

INFORMATION COMMISSIONER

Summary on the Report of the Implementation of
the Act on the Right of Access to Information
for 2016

Zagreb, March 2017

Content

Introduction	3
1. Public authorities and their obligations	5
2. The proactive publication of information on websites	8
3. Enabling the right to access to information upon the beneficiary's request	10
Beneficiaries' requests	10
Complaint procedures	11
Judicial review	12
4. Public consultations	13
5. The re-use of information	16
6. How we protected, monitored and promoted the right of access to information and to the re-use of information in 2016	18
Inspection and monitoring	18
Promotion and cooperation	19
Inter-institutional and international cooperation and normative activities	21
International cooperation	22
7. About the Information Commissioner and the Office	23
8. Status assessment and recommendations	25

Introduction

This document clearly and concisely provides an overview of the implementation of the Act on the Right of Access to Information (Official Gazette 25/13, 85/15) and of the Information Commissioner's performance indicators.

The full text is available in the Report on the Implementation of the Right of Access to Information Act for 2016 which, as Information Commissioner, I have submitted to Croatian Parliament in accordance with Article 60, paragraph 3 of the Act.

The report contains a description and analysis of public authorities' procedures under the provisions of the Act in the fields of the proactive disclosure of information and transparency, acting upon beneficiaries' requests, public consultations and the re-use of information, as well as of the Information Commissioner's exercise of the functions of the protection, monitoring and promotion of the right of access to information and the re-use of information. It also contains an assessment of the situation as well as proposals for the elimination of deficiencies

and irregularities in the implementation of the Act. The report was prepared based on data collected through the annual reports submitted by public authorities to the Commissioner, on reports by bodies in charge of certain aspects of the implementation of the Act, and on the expert-analytical monitoring of the implementation of provisions in the Act and information on the procedures and activities conducted by the Commissioner (complaints, petitions, inspection, etc.).

The right of access to information, as a constitutionally guaranteed right, provides a wide range of opportunities for citizens and legal persons to seek and obtain information that is of a public nature. Public authorities are obliged to provide citizens with this information through the publication of information on websites as well as through the provision of information upon request, using the prescribed procedure, for the use or re-use information. At the same time, citizens and interest groups must be included in a transparent decision-making process in a timely fashion, especially when regulations and programme acts which

determine the development direction in the future are being made.

Through the timely publication of accurate and complete information, authorities become transparent and open, thus permitting citizens to carry out their function of being democratic supervisors of their manner of operating and of their results. Transparent and open administration and government results in better-informed citizens, in greater responsibility, in the careful and economical use of public funds as well as in the combating of corruption. Information and communication with citizens strengthens democratic processes, upholds the rule of law and contributes to the efficient resolution of problems that plague citizens, the economy and society as a whole.

Your Information Commissioner,
Anamarija Musa

* Abbreviations: ARAI – Act on the Right of Access to Information; LRG – Local and Regional Governments

OVERVIEW OF KEY EVENTS IN 2016

<p>15/1/2016</p> <p>Reception of annual reports from public bodies</p>	<p>4/3/2016</p> <p>International Open Data Day, roundtable "Open Data and Civil Hackers: from Lone Example to Standard", Zagreb</p>	<p>8/3/2016</p> <p>Ordinance on the Organization, Content, and Manner of Keeping the Official Register on Exercising the Right of Access to the Re-Use of Information</p>	<p>31/3/2016</p> <p>Summary of the Report of the Implementation of the ARAI for 2015 submitted to Croatian Parliament</p>	<p>4/4/2016</p> <p>Working Group for public sector information, European Commission, Luxembourg</p>
<p>21/4/2016</p> <p>Summary of the Report of the Implementation of the ARAI for 2015 accepted at the Croatian Parliament's session</p>	<p>10/5/2016</p> <p>New Information Commissioner's Rules of Procedure put into effect</p>	<p>17/5/2016</p> <p>International Digital Society Day, panel discussion "Digital Single Market - Open Data", Zagreb</p>	<p>2/6/2016</p> <p>"Open Data: Local Government Units - the Publishing and Re-Use of Public Sector Data" workshop, Rijeka</p>	<p>9/6/2016</p> <p>"Open Data: Transparency and a Market for the New Generation" workshop, Osijek</p>
<p>29/8/2016</p> <p>29/8 to 2/9 - Open Data Academy, Pula</p>	<p>28/9/2016 Commemoration of International Right to know Day: presentation of the Decision and Opinion Search Engine, the English version of the website and publications</p> <p>Launching of TOM and of the English version of the website, presentation of the "The Application of the Act on the Right of Access to Information" manual and the "Exercise Your Right to Access to Information" guidebook</p>		<p>5/10/2016</p> <p>International Open Data Conference, Madrid</p>	<p>21/10/2016</p> <p>Round table "Open Data", French Institute</p>
<p>7/12/2016</p> <p>Open Government Partnership Global Summit, Paris</p>			<p>20/12/2016</p> <p>Presentation of the "Manual for the Implementation of Public Consultation for Local and Regional Self-Government Units".</p>	

1. Public authorities and their obligations

In order to implement the right of access to information which is guaranteed by the Croatian Constitution, all public authorities or those defined by specific provisions of the ARAI, shall ensure:

- the proactive disclosure of information on websites
- provide information in the Central Catalogue of Official Documents
- ensure collegial bodies' publicity of work
- implement public consultations
- the re-use of information by publishing open data on websites or portals
- acting upon beneficiaries' requests for access to information or re-use of information

The information that is provided to all beneficiaries must be timely, complete and accurate, and beneficiaries may access it freely. It is expected that relationships between authorities and beneficiaries be based on cooperation and a respect for human dignity. Therefore, public authorities are obliged to:

