL DEVELOPMENT AND INFRASTRUCTURE	16	12	2	2	0	5	80,38%
MINISTRY OF DEFENSE	18	13	3	0	2	2	79,67%
MINISTRY OF INTERNAL AFFAIRS	29	20	4	1	4	8	75,45%
MINISTRY OF EDUCATION SCIENCE, CULTURE AND SPORT OF GEORGIA	46	29	7	0	10	8	70,65%

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY DEADLINE	ACCESS TO PUBLIC INFORMATION
MINISTRY OF FINANCE*	19	13	4	0	2	17	58,63%
ADMINISTRATION OF THE GOVERNMENT OF GEORGIA	34	9	1	0	24	12	27,94%
MINISTRY OF JUSTICE	22	1	0	0	21	0	4,55%

* SOME INFORMATION WAS PROVIDED AFTER SUBMITTING AN ADMINISTRATIVE COMPLAINT OR WITH THE DELAY OF A MONTH WITHOUT PRIOR NOTIFICATION.

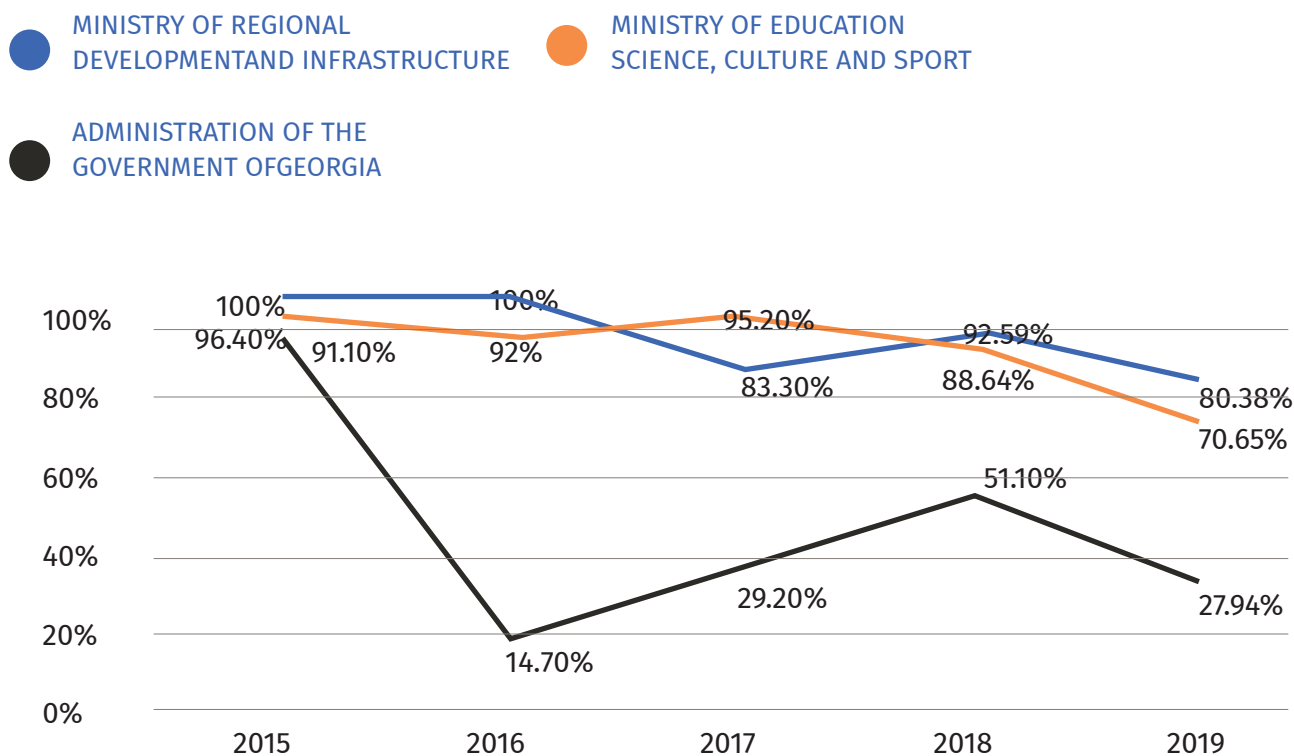
In regards to the highest regress in the rate of access to public information, emphasis should be made on the Administration of the Government of Georgia. The rating of the institution decreased by 23.16%, from 51.1% in 2018 to 27.84% in 2019. The trend of decreasing the level of accountability is particularly obvious since 2016 when the rating of the institution fell by 14.7% compared to the rating of the previous year- 91.1%. Similarly, during the following years, the highest level of accountability demonstrated by the institution equaled to 51.1%. Since 2016 the Administration of the Government of Georgia has been restricting access to the information on administrative expenses, included in the standard FOI requests of IDFI. Moreover, since 2014 the institution has been violating its obligation to proactively publish the information foreseen by the relevant decree of the Government of Georgia. **Taking into consideration the above-mentioned the Administration of the Government of Georgia can be seen as one of the most closed institutions, which restricts access to the information regarding the administrative expenses of the entity.**

Similarly to the Administration of the Government of Georgia Ministry of Education Science, Culture and Sport of Georgia (-18%) and the Ministry of Regional Development and Infrastructure (-12%) also demonstrated a significant decrease in the levels of access to public information.

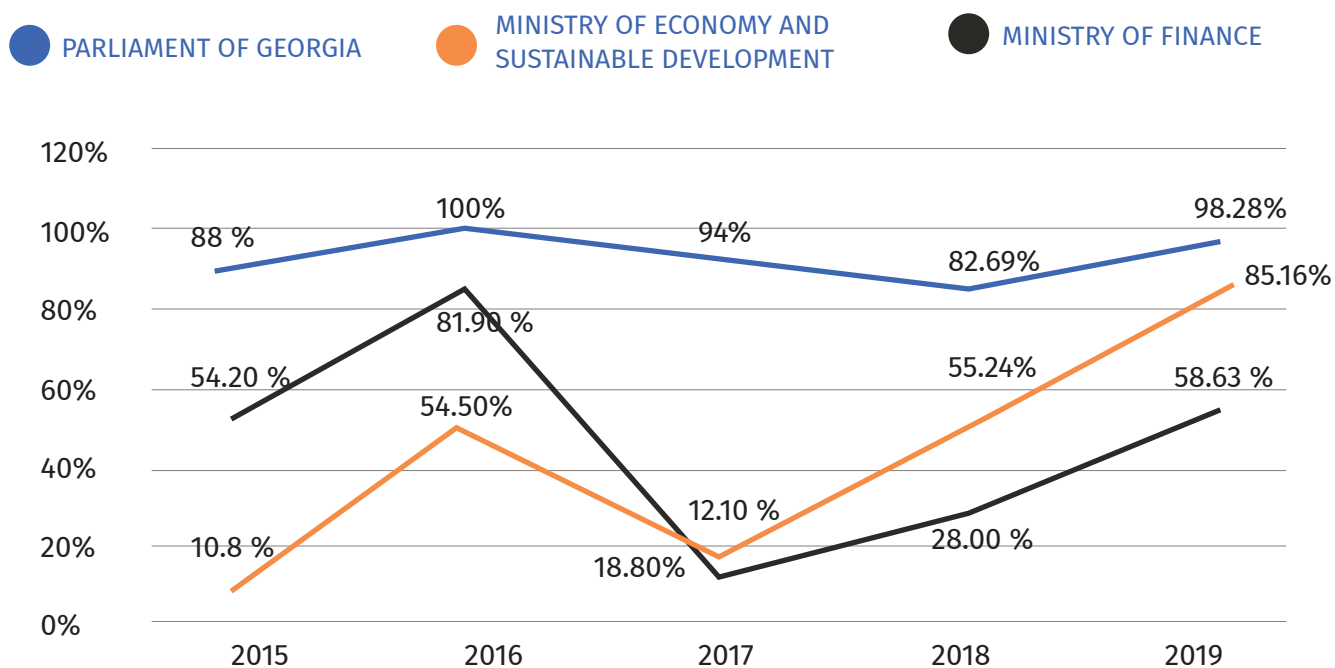
During 2019 the Ministry of Finance (+30,63%) and the Ministry of Economy and Sustainable Development (+29.92%) showed the highest increase in the state of access to public information. The Ministry of Finance significantly increased the number of complete responses, however, problems remain regarding the timeframes of disclosing the information. On a number of requests, the Ministry responded after more than 100 days, instead of the period of 10 days foreseen by the legislation of Georgia. As a result, based on the monitoring methodology (the score of 0.6 for complete responses and the score of 0.3 for incomplete responses provided after the period of a month) the access to information rating of the institution was evaluated with 58.63%. Had the Ministry provided the same responses within the period of 10 days, its access to public information rating would have increased by 50% instead of 30%.