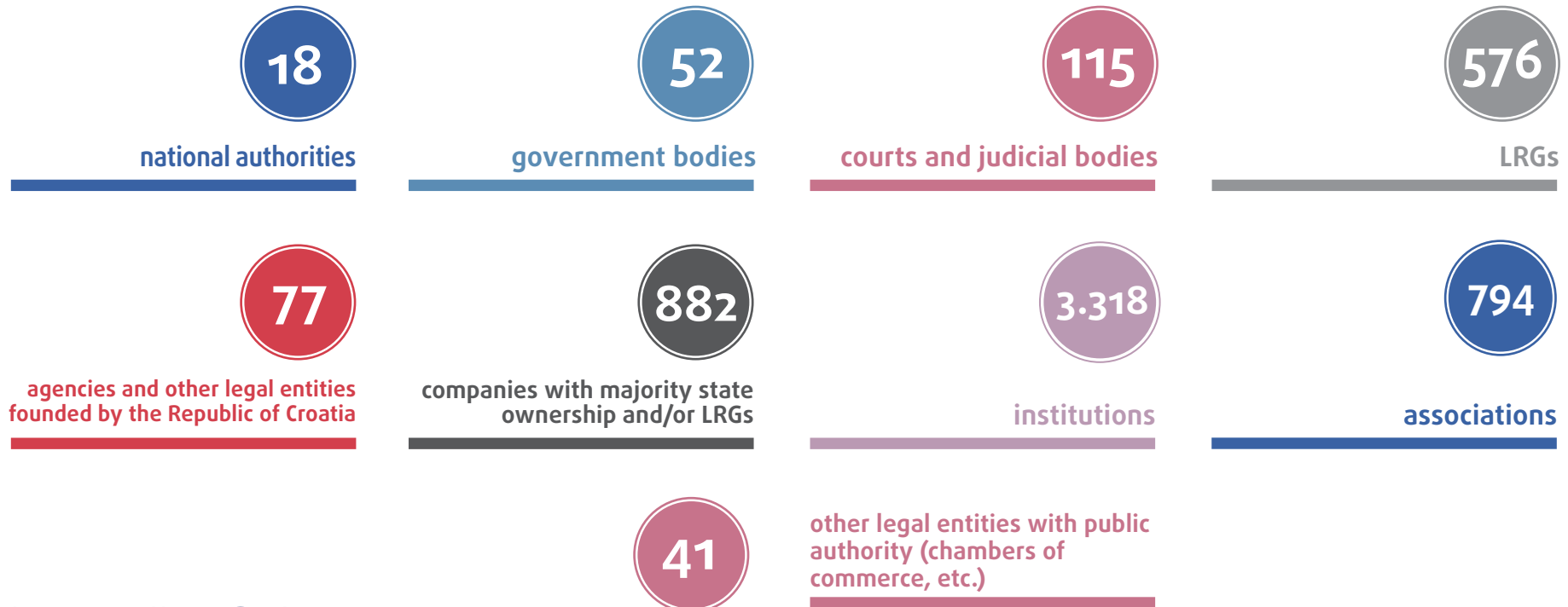
- appoint an Information Officer who will ensure the implementation of the ARAI and inform the public and the Information Commissioner of the choice within 30 days
- keep an official register of all the submitted requests, which is particularly monitored in the monitoring process
- cooperate with the Information Commissioner
- submit an annual report for the previous year by 31 January

In addition, for the purpose of proper implementation, we recommend that authorities, leaders and officials regularly:

- ensure coordination between the various organizational units, for the purpose of quicker proceedings and an effective publication of timely information, as well as for correspondence between the units
- regularly undergo trainings through educational modules which we offer independently or in cooperation with other competent bodies
- use the self-assessment instrument for the quality of implementation of the ARAI which is available on our website, along with the action plan form

Public authorities

A List of public authorities is publicly available on the searchable and updated application <http://tjv.pristupinfo.hr/> which allows beneficiaries to download data in a machine-readable and open format. At the moment when the submitted reports on the implementation of the Act for 2016 were being processed (22 February 2017), the List included 5,873 public authorities, 67 less than in the previous year.

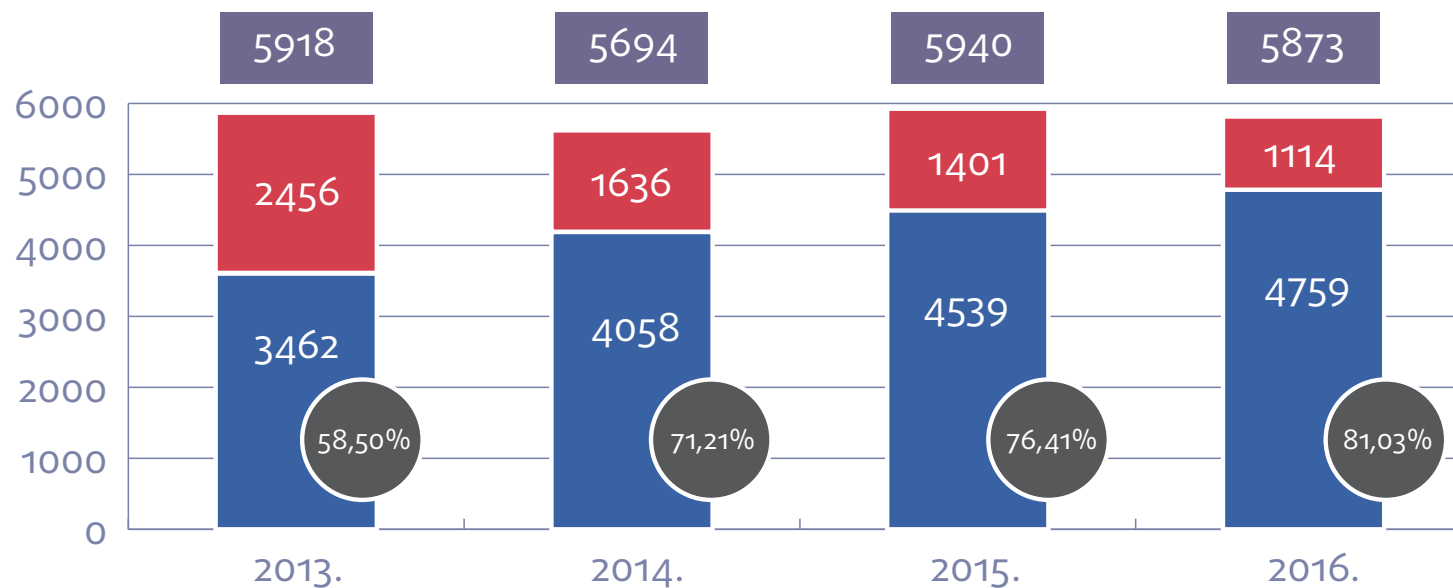


Information Officers

As of 2016, the web application Pristupinfo.hr, through which public authorities submit data to us on information officers, information about public authorities as well as submit annual reports, has fully been in function. Of the 5,873 bodies on the list, 854 or 14.5% of them have not appointed information officers or have not informed us about it. In 2016, based on indirect monitoring and dealing with petitions, we repeatedly warned authorities to fulfil these critical obligations. Therefore, although unsatisfactory, the result is better than in 2015 when 1,620 or 26.8% of bodies or did not have officers.

Annual reports for 2016

Reports were submitted to us by 4,759 or 81.03% of the bodies, marking the first time that over four fifths of the reports were received. As a result of our efforts, the number of reports submitted by public authorities is continuously increasing; however, this key obligation still is not completely fulfilled. The problem of the quality of the submitted reports will be subject of our educational activities.



■ Number of public authorities which delivered a report

■ Number of public authorities which have not delivered a report

Public authorities' key obligations are the appointment of information officers, keeping the official registry and the delivery of the annual report to the Information Commissioner.



Progress in the implementation

The Annual Report for 2016 was submitted by 81.03% of the bodies, as opposed to the Report for 2013 which was delivered by only 58.50% of the bodies



Learn more

Guidelines on the application of Article 13 of Information Officers is available at www.pristupinfo.hr



Did you know?

The List contains 5.873 public authorities, and you can download it in an open format at tjv.pristupinfo.hr/



The next steps...

The continuous updating of the list of public authorities

2. The proactive publication of information on websites

➔ The publication of information on public authorities' websites (pro-active publication) is a key way of informing the public and ensuring transparency. In Article 10, the ARAI obliges public authorities to continuously and voluntarily publish certain documents and information, with the objective of transparency in decision-making, transparency of work and planning, financial transparency and transparency in the provision of services and in communication with beneficiaries. This reduces beneficiaries' need to apply for requests, thus reducing the burden on public authorities and ensuring the greater equality of citizens in access to information.

Improved, but still only partial proactive publication of information

Public authorities do not completely fulfil the obligation of proactive publication. Through the information submitted in reports, it has been observed that what is specifically left unpublished is information on financing and allocation of funds, including donations and sponsorships or other grant award funds, as well as on the conclusions of official session. The most accessible information is on the internal organization of public authorities (around 79% of the bodies), general acts and decisions which the bodies bring (78% of the bodies) and annual plans, programmes, strategies, instructions (76% of the bodies). However, there has been great improvement compared to 2015 in terms of increasing the publication of most of the information by 5 to 10 % (ex. budget information from 63.5% to 72.12%, financial statements from 62.17% to 71.27%, grant information from 24.94% to 29.93%, conclusions of official sessions from 35.62% to 40.54%, etc.). At the same time, there was an unsatisfactory level of delivery of regulated information to the Official Catalogue of Official Documents.

Fiscal transparency is slowly but surely increasing

According to research by the Institute of Public Finance, local government units' average financial transparency rating is 2.35, which is an improvement compared to previous observations when all units had received an average score of 1.75. The average transparency for counties is 4.3, 3.05 for cities and 2.04 for municipalities, where a fifth of the municipalities did not publish any of the key financial documents, and only 25 cities published all five documents. At the same time, about 70% of companies in majority state ownership i.e. only 30% of LRG companies publish their annual reports on operations.

Citizens are sending warnings!

In terms of the 124 petitions we received from citizens in 2016 which warned us of lapses in proactive publication, the most common were in relation to schools, hospitals and tourist boards. A large number of petitions were filed due to non-disclosure of information in an easily searchable manner and in machine-readable form, whereby the format of publication is especially important when publishing certain directories and registers. In all cases we reacted by ordering the publication of the information, which according to the ARAI must be disclosed.

Most common petitions for lack of disclosure in 2016

- Contacts and names of heads and directors
- Public tenders
- Information on the exercise of the right of access to information
- Grants, sponsorships and donations
- Budget
- Meeting conclusions

In 2016 we created the Instructions on Proactive Publication and actively monitored the implementation of Article 10 in relation to judicial authorities, to the Krapina-Zagorje County and its municipalities, to cities and agencies as well as to state companies and local units regarding the publication of annual reports on operations and government bodies in regards to certain categories of information.

Public authorities are required to regularly publish and continuously update information on websites in an accessible manner and, inasmuch as possible, in a machine-readable format.



Progress in the implementation

The publication of information has increased by 10% compared to the previous year



Learn more

Instructions on proactive publication and guidelines for proactive disclosure in LRGs is available at www.pristupinfo.hr



Did you know?

Only three-quarters of local units publish municipal or city council meeting agendas



The next steps...

Instructions on publishing information in a machine-readable format

3. Enabling the right of access to information upon the beneficiary's request

Beneficiaries' requests

➔ Everyone has the right to apply for access to information to public authorities, which in turn must make a decision through the legally prescribed procedure.

The number of requests for access to information has not changed significantly compared to the previous year. According to the 4759 reports by public authorities, bodies received a total of 17 059 requests, 16,706 of which were for access to information and 353 were for the reuse of information . Taking into consideration that this represents 1000 less requests than in 2015, a slight drop in the number of requests is visible. Citizens show the most interest in information on government bodies and on LRGs.

Public authorities fully or partially adopted over 16,000 or 93% of the requests for information, for which they charged beneficiaries a little over 55,000 HRK or 3.34 HRK on average per request.

8 bodies with the highest number of requests for information

● Croatian Government	212
● Ministry of Construction and Physical Planning	244
● Ministry of Internal Affairs	215
● Ministry of Environmental Protection and Energy	175
● Ministry of Finance	144
● Ministry of Health	138
● Croatian Waters	911
● City of Zagreb	210

In terms of the beneficiary's possibility of submitting applications, we would like to highlight the portal <http://imamopravoznati.org/> through which a total of 1,985 requests for information were filed in 2016. Half or 996 of these requests (50.18%) were successfully resolved; in other words, the information was provided to the beneficiaries in whole or in part.



Learn more

Do you want to see the information that citizens sought and received?

You can check on:

<http://imamopravoznati.org/>

Complaint procedures



The Information Commissioner is the appellate body in procedures concerning the exercising of the right to access to and re-use of information, as well as in procedures concerning the exercising of the right of access to environmental information.