In the case of the Ministry of Economy and Sustainable Development, the increase in access to public information has been evident since 2018. Namely, the rating of the institution was increased to 55.24% in 2018 compared to 18.8% in the previous year and to 85.16% in 2019.

CENTRAL PUBLIC INSTITUTIONS WITH THE HIGHEST DECREASE IN ACCESS TO PUBLIC INFORMATION



CENTRAL PUBLIC INSTITUTIONS WITH THE HIGHEST INCREASE IN ACCESS TO PUBLIC INFORMATION



THE TRENDS OF ACCESS TO PUBLIC INFORMATION AT THE CENTRAL PUBLIC INSTITUTIONS

PUBLIC INSTITUTION	2019	DIFFERENCE	2018	DIFFERENCE	2017	DIFFERENCE	2016	DIFFERENCE	2015
MINISTRY OF FOREIGN AFFAIRS	99%	+1,57%	97,43%	-1,57%	99%	+5,4%	93,6%	-2%	95,6%
PARLIAMENT OF GEORGIA	98,28%	+15,6%	82,69%	-11,31%	94%	-6%	100%	+12%	88%
MINISTRY OF ENVIRONMENT PROTECTION AND AGRICULTURE OF GEORGIA	94,60%	-5,20%	99,8%	+14,6%	85,2%	-23%	87,5%	+4,2%	83,3%
OFFICE OF THE STATE MINISTER OF GEORGIA FOR RECONCILIATION AND CIVIC EQUALITY	91,67%	-5,39%	97,06%	-0,64%	97,7%	+5,5%	92,2%	-1,8%	94%
MINISTRY OF INTERNALLY DISPLACED PERSONS FROM THE OCCUPIED TERRITORIES, LABOUR, HEALTH AND SOCIAL AFFAIRS OF GEORGIA	88,30%	-1,07%	89,37%	-7,73%	97,1%	+2,7%	94,4%	-0,1%	94,5%
MINISTRY OF ECONOMY AND SUSTAINABLE DEVELOPMENT	85,16%	+29,9%	55,24%	+36,4%	18,8%	35,7%	54,5%	+43,7%	10,8%
ADMINISTRATION OF THE PRESIDENT OF GEORGIA	83,36%	+12,9%	70,40%	-28,8%	99,2%	+3,3%	95,9%	-0,6%	96,5%
MINISTRY OF REGIONAL DEVELOPMENT AND INFRASTRUCTURE	80,38%	-12,2%	92,59%	9,29%	83,3%	-16,7%	100%	0%	100%
MINISTRY OF DEFENSE	79,67%	+10%	69,63%	-20,67%	90,3%	+11,4%	78,9%	+2,2%	76,7%
MINISTRY OF INTERNAL AFFAIRS	75,47%	+3,21%	72,24%	-6,96%	79,2%	+46,2%	33%	-3,8%	36,8%
MINISTRY OF EDUCATION, SCIENCE, CULTURE AND SPORT OF GEORGIA	70,65%	-18%	88,64%	-6,56%	95,2%	+3,3%	91,9%	-4,5%	96,4%
MINISTRY OF FINANCE*	58,63%	+30,6%	28,00%	+15,9%	12,1%	69,8%	81,9%	+27,7%	54,2%
ADMINISTRATION OF THE GOVERNMENT OF GEORGIA	27,94%	-23,2%	51,10%	+21,9%	29,2%	+14,5	14,7%	-76,4%	91,1%
MINISTRY OF JUSTICE	4,55%	+0,7%	3,85%	-71,05%	74,9%	+74,9%	0%	-30,5%	30,5%

LEGAL ENTITIES OF PUBLIC LAW, SUB-ENTITIES AND OTHER PUBLIC INSTITUTIONS

According to the monitoring results of 2019, 13 public institutions demonstrated a 100% rating of access to public information in the given category. It should be noted that ministry sub-entities, legal entities of public law (LEPL), regulatory commissions and similar are included in the given category (102 institutions in all).

The equal number of 12 public institutions out of total 102 did not respond to the FOI requests of IDFI. Among the 12 public institutions, 10 are the sub-entities of the Ministry of Justice, 1 – of the Ministry of Finance and 1 – of the Ministry of Internal Affairs.

TOP 10 LEPLS, SUB-ENTITIES AND OTHER PUBLIC INSTITUTIONS

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY PERIOD	ACCESS TO PUBLIC INFORMATION
NATIONAL STATISTICS OFFICE OF GEORGIA	18	18	0	0	0	18	100%
PUBLIC DEFENDER (OMBUDSMAN) OF GEORGIA	17	17	0	0	0	17	100%
STATE INSPECTOR SERVICE OF GEORGIA	17	17	0	0	0	17	100%
NATIONAL INTELLECTUAL PROPERTY CENTER - SAKPATENTI	16	16	0	0	0	16	100%
CIVIL SERVICE BUREAU	14	14	0	0	0	14	100%
ENTERPRISE GEORGIA	14	14	0	0	0	14	100%
NATIONAL CENTER FOR EDUCATIONAL QUALITY ENHANCEMENT	13	13	0	0	0	13	100%
DEPARTMENT OF ENVIRONMENTAL SUPERVISION	13	13	0	0	0	13	100%
ENVIRONMENTAL INFORMATION AND EDUCATION CENTER	13	13	0	0	0	13	100%
NATIONAL AGENCY OF WILDLIFE	12	12	0	0	0	12	100%
LAND TRANSPORT AGENCY	12	12	0	0	0	12	100%
CENTER FOR ELECTORAL SYSTEMS DEVELOPMENT, REFORMS AND TRAININGS	10	10	0	0	0	10	100%
PENITENTIARY AND PROBATION OFFICER TRAINING CENTER	10	10	0	0	0	10	100%