In 2016, dissatisfied beneficiaries filed a total of 635 complaints, 621 (97.80%) of which were in relation to requests for information. The number of complaints rose slightly compared to last year with a total of 624 complaints, which continued the upward trend in the last five years. However, a minimal but positive shift was recorded in terms of a decline in the number of complaints due to administrative silence: 384 of them or 60.47% were filed in 2016, which is slightly less than in 2015, when 402 complaints against administrative silence accounted for 64.42% of the filed complaints.

Number of complaints and proportion of complaints due to administrative silence from 2011 to 2016

Year	Total filed complaints		Complaints filed due to administrative silence	
	Number	Index	Number	%
2011	209	---	137	65,55
2012	480	229,66	319	66,45
2013	515	107,29	331	64,27
2014	658	127,77	400	60,79
2015	624	94,83	402	64,42
2016	635	101,76	384	60,47



Did you know?

That there is a 60,47% chance that a public authority will ignore the beneficiary's request

Complaints were most often filed by citizens; that is two thirds of the time (422 or 67.96%), followed by councillors, chamber members and the like (25% or 4.02) and journalists (12 or 1.93%). A significant proportion of complaints being filed by citizens indicates that many citizens are aware of how to achieve their constitutionally-guaranteed right and that they pursue it. Contrary to expectations, journalists are not particularly active in the use of protection under the Act (less than 2% of all complaints), especially when taking into account that access to information is a key tool in the realization of their role of informing the public.



Did you know?

Only 2% of complaints are filed by journalists and the media

Complaints most often filed by beneficiaries in relation to requests made

- local and regional governments 174 ili 28,02%
- central government 124 ili 19,97%
- companies 85 ili 13,69%
- institutions in the social sector 69 ili 11,11%
- associations and chambers 62 ili 9,98%
- judicial bodies 44 ili 7,85%
- agencies, departments, funds and centres 37 ili 5,96%
- state bodies 24 ili 3,86%

We have increased efficiency in dealing with complaints and thus to a greater extent have protected citizens' right to information. We resolved 674 complaints or 66.40% of all the complaints that were in the process of being resolved (1,015 complaints, transferred complaints and complaints from 2016). Taking into consideration the complaints filed in 2016, the clearance rate is 106.14%, which is considerably more than in 2015 when the rate was 84.29%. In other words, our previously weak capacity caused by insufficient funds is no longer a problem in the realization of citizens' right of access to information.

Regarding the quality of public authorities' decisions, we have found that in their refusal or rejection of the request (229 complaint cases) public authorities complied with the act in less than a fifth of the cases (37 complaints were rejected, or 16.16% of them). In other words, in 182 or 79.46% of the cases there was a violation of citizens' right of access to information and thus in 4 of 5 cases citizens were justified in filing a complaint, claiming that their right of access to information was violated. Similarly, about half of the cases of public authorities' administrative silence prompted by a complaint procedure can be resolved by a request for access to information even before we bring a decision. Therefore our protective function becomes all the more important in order for us to protect the rights of citizens and ensure access to information as prescribed by the Act.

Three reasons why public authorities most often refuse to provide access to information

- abuse of the right of access to information
- personal information
- business or professional secret

Because we are obliged to protect beneficiaries' right of access to environmental information in accordance with the Environmental Protection Act (Official Gazette 80/13, 153/13, 78/15), we would like to point out that of the received complaints, 29 cases were related to environmental information, which were usually brought by associations (55,17 or 16%), and were related to actions by public authorities in the field of environmental protection, energy and energy efficiency, agriculture and natural resources, health, utilities, i.e. ministries, agencies, funds and institutes, companies and LRGs.

Judicial review

➔ Judicial protection before the High Administrative Court of the Republic of Croatia is guaranteed against the Information Commissioner's decision and in case of failure to make a decision within the prescribed deadlines.

In 2016, 34 administrative disputes were initiated before the High Administrative Court, which is 5 more than in the previous year. In 26 cases (76.47%) complaints were filed against our decisions, and the remaining 8 cases involved a failure to resolve the complaint within the legal deadlines. Dissatisfaction with our decisions was mostly expressed by public authorities (15 cases), followed by beneficiaries (11 complaints); however, beneficiaries filed an additional 8 complaints due to our tardy resolving of complaints (a total of 19 complaints or 55.88%).

Compared to the 45 decisions (verdicts and rulings) that were brought by the administrative courts in 2016, our decisions were confirmed in two thirds of the cases (30 or 66.67%), and reversed in 5 (11.11%) cases.

Progress in the implementation

The clearance rate of complaints has risen from 84.29% in 2015 to 106.14% in 2016



Learn more

The High Administrative Court's and Information Commissioner's decisions are available at tom.pristupinfo.hr



Did you know?

In 75.8% of cases bodies unreasonably deny requests due to the protection of personal data



The next steps...

Adoption of guidelines for the implementation of the proportionality and public interest test



4. Public consultations

Public participation in the decision-making process promotes transparency and openness of government and administration, raises the quality and effectiveness of legislation and ultimately strengthens the trust between citizens, civil society and the economy on the one hand, and government and administration on the other.



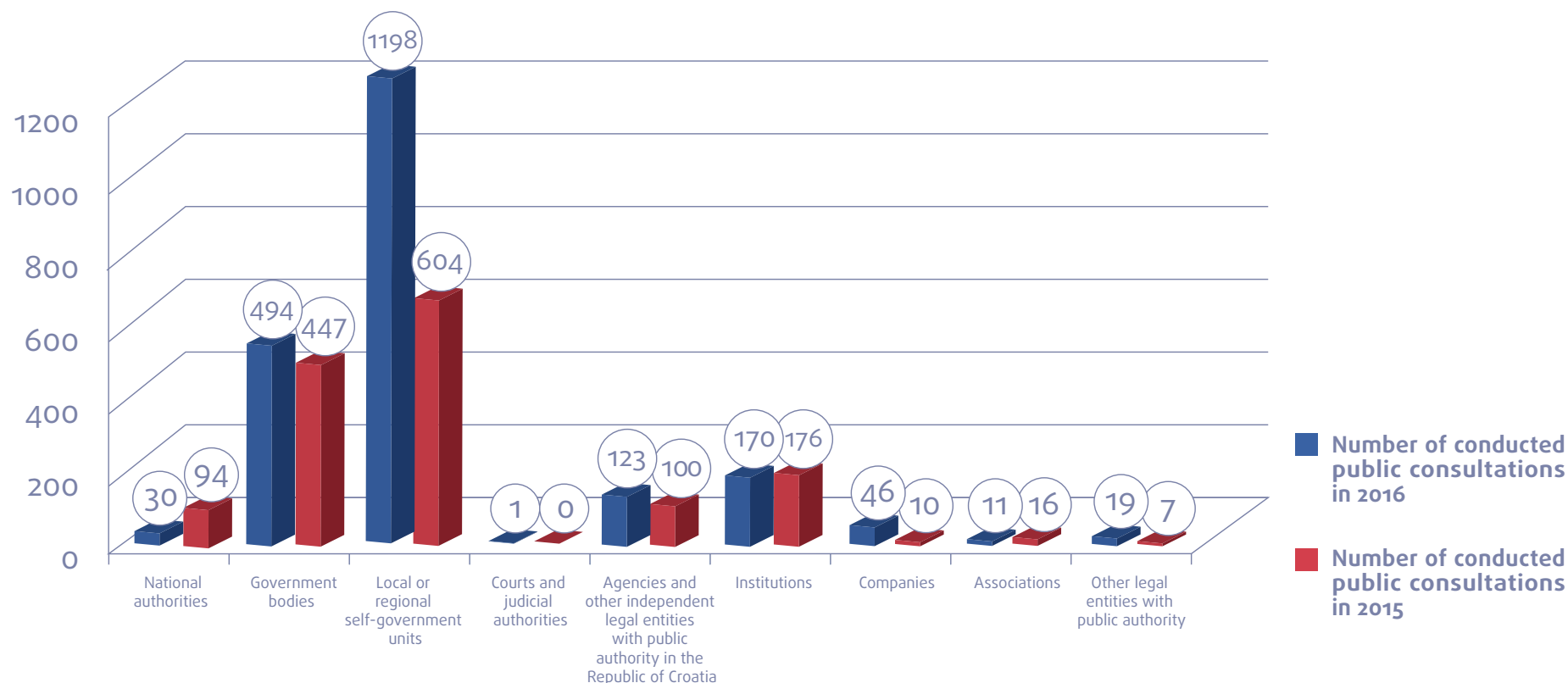
According to Article 11 of the ARAI, government bodies, other national authorities, GLRs and legal persons with public authority are obliged to conduct public consultations when making laws, regulations, by-laws and strategic and planning documents which affect the interests of beneficiaries, via the Internet and as a rule for 30 days. They are obliged to draw up a report on the conducted consultations which contains all the submitted remarks and comments, as well as the bodies' responses to the comments in terms of acceptance or non-acceptance thereof. The reports clearly state the participants' suggestions and opinions and offers the bodies' answers, and thus demonstrates public authorities' openness and responsiveness to citizens' proposals. The reports represent a form of regulation of the consultation process itself and are a key implementation instrument. Government bodies are obliged to conduct consultations through the central e-counselling portal. The obligation to submit the report on the conducted consultations along with a proposal on the regulation or act is stated in the Rules of Procedure of the Croatian Parliament (Article 174, paragraph 4) and the Rules of Procedure of the Government of the Republic of Croatia (Article 30, paragraph 4).

The number of consultations is increasing

In 2016, public authorities informed us of 2,092 consultations, which is an increase of almost 30% compared to 2015 when 1,454 consultations were conducted. LRGs conducted the most consultations – 1,198 – which is almost twice as much as in 2015 when it had 604 consultations, and agencies and other legal entities with public authority performed one quarter more consultations (123 compared to 100 in 2015). According to the Office for Associations, through the e-Counselling portal and through website pages, bodies at the state level carried out 655 consultations including the consultations carried out during the process of assessing regulations' effects, which is 8% more than in the previous year. However, despite the positive shift, consultation is still not being conducted in a satisfactory manner, as evidenced by the fact that in terms of the laws and regulations published in 2016, consultations were conducted in 38.1% of the cases (32 consultations compared to 84 published regulations).

Public authorities are informing the public of planned consultations all the more, but still not often enough

Public authorities still do not frequently enough publish public consultation plans which would familiarize the public with the intended adoption of regulations, acts and other documents as well as the consultations that are to be carried out in relation to them – this is done by only 32% of local units (22% in 2015), while compliance to the obligation is somewhat greater at the state level, so that 81% of government bodies published consultation plans (76% in 2015), i.e. half of the agencies and other legal entities with public authority (26% in 2015). By fulfilling this obligation, bodies could better plan consultations and their normative activities, but also increase the number of participants and the quality of their contribution to the consultation process.



The time allotted to the public for making proposals is increasing but still below the statutory level

Only 18% of portal consultations are conducted over 30 days or more, while for most acts it lasts between 15 and 29 days (57%), with a quarter of all cases running less than 14 days (including 5-day consultation examples, during the weekend). According to the reports of the bodies themselves, in 2016 they conducted consultations for 17.13 days on average, which is a significant increase compared to 2015 when the average time amounted to only 7.62 days. Consultation time is most respected by agencies and other bodies with public authority (31.67 days), followed by national authorities (24.5 days), and to a lesser extent LRGs (19.72 days) and government bodies (18.83 days). Government bodies were particularly inclined to refer to the Government Code which earlier, in 2009, recommended a 15-day consultation deadline.

Public authorities often avoid informing the public about the results of the consultations

Public authorities often do not produce reports or timely publish reports on the implementation of consultations, despite the fact that the obligation to submit reports arises from national authorities', the Croatian Parliament's and the Government's rules of procedure.

Newer forms of public participation in decision making are becoming more frequent

A significant number of public authorities (23%) reported to conduct other forms of public consultations (public hearings, e-mails), and participatory budgeting is becoming all the more popular, by which local and regional self-government units allow citizens to state their opinions on priorities in terms of financing public needs.