THE MOST CLOSED LEPLS, SUB-ENTITIES AND OTHER PUBLIC INSTITUTIONS

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY PERIOD	ACCESS TO PUBLIC INFORMATION
NATIONAL AGENCY OF PUBLIC REGISTRY	25	0	0	0	25	0	0%
LEGISLATIVE HERALD	23	0	0	0	23	0	0%
NOTARY CHAMBER	23	0	0	0	23	0	0%
DATA EXCHANGE AGENCY	23	0	0	0	23	0	0%
HOUSE OF JUSTICE	23	0	0	0	23	0	0%
TRAINING CENTER OF JUSTICE	23	0	0	0	23	0	0%
NATIONAL ARCHIVES OF GEORGIA	23	0	0	0	23	0	0%
CRIME PREVENTION CENTER	23	0	0	0	23	0	0%
NATIONAL PROBATION AGENCY	23	0	0	0	23	0	0%
SMARTLOGIC	23	0	0	0	23	0	0%
BORDER POLICE	23	0	0	0	23	0	0%
STATE TREASURY	23	0	0	0	23	0	0%

GOVERNMENT, MINISTRIES AND SUPREME COUNCIL OF ADJARA A/R, GOVERNMENT ADMINISTRATION AND SUPREME COUNCIL OF ABKHAZIA A/R, ADMINISTRATION OF SOUTH OSSETIA

The Government and ministries of Adjara A/R have always been distinguished by a high level of access to public information and have been providing complete information requested by IDFI. During 2019 their ratings of access to public information fluctuated between 90%-100%. Ministry of Agriculture of Adjara A/R and Ministry of Education, Culture and Sport of Adjara A/R have demonstrated 100% accountability during the reporting period.

The ratings of other public institutions within this category fluctuate between 20% and 80%. Among these institutions, the highest degree of accountability was demonstrated by the Supreme Council of Adjara A/R – 76.15%, while the lowest level of access to public information was shown by the Supreme Council of Abkhazia A/R – 22.22%.

RATING OF ADJARA A/R GOVERNMENT AND MINISTRIES

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY PERIOD	ACCESS TO PUBLIC INFORMATION
MINISTRY OF AGRICULTURE OF ADJARA A/R	12	12	0	0	0	12	100%
MINISTRY OF EDUCATION, CULTURE AND SPORT OF ADJARA A/R	12	12	0	0	0	12	100%
MINISTRY OF HEALTH AND SOCIAL AFFAIRS OF ADJARA A/R	16	15	1	0	0	16	96,88%
MINISTRY OF FINANCE AND ECONOMY OF ADJARA A/R	14	12	2	0	0	14	92,86%
GOVERNMENT ADMINISTRATION OF ADJARA A/R	11	9	2	0	0	11	90,91%
SUPREME COUNCIL OF ADJARA A/R	13	10	0	0	3	0	76,15%
ADMINISTRATION OF SOUTH OSSETIA	16	10	0	0	6	10	62,5%
OFFICE OF THE GOVERNMENT OF A/R OF ABKHAZIA*	16	11	3	1	1	0	46,88%
SUPREME COUNCIL OF A/R OF ABKHAZIA	18	3	2	0	13	5	22,22%

CITY HALLS AND COUNCILS OF LOCAL MUNICIPALITIES

At the level of local municipalities (City Halls and Councils) 100% rating of access to public information during 2019 was demonstrated by 2 City Halls and 5 Municipal Councils, out of the total 128 public institutions.

During the monitoring process, 7 City Halls and 4 Municipal Councils did not respond to the FOI requests of IDFI.

Compared to the previous year Tbilisi City Council improved its level of access to information in 2019 and it equaled 90.97%. On the other hand, the level of access to public information decreased in the case of Tbilisi City Hall by 7.45% and equaled 77.55%.

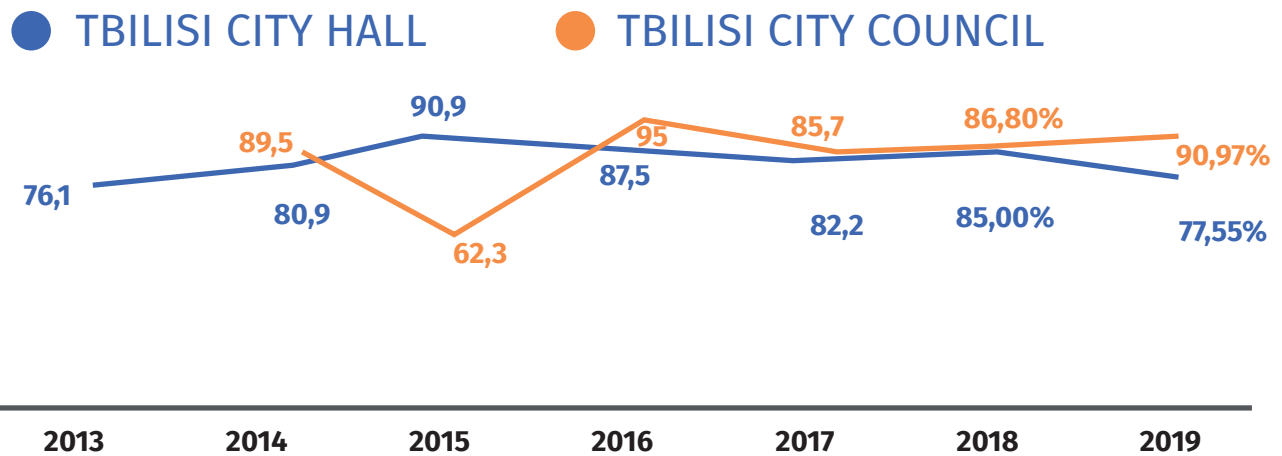
TOP 10 CITY HALLS AND MUNICIPAL COUNCILS

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY PERIOD	ACCESS TO PUBLIC INFORMATION
MTSKHETA MUNICIPALITY CITY HALL	16	16	0	0	0	16	100%
MARTVILI MUNICIPALITY CITY HALL	15	15	0	0	0	15	100%
CHOKHATAURI MUNICIPAL COUNCIL	13	13	0	0	0	13	100%
POTI CITY COUNCIL	11	11	0	0	0	11	100%
KARELI MUNICIPAL COUNCIL	11	11	0	0	0	11	100%
KHOBI MUNICIPAL COUNCIL	11	11	0	0	0	11	100%
BAGDATI MUNICIPAL COUNCIL	10	10	0	0	0	10	100%
TKIBULI MUNICIPALITY CITY HALL	16	16	0	0	0	0	99%
ZUGDIDI MUNICIPAL COUNCIL	11	11	0	0	0	0	99%
SAGAREJO MUNICIPALITY CITY HALL	19	18	1	0	0	19	97,37%

THE MOST CLOSED CITY HALLS AND MUNICIPAL COUNCILS

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY PERIOD	ACCESS TO PUBLIC INFORMATION
SIGNAGI MUNICIPALITY CITY HALL	24	0	0	0	24	0	0%
LENTEKHI MUNICIPALITY CITY HALL	24	0	0	0	24	0	0%
TERJOLA MUNICIPALITY CITY HALL	24	0	0	0	24	0	0%
GARDABANI MUNICIPALITY CITY HALL	24	0	0	0	24	0	0%
BORJOMI MUNICIPALITY CITY HALL	24	0	0	0	24	0	0%
AKHALTSIKHE MUNICIPALITY CITY HAL	24	0	0	0	24	0	0%
ADIGENI MUNICIPALITY CITY HALL	24	0	0	0	24	0	0%
SHUAKHEVI MUNICIPAL COUNCIL	19	0	0	0	19	0	0%
NINOTSMINDA MUNICIPAL COUNCIL	19	0	0	0	19	0	0%
BOLNISI MUNICIPAL COUNCIL	19	0	0	0	19	0	0%
KASPI MUNICIPAL COUNCIL	19	0	0	0	19	0	0%

ACCESS TO INFORMATION RATING OF TBILISI HALL AND COUNCIL



STATE GOVERNOR ADMINISTRATION

In 2019 within the category of state governor administrations, Mtskheta-Mtianeti and Samegrelo-Zemo Svaneti governor administrations provided complete responses on the FOI requests of IDFI within the 10-day timeframe.

High level of access to public information was demonstrated by other state governor administrations as well and their average rating equaled 85%.

RATING OF STATE GOVERNOR ADMINISTRATIONS

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY PERIOD	ACCESS TO PUBLIC INFORMATION
MTSKHETA-MTIANETI GOVERNOR ADMINISTRATION	13	13	0	0	0	13	100%
SAMEGRELO-ZEMO SVANETI GOVERNOR ADMINISTRATION	12	12	0	0	0	12	100%
RACHA-LECHKHUMI AND KVEMO SVANETI GOVERNOR ADMINISTRATION	11	11	0	0	0	6	99,45%
SAMTSKHE-JAVAKHETI GOVERNOR ADMINISTRATION	11	10	1	0	0	11	95,45%
KAKHETI GOVERNOR ADMINISTRATION	10	9	1	0	0	10	95%

PUBLIC INSTITUTION	NUMBER OF REQUESTS	COMPLETE	INCOMPLETE	REFUSAL	UNANSWERED	10 DAY PERIOD	ACCESS TO PUBLIC INFORMATION
KVEMO KARTLI GOVERNOR ADMINISTRATION	14	12	2	0	0	14	92,86%
SHIDA KARTLI GOVERNOR ADMINISTRATION	12	11	0	0	1	11	90,75%
GURIA GOVERNOR ADMINISTRATION	12	10	1	0	1	11	87,5%
IMERETI GOVERNOR ADMINISTRATION	11	9	1	0	1	10	86,36%

CASES OF STRATEGIC LITIGATION

ACCESS TO COURT DECISIONS

Access to court decisions in Georgia significantly deteriorated from October 2015. Before this date, the common court of Georgia provided unhindered access to the copies of their decisions, however, in the aftermath they started to refuse publicising court decisions based on the argument of personal data protection. Courts employed a broad interpretation of the concept of personal data. They did not take into account any possible public interest in relation to specific court cases. The balance between personal data protection and access to public information was disrupted as unconditional priority was given to the protection of personal data.

IDFI started to take active steps with the aim of increasing access to court decisions in 2016. IDFI found that existing regulations on access to court decisions violated the Constitution of Georgia. Thus, on November 22, 2016, IDFI filed an appeal at the Constitutional Court of Georgia. The appeal was merged with the one filed by MDF on the same topic.

On June 7, 2019, the Constitutional Court of Georgia granted the appeals of IDFI and MDF on the subject of access to court decisions.

Subject of the Dispute

In its constitutional appeal, IDFI referred to the Constitution of Georgia (Article 41), which sets the presumption of publicity for all documents kept at public institutions, and allows limiting access to them only under exceptional circumstances with relevant substantiation.

Against the provisions of the Constitution disputed articles of the General Administrative Code and the Law on Personal Data Protection set non-provisional limitations to accessing court decisions, i.e. refused to disclose full texts of court decisions without the possibility of any deliberation on individual circumstances of each request. Based on the disputed articles court decisions could not be disclosed even regarding the cases of former/acting high-ranking public officials. In addition, the articles did not allow to disclose court decisions in cases of high public interest

Considering the fact that all court decisions contain personal data, the disputed norms effectively allowed for non-disclosure of any court decision, in this way denying the wider public the opportunity to study and review court deliberations on specific cases.

IDFI believed that access to court decisions was an essential component of the transparency of and trust in the judiciary. For this purpose, the public had to be granted access not only to the general court practice but also to the full deliberation used by a judge when rendering a decision on any specific case.

Rationale of the Constitutional Court Decision

According to the Constitutional Court of Georgia, court decisions constitute the type of information kept at a state institution that is subject to high public interest by default. The court further deliberated that access to court decisions is crucial for ensuring public control of and trust towards the judicial system and protecting the right to a fair trial.

In addition, the court stressed that under exceptional circumstances, taking into consideration the sensitivity of information included in court decisions, redacting personal data might be necessary, however, this should not have a universal character. In each individual case when discussing the topic of access to a court decision, the effect of personal data disclosure on the privacy of an individual concerned must be considered and evaluated whether it outweighs the high public interest in accessing court decisions.

The Constitutional Court found that the disputed norms violated freedom of information ensured by the Constitution of Georgia (Article 18.2) and declared them unconstitutional.

The court held that the disputed norms would be void from May 2020 and thus gave the Parliament time to harmonize existing legislation with the requirements of the Constitution. However, as of to-date the Parliament has not yet made relevant amendments to the legislation.

NATIONAL ARCHIVES OF GEORGIA

In the decision of April 4, 2019, Tbilisi City Court fully granted the appeal of IDFI against the National Archives of Georgia – LEPL of the Ministry of Justice of Georgia. The court ordered the respondent party to disclose information on the number of applications received with the request for accessing archival documents and relevant decisions taken. The National Archives of Georgia was directed to disclose the information requested by IDFI.

This dispute is of crucial importance for two main reasons. Firstly, **the court ordered the administrative body to create and disclose statistical data** and secondly, **the Court stressed that public access to archival documents was of utmost importance in a democratic society.**

At the same time during the court hearings, **the practice of systematic breach of legislation (General Administrative Code of Georgia) was revealed at the National Archives of Georgia.** Namely, it was identified that the National Archives of Georgia did not fully record received applications and relevant decisions. Representatives of the institutions themselves stressed that the National Archives of Georgia did not have a formalized, structured system of recording and storing received applications. It was also revealed that the National Archives of Georgia manifestly violated the obligation to issue decisions regarding the refusals to grant access to the archival funds in written form and did not inform applicants on their rights to appeal against the decisions.

In its decision on the case, the Court noted that the National Archives had the obligation to disclose the information based on the data stored at the entity. The Court further elaborated that the argument that the National Archives of Georgia did not systematically record received application and relevant decisions could not be used as a valid justification for refusing disclosure of the information. The National Archives of Georgia was obliged to provide information regardless of the fact that only a small share of the applications and relevant decisions were kept at the entity.

The National Archives of Georgia is an entity that keeps the largest part of the national archival fund. The entity is granted the responsibility to ensure access to the funds, manage archival documents and further develop the national archives. As described above, it is highly problematic that the National Archives of Georgia is manifestly violating the obligations imposed on it by the legislation.

HIGH COUNCIL OF JUSTICE

On December 13, 2018, IDFI referred to the High Council of Justice (HCoJ) and requested public information on the statistical data of Tbilisi City Court. **Namely, the number of cases heard by each judge and the information on observing the procedural timeframes for hearing the cases and rendering final decisions on them.**

The person responsible for disclosing public information refused to provide IDFI with the requested information, highlighting that HCoJ did not have relevant statistical data. Thus on January 17, 2019, IDFI appealed against the decision and requested the HCoJ to abolish the illegal administrative act, since the decision violated the right of IDFI to access public information.