It is necessary to increase the concerned public's level of involvement in the adoption of regulations

The participation of citizens and the public concerned (beneficiaries, legal entities, professional community) is still weak, with a noticeable share of consultations without any objections. The number of participants in state-level consultations has declined compared to 2015, the bodies themselves being partially to blame for this, as consultation plans and informing the public as well as encouraging inclusion should ensure the active role of the public in improving the quality and effectiveness of regulations.

For the purpose of strengthening awareness and skills and thus the conducting of public consultations, we have created the Guidelines for the Implementation of Article 11 of the Act on the Right of Access to Information - Public Consultations, and the Handbook for the Implementation of Public Consultations for Local and Regional Units of Self-Government, along with a relevant pamphlet for citizens, all of which are published on the Information Commissioner's webpage. Also, in 2016 and in co-operation with the Office for Associations, through the State School for Public Administration, we commenced the implementation of an elaborated education module named How to Prepare and Conduct Effective Public Consultations in Procedures for Adopting Laws, Other Regulations and Acts.

Public authorities are required to regularly conduct public consultations based on the adopted and, if necessary, on the updated consultation plan, within 30 days, with a report on the conducted consultation. It is necessary to actively encourage public participation in order to increase the quality and effectiveness of regulations.



Progress in the implementation

2,062 public consultations were conducted in 2016, which is 30% more than in 2015.



Learn more

The guide and handbook on public consultation are available at www.pristupinfo.hr



Did you know?

The average duration of consultations has increased from 7 to 17 days



The next steps...

Participatory budgeting in local units will enhance the quality of the relationship with citizens

5. The re-use of information

➔ The Act on the Right of Access to Information defines the re-use of information as the use of public authority information by natural persons or legal entities, for commercial or non-commercial purposes different from the original purpose within the public purpose for which this information was created, and which is realised within the frame of the law or other scope prescribed by the regulations, or business that is generally considered a public affair. Information for re-use – in a machine-readable, open format that allows data processing, combining, etc., may be provided or made available upon the beneficiary’s request or, preferably, posted on the website and on the portal containing such datasets (open data).

The obligation to enable the re-use of information derives from the Directive on the Re-Use of Public Sector Information (2003/98 / EC, 2013/37 / EU), which was adopted in accordance with the ARAI. The European Union views open data as a significant resource for the development of a digital European society and the market, which contributes to innovation, job creation and the improvement of services for citizens and for the economy. According to the European Commission’s analysis, the Republic of Croatia ranks 14th among the EU members (+ Norway), compared to the previous monitoring in 2014, when we were on the bottom.

Publication of open data

According to the data processed from the reports submitted by public authorities for 2016, 866 or 18.64% of the bodies stated that they published registers and databases or information about them, with metadata and how to re-use them on their websites. Also, 887 or 19.03% of them stated that they published the conditions for the re-use of information, while 133 or 2.81% stated that they published contracts on exclusive rights.

The [Open Data Portal](#) of the Republic of Croatia which is the data node through which the public sector’s open data is collected, categorized and distributed has the aim improving the dissemination of public and open data through a single and central place and enabling the creation of innovative non-commercial and commercial applications that would use this information. According to data from the Portal, which is administered by the Ministry of Public Administration and the Central State Office for the Development of the Digital Society, 325 available datasets were published, 120 of which are in machine-readable formats such as CSV, JSON, XML, 110 of which were in XLS format, and 86 of which are not in the appropriate format intended for re-use (mostly data that is not structured in appropriate formats). Also published on the portal are links to applications that were created on the basis of open data, of which there is a total of 20.

Bodies with more than 15 sets of open data on the Open Data Portal

State level

● The Croatian Bureau of Statistics	75
● The Croatian Agency for the Environment and Nature	27
● The Ministry of Public Administration	17
● The Croatian National Bank	17
● The Agency for Mobility and EU Programs	17

Local units

● The City of Zagreb	33
● The City of Pula	15

In addition to the national portal, the City of Zagreb also launched its own open access portal with a total of 44 released datasets (e.g. cycling trails, green island locations, list of recycling yards, financial reports, directory of institutions according to activities and companies, etc.) as did the City of Rijeka with 68 data sets (e.g. distribution plan for individual needs, financing of associations, business premises, mobile recycling yards, directory of institutions, facilities and companies).

Publication priorities

We have identified some open data priorities at the national and local levels, based on monitorings, beneficiary proposals and petitions and complaints. Priority data sets to be published in open format include registers and lists of state and local assets, concession registers, lists and registers of concluded contracts, financial data (budget, execution), subsidies and donations, projects and programs in particular sectors or local units, information related to public transport, the environment, the management of natural resources and waste, the economy and entrepreneurship and local institutions.

Provision of information for re-use upon request

According to the data from the reports submitted by public authorities, in 2016, only 99 public authorities (2% of bodies) received a beneficiary request for the provision of data for re-use, and 353 requests in total, which makes an average of 3.56 requests per body. Compared to previous years, when 898 (2015) and 839 (2014) requests were filed, there has been a 60% drop. As requests for re-use make up 2.07% of all submissions (16,706 submitted requests for access to information), it is clear that citizens do not significantly exploit their ability access information for re-use. This is also shown by the number of complaints filed in 2016 (only 14), by only 5 beneficiaries, 11 of these complaints being filed by 3 volunteers from the imamopravoznati.org portal. Also, we received only 13 petitions, from two beneficiaries, which were filed due to the lack of databases, registers, lists and directories in electronic format, and suitable for re-use. As with the complaints, which in 9 cases were filed in relation to ministries' proceedings, most of the petitions were tied to ministries (11). Of the 13 petitions received, we resolved 8 in such a way that the public authority enabled access to the requested information which was suitable for re-use.

The digitization of cultural heritage

The digitalisation of cultural heritage (museums, archives and libraries) is being developed in the field of culture, this also being an item in the Directive on the re-use of public sector information. In Europeana, Europe's central portal for digitized collections of cultural heritage, there are almost 54.3 million artefacts (113,164 of which are Croatian), as well as nearly a dozen among over four hundred institutions in the field of culture and science. For the sake of comparison, the greatest number of artefacts were published by the Netherlands (6.2 million), whereas Slovenia has published over 500 thousand. According to available data, 35 public libraries have begun to digitize their projects, but the system has a lack of coordination and strategic approach, thus ineffectively spending valuable resources.