HCoJ is responsible to evaluate the effectiveness of the judicial system twice per year and for this purpose, the institution generates relevant statistical information. Thus the statistical data requested by IDFI constituted open public information that did not include state and commercial secrecy or personal data. Accordingly, HCoJ had the obligation to disclose the information.

After hearing the administrative complaint HCoJ fully granted the appeal of IDFI and directed the person responsible for the disclosure of public information to provide IDFI with complete information.

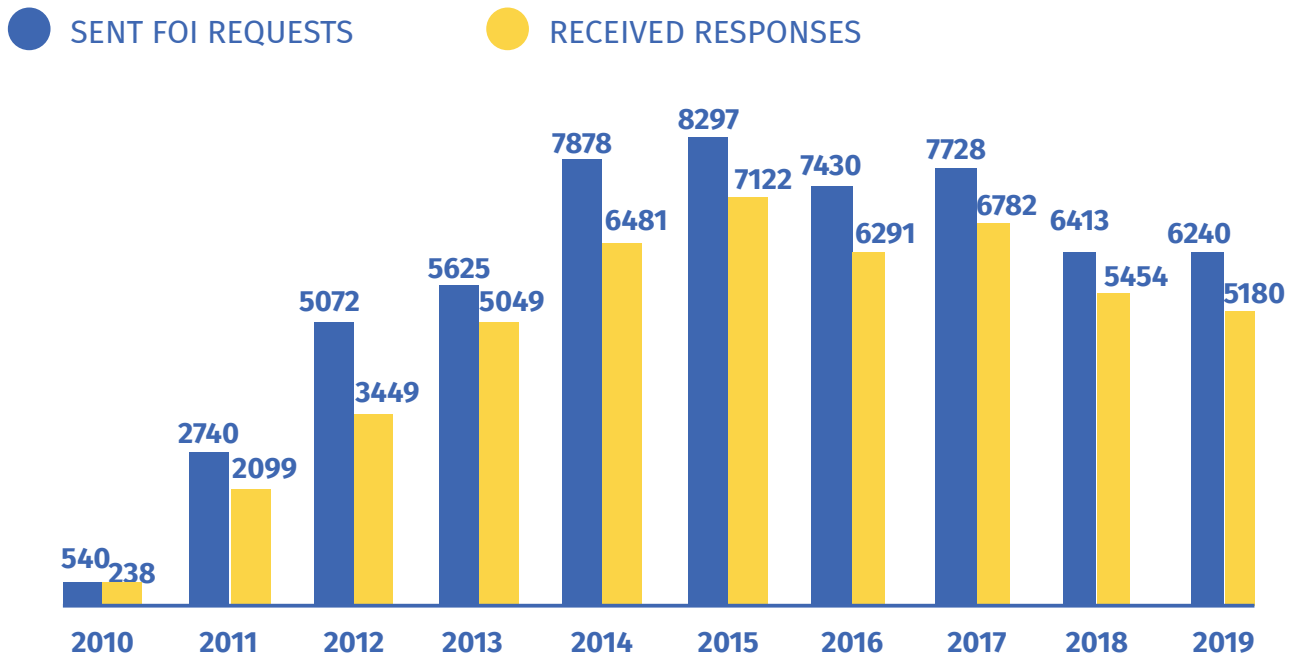
ACCESS TO PUBLIC INFORMATION IN GEORGIA - 2010-2019

IDFI has been monitoring the state of access to public information in Georgia since 2010, which enables us to observe relevant trends during the period of 10 years.

During the given period IDFI sent a total of **57 963** FOI requests to various public institutions and received relevant responses in **48 145** cases.

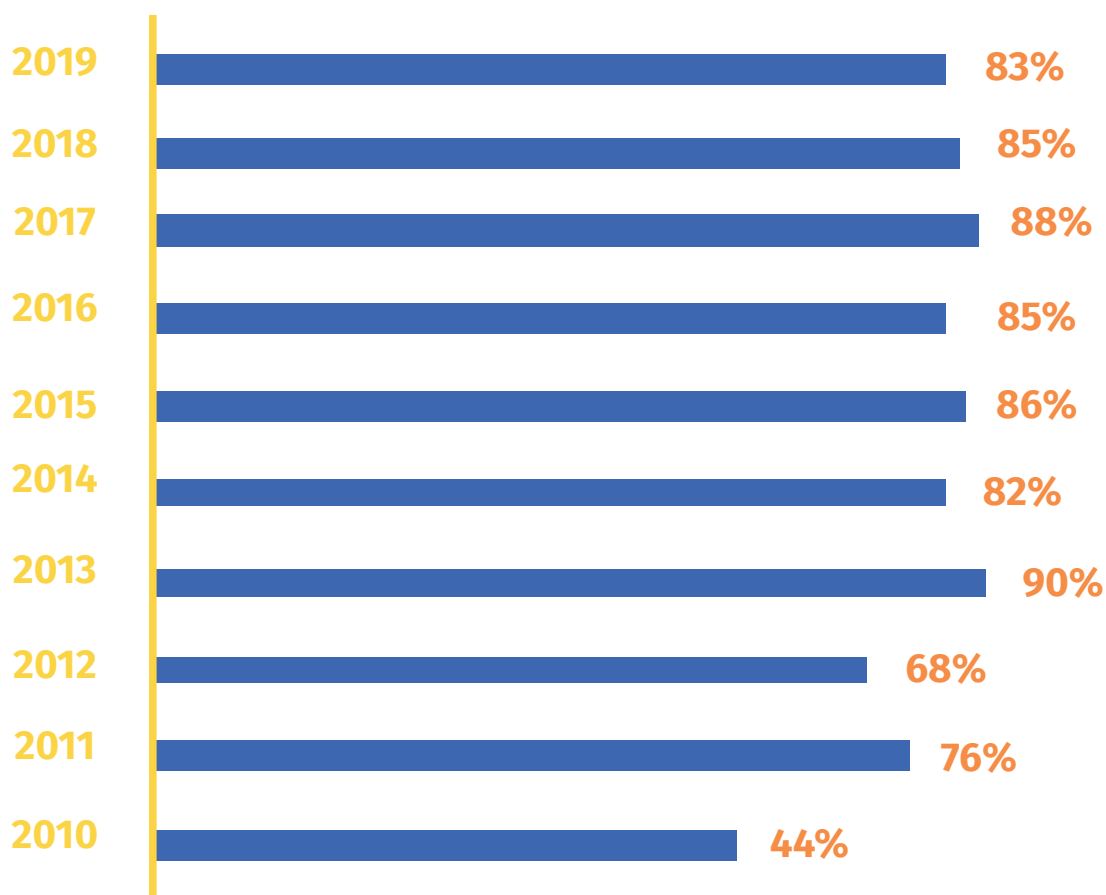
Based on the statistical information collected by IDFI during the period of 10 years, it is obvious that the trends of access to public information were characterized by frequent changes. **The highest rate of responses received on our FOI requests was monitored in 2013 (90%).** The figure decreased to 82% in 2014. It equaled to 86% in 2016, 88% in 2017 and 85% in 2018. In 2019 the rate decreased by 2% compared to the previous year and constituted 83%. It should be noted that during the last 5 years the rate of responding to FOI requests fell to the lowest point in 2019.

RESPONSES RECEIVED ON FOI REQUESTS-2010-2019



YEAR	PUBLIC INSTITUTIONS	SENT FOI REQUESTS	RECEIVED RESPONSES
2019	284	6 240	5 180
2018	282	6 413	5 454
2017	298	7 728	6 782
2016	294	7 430	6 291
2015	307	8 297	7 122
2014	308	7 878	6 481
2013	224	5 625	5 049
2012	229	5 072	3 449
2011	154	2 740	2 099
2010	21	540	238

PERCENTAGES OF RECEIVED RESPONSES BY YEARS

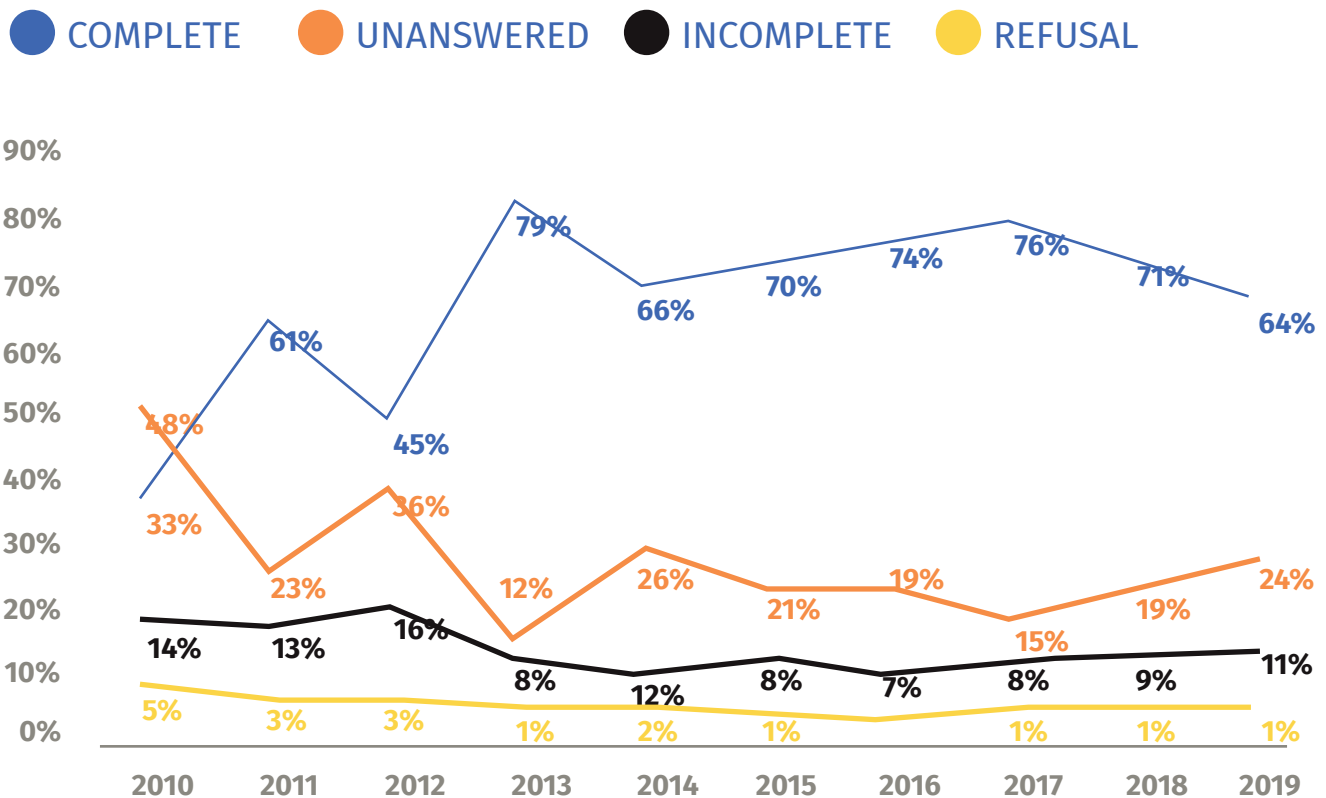


During the period of 2010-2019, the highest number of complete responses (79%) and the lowest number of unanswered requests (12%) were monitored in 2013. The picture aggravated already in 2014 with 66% of complete responses and 26% of unanswered requests. However positive trends were evident in the following year and in 2017 the rate of complete responses increased to 76%, while the rate of unanswered requests fell to 15%. Since 2018 the picture started to aggravate once again. Consequently, in 2019, 24% of FOI requests were left without a response and only 64% of them were provided with complete responses.

Since 2013 no significant changes were monitored in the rate of incomplete responses and refusals. Namely, the rate of incomplete responses fluctuated between 6-11% and the rate of refusals fell between 0-2%.

The diagram given below does not reflect the responses according to which public institutions did not have relevant information or had not conducted relevant activities.

RESPONSES RECEIVED FROM PUBLIC INSTITUTIONS



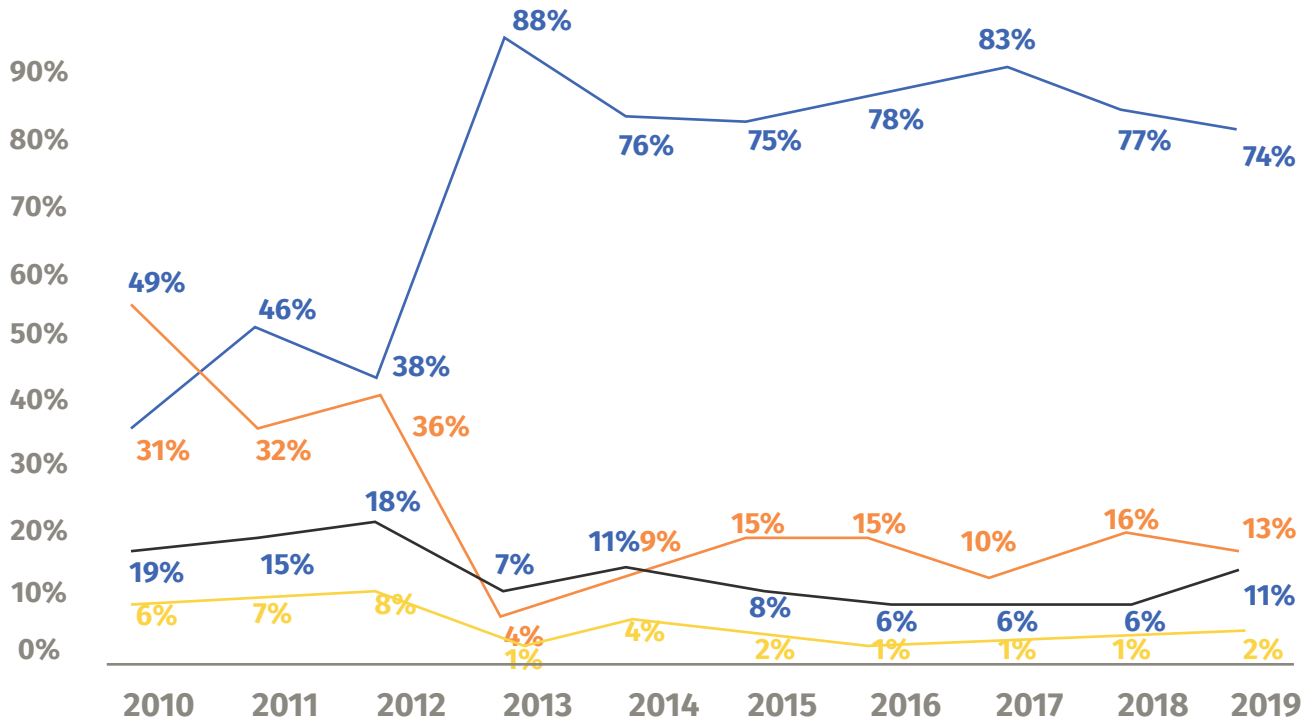
Different tendencies of access to public information were monitored across different categories of public institutions during the period of 2010-2019. However, within the main categories of public institutions the rate of access to public information aggravated in 2019 compared to the previous years. **For instance, the rate of complete responses received from local municipalities decreased by 10%, while the rate of unanswered requests increased by 11%; the rate of complete responses received from ministry sub-entities fell by 6%, while the rate of unanswered requests rose by 4%.**

In the case of the ministries, the rate of complete responses as well as unanswered requests decreased by 3% in 2019. At the same time, the number of incomplete responses increased by 5% and the cases of refusals increased by 1%.