In 2016, we started a cycle of trainings, held workshops on the priorities of open data and co-organized the Open Youth Academy. In 2017 we intend to continue strengthening open data and are obliged to submit a report to the European Commission on the implementation of the Directive on the re-use of public sector information.

It is crucial that public authorities publish information from Article 10 of the ARAI, on which there are no legal restrictions, on their websites in a machine-readable form, in an open format and in accordance with the open standard. This particularly applies to registers and databases (logbooks, registers, records, etc.) but also to all other information which must be, to the extent that is possible, disclosed in a way that allows for re-use (for example, financial plans and executions, register of public procurement contracts, workplace systematization, and information published as a dataset)



Progress in the implementation

The number of datasets has grown from 174 to 325 in the Open Dana Portal in one year



Learn more

Find information on one of the open dana portals
www.data.gov.hr
www.data.zagreb.hr
www.data.rijeka.hr



Did you know?

It is estimated that the European data market in 2020 will be worth at least 72 million euros



The next steps...

Adopting guidelines and manuals for open data

6. How we protected, monitored and promoted the right of access to information and to the re-use of information in 2016

Inspection and monitoring

➔ Within the functions of protecting and monitoring the right of access to information and the re-use of information, the Information Commissioner monitors and oversees the implementation of the Act on the Right of Access to Information through inspectional supervision, by handling petitions, by undertaking monitoring activities through expert-analytical procedures, based on the submitted annual reports. The Information Commissioner also has the power to give sanctions for violating the Act.

Inspectional supervision

In 2016, we conducted 28 direct inspectional monitorings – 40% more than in the previous year, 27 of which were ex officio, 1 of which (the Government of the Republic of Croatia) was according to the beneficiary's submitted statement and following the previous decision of the Constitutional Court of the Republic of Croatia. We ordered the implementation of a total of 270 measures, mostly to the Municipality of Gračišće (20 measures), HEP d.d. (18 measures) and the Croatian Chamber of Trades and Crafts (17 measures). The least measures were imposed on the Red Cross Society of Koprivnica (4 measures), the City of Osijek (5 measures) and the Tourist Board of the City of Koprivnica (5 measures). The Croatian Science Foundation has initiated an administrative dispute over the record of the monitoring that was carried out. Compared to the measures imposed during the monitoring in 2015, approximately 90% of the measures were taken.

We also conducted 21 indirect inspectional monitorings, involving 13 LRGs and 8 legal entities with public authorities i.e. institutions.

Petitions

In 2016, beneficiaries submitted a total of 324 petitions notifying violations to the Act, which is 50% more than in the previous year. We processed 427 cases according to the petitions (103 from the previous period), and resolved 237 of them (55.5%). Citizens frequently give notification of the failure to grant requests or the lack of disclosure of certain types of information.

Sanctions

In 2016 we decided to issue notifications of misdemeanour proceedings in 13 cases of blatant violations of the Act regarding 9 public authorities, including 7 LRGs, one association and one chamber. We also submitted 6 bills of indictment – against the mayor of the Municipality of Baška Voda (2 motions), the mayor of the Municipality of Tisno, the mayor of the City of Obrovac, the president of the Croatian Chamber of Physiotherapists and the president of the Croatian Football Association.

In 2016, a total of 3 misdemeanour court decisions were received, two of which related to indictments from 2015 and one from 2014. In only one case the perpetrator was found guilty and was given a monetary fine. In three additional cases of decisions made by the High Misdemeanour Court, the charges were dropped due to statutory limitations in 2013 after the defendants' complaints.

Expert-analytical monitoring

This year, we continued to monitor compliance with the provisions on proactive disclosure (Article 10), public consultations (Article 11) and ensuring the publicity of the work of public authorities (Article 12), specifically for certain groups of public authorities in which particular challenges in implementing the Act were perceived or for which there is a significant public interest. Following the five analytical studies conducted in 2015, six studies were developed during 2016. Four analytical studies pertain to monitoring the implementation of the above-mentioned articles in whole or in part by 904 public authorities, including central government bodies, local self-government units in the Krapina-Zagorje County, majority state or/and LRG's owned and judicial bodies. In addition, analytical studies have been developed for the monitoring of the implementation of public consultations on laws and by-laws passed during 2016, as well as a separate analytical study of the monitoring of laws and by-laws in certain administrative areas, with the aim of identifying databases and registers for re-use.

Promotion and cooperation

➔ One of the key segments of the Commissioner's activity in informing and ensuring the implementation of the Act is to promote the right of access to information and the re-use of information, primarily through the intensive implementation of educational activities, the organization of and participation in public events, and by informing via the media and the internet.

Trainings and promotions

In 2016, we promoted the right of access to information, public consultations and the re-use of information through 38 trainings, 8 of which were online trainings (in cooperation with the Central State Office for the Development of the Digital Society) in which a total of 1,020 people participated, including 945 information officers and other persons from public authorities, and 75 journalists, association representatives and citizens. Along the traditional training on access to information and the suppression of corruption (in cooperation with the Ministry of Justice), within the Institute of Public Administration, we have initiated educational modules on public consultations (in cooperation with the Office for Associations) and the re-use of information (in cooperation with the Ministry of Public Administration). The tailored trainings, mostly for LRGs, were held in Gospić, Zadar, Varaždin and Koprivnica.

We participated in a total of 30 public events, where we organized or co-organized 6 – three forums and workshops on open data, a six-day Open Youth Academy, a conference marking 28 September – International Know Your Rights Day, and we presented publications on public consultations.



Progress in the implementation

28 inspectional monitorings were carried out, 40% more than in 2015.