During the period of 2010-2019, the highest number of complete responses received from ministries was monitored in 2013 (88%). In the following years, the rates fluctuated between 74%-83%. Since 2013, the lowest rate was monitored in 2019 – 74%. Before 2013, the highest rate of complete responses equaled to 46%.

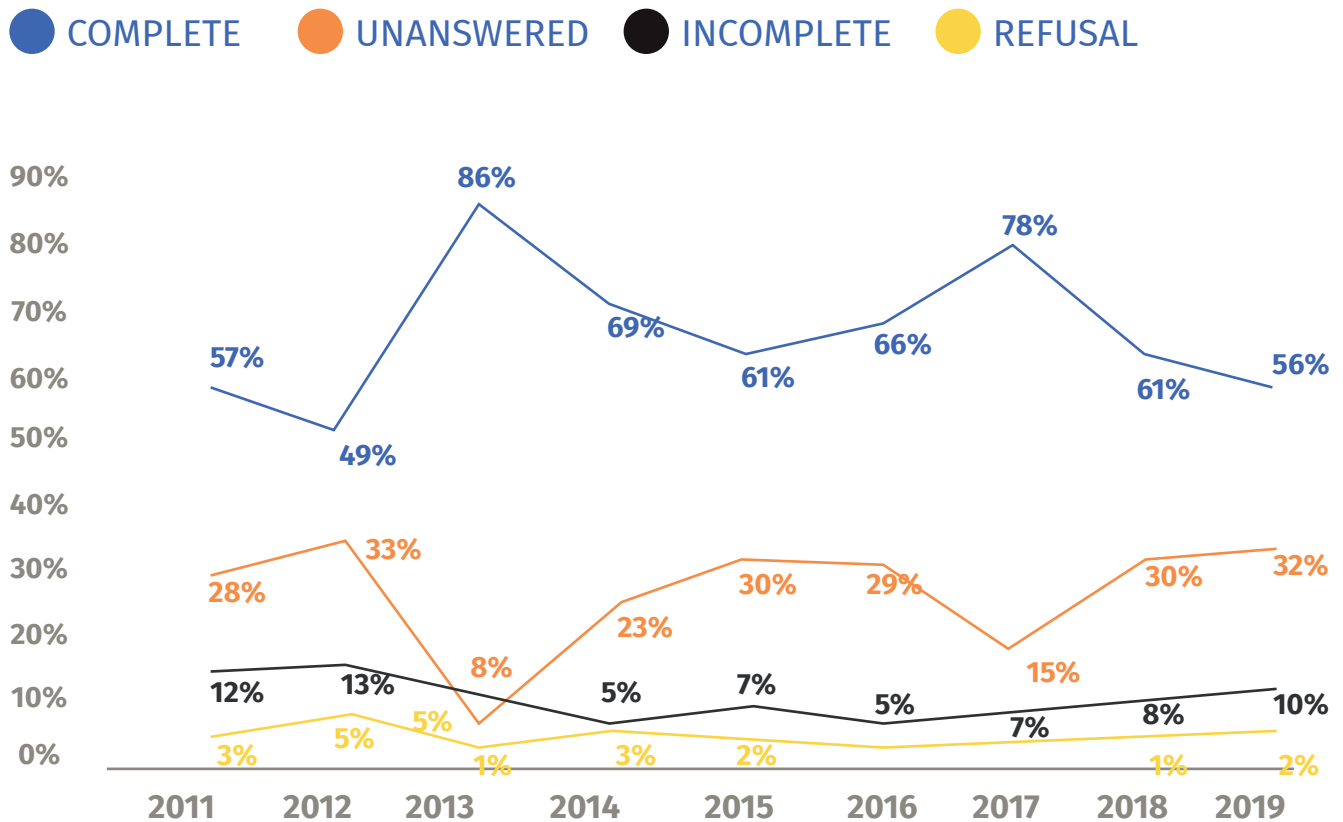
RESPONSES RECEIVED FROM MINISTRIES (INCLUDING OFFICES OF STATE MINISTERS AND THE MINISTRIES OF ADJARA A/R)

● COMPLETE
 ● UNANSWERED
 ● INCOMPLETE
 ● REFUSAL



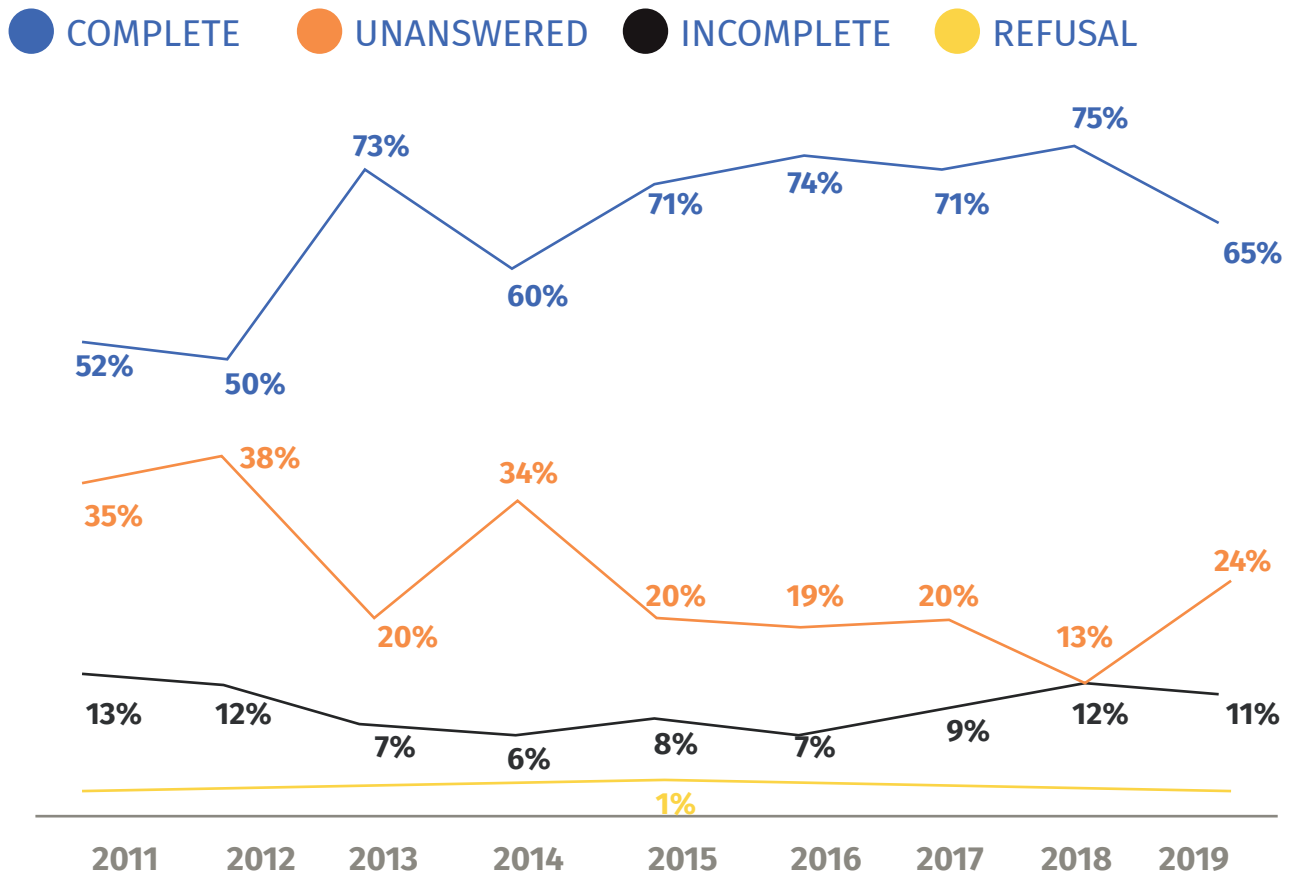
Similar to the case of the ministries, during the period of 2011-2019, the highest number of complete responses (86%) and the lowest number of unanswered requests (5%) within the ministry sub-entities was monitored in 2013. Within this category of public institutions, the picture of access to public information significantly exacerbated in 2018. E.g. in 2017 the rate of complete responses equaled 77% and the rate of unanswered responses - 15%. In 2019 IDFI received complete responses on 56% of FOI requests, while 32% of them were left without a response. During the period of the last 10 years, the rate of FOI requests left without response by ministry sub-entities was the highest in 2019 (32%).

RESPONSES RECEIVED FROM MINISTRY SUB-ENTITIES



At the level of local municipalities during the period of 2011-2019, the highest number of complete responses (79%) and the lowest number of unanswered requests (13%) were monitored in 2018. Increased access to public information at local municipalities during 2018 was largely caused by various legal measures taken by IDFI. Namely, in the given year IDFI filed administrative complaints against all local self-governance entities characterized by a low level of access to public information. Most of the administrative complaints had a positive outcome. IDFI did not refer to similar legal measures in 2019, as a result of which the number of unanswered requests increased by 11%, while the rate of complete responses fell by 10%.

RESPONSES RECEIVED FROM LOCAL MUNICIPALITIES



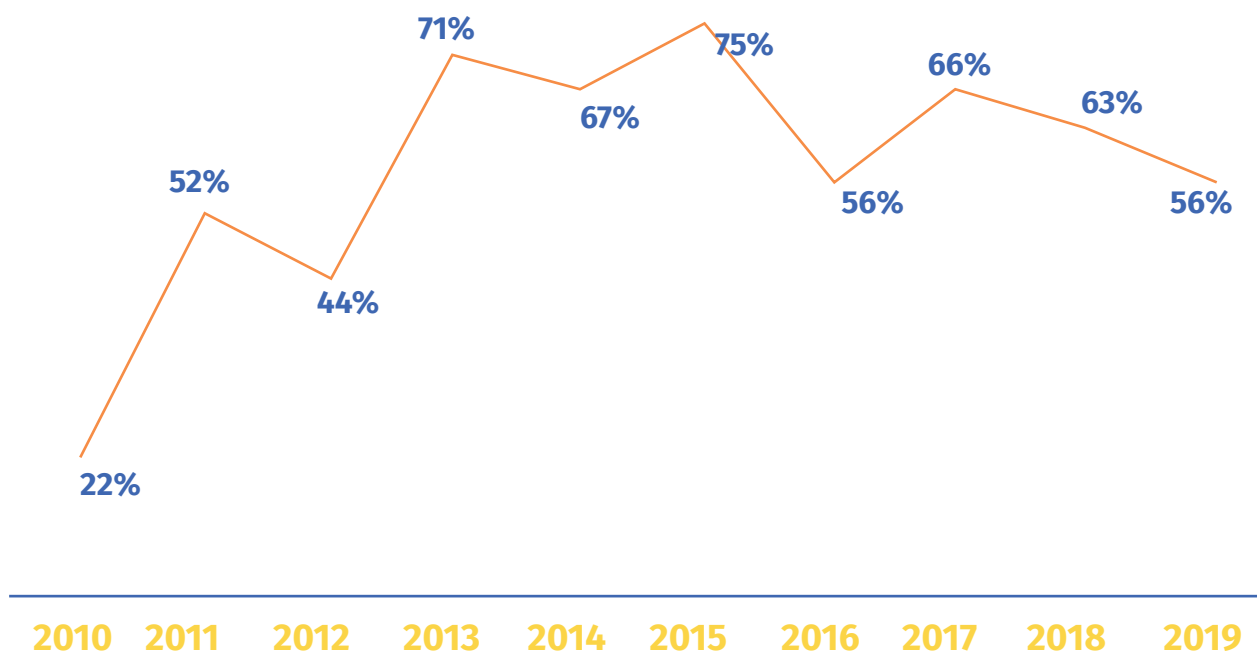
TIMEFRAMES OF DISCLOSING PUBLIC INFORMATION – 2010-2019

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

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

During the period of 2010-2019, the highest ratio of complete responses received within the period of 10 days was observed in 2015 – 75%. The lowest figure was monitored in 2010 – 22%. **The rate of timely responses to FOI requests fell by 7% in 2019 compared to the previous year, which was mainly due to the increase of unanswered requests.**

DYNAMICS OF 10 DAY TIMEFRAME COMPLIANCE



CONCLUSION

Based on the results of the monitoring conducted by IDFI the picture of access to public information in Georgia continued to aggravate in 2019. However, the 80% baseline of responding to FOI requests set since 2014 was observed. This was mainly due to the high level of accountability demonstrated by a number of public institutions. Namely, such public institutions as National Statistics Office, Office of the Public Defender (Ombudsman), State Inspector Service, Civil Service Bureau and National Intellectual Property Center – Sakpatenti have been demonstrating the highest levels of access to public information throughout the years and thus fully complied with the obligations set by the law. At the same time, a low level of accountability implemented at a number of other public entities (System of the Ministry of Justice, State Treasury, Administration of the Government of Georgia) had a significant negative impact on the overall state of access to public information in Georgia.

Low level of awareness regarding the obligation of transparency and accountability imposed on public institutions, is demonstrated by the cases when public institutions disclose requested information only after submitting administrative complaints against them. The lack of such legal mechanisms used by IDFI during 2019 resulted in a worsening state of access to public information.

It is also particularly problematic, that the system of the Ministry of Justice was once again named as the most closed public institution in Georgia. The Ministry of Justice constitutes one of the public institutions responsible for implementing standards of democratic and open governance in the country, strengthening the rule of law and improving legislation. However, unfortunately, the institution itself and its sub-entities violate the obligations foreseen by the Georgian legislation.

At the same time, the results of the monitoring conducted in 2019 demonstrate troubling tendencies of access to public information at state-owned private companies. Even though these companies often carry out important public functions and receive public funding in most of the cases they either leave the requests of IDFI unanswered or argue that they are exempt from the rules of disclosing public information, noting that they do not constitute administrative bodies. This approach violates the requirements of the Georgian legislation and increases risks of corruption, nepotism and conflict of interests.