Learn more

Analytical monitorings are available at www.pristupinfo.hr in the Documents and Publications section



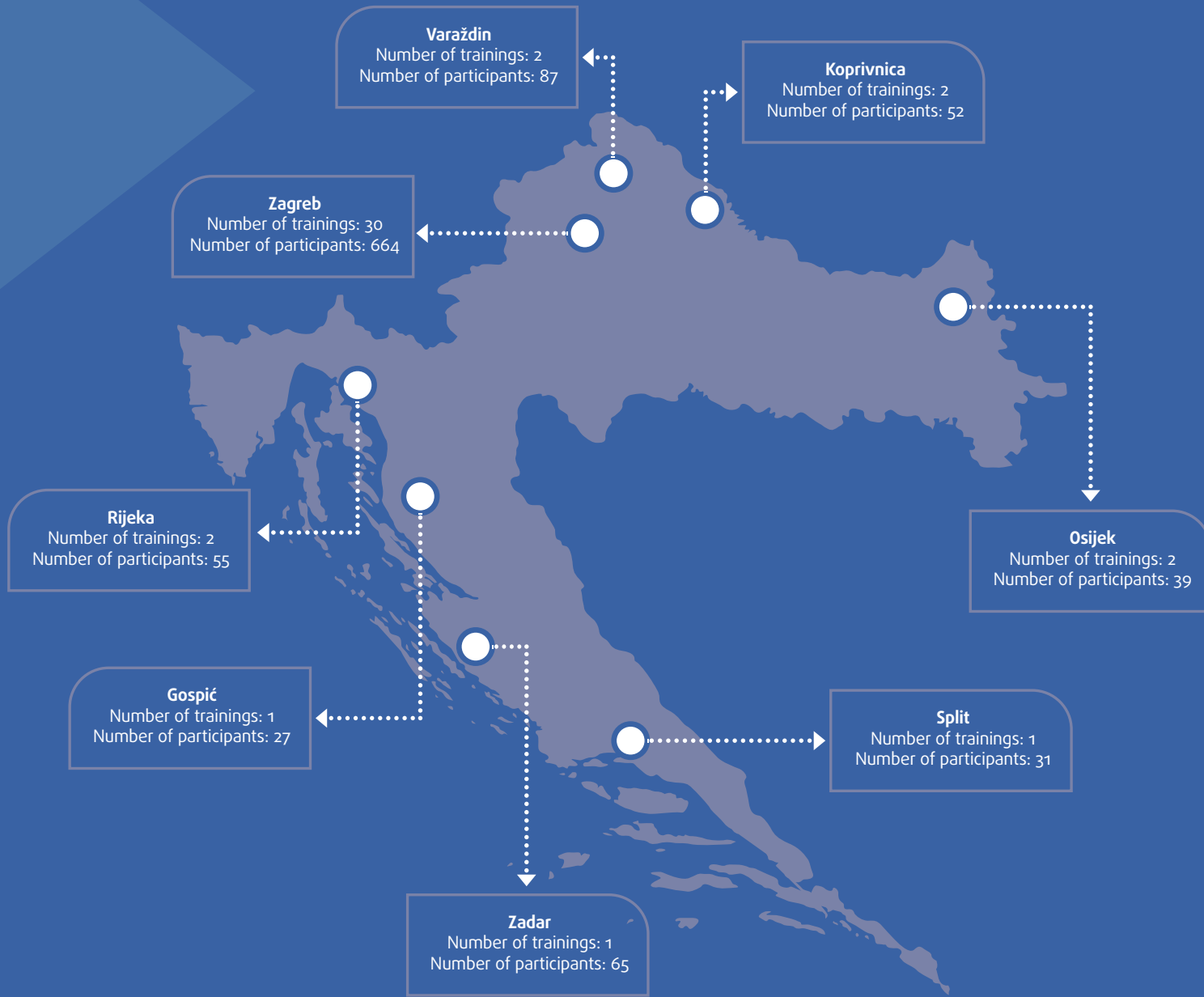
Did you know?

Citizens submitted 324 or 50% more claims than in previous years (211)



The next steps...

Monitoring the implementation of the Act in local units



Varaždin
Number of trainings: 2
Number of participants: 87

Koprivnica
Number of trainings: 2
Number of participants: 52

Zagreb
Number of trainings: 30
Number of participants: 664

Rijeka
Number of trainings: 2
Number of participants: 55

Osijek
Number of trainings: 2
Number of participants: 39

Gospić
Number of trainings: 1
Number of participants: 27

Split
Number of trainings: 1
Number of participants: 31

Zadar
Number of trainings: 1
Number of participants: 65

Publications and materials

In order to provide public authorities with assistance in implementing the Act and give beneficiaries the necessary tools to exercise their rights, we have published three manuals and two pamphlets which are available on our website. The manual “The Application of the Act on the Right of Access to Information: A Manual for Information Officers in Public Authority Bodies” significantly contributes to strengthening public authorities’ capacity to implement the Act on the Right of Access to Information, while the “Guidebook for Beneficiaries of the Act on the Right of Access to Information: Know Your Right” informs beneficiaries of the nature of this right as well as the procedure whereby beneficiaries can exercise their right of access to information, along with the relevant pamphlet. Also, as a contribution to standardizing the application of the legal obligation of implementing public consultations at the local level, we published the “Manual for the Implementation of Public Consultation for Local and Regional Self-Government Units”.

The Internet and applications

Along with the establishment of the List of Public Bodies, which is the first complete list of all public authorities in the Republic of Croatia, one of the most important steps was to publish a searchable database of our decisions and opinions, complemented by the decisions of the High Administrative Court, which is in function since September 2016 on tom.pristupinfo.hr. By the end of the year, TOM contained over six hundred decisions and opinions as well as references to the decisions of the Constitutional Court and of European courts.

Our website www.pristupinfo.hr continues to be the most useful tool for communicating with public bodies, beneficiaries and the media, and in 2016 it was visited 195,852 times, by slightly less than 31,000 users. Since September, the English version of the site has also been available. In addition, as a new channel for informing bodies and beneficiaries, we have launched a two-month internet newsletter through which important news, announcements and notifications is passed along to the current 173 subscribers to this type of information.

Inter-institutional and international cooperation and normative activities

In 2016, we continued to cooperate with the relevant state bodies and state administration bodies.

We participated in the work of the Ministry of Public Administration’s working groups for the elaboration of subordinate regulations whose adoption derives from the ARAI on the registering of exclusive rights and on the permission for the re-use of information, as well as in the working group for the Implementation of Directive (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (EU/2016/943), which should draft a Business Secrets Act.

Our collaboration with other bodies, among others, has also resulted in reporting on and implementation of the Open Government Partnership Action Plan 2014-2016, the National Program for the Protection and Promotion of Human Rights for the Period of 2013 to 2016, the Action Plan for 2015-2016 with the Strategy for Combating Corruption for the Period from 2015 to 2020, the implementation of the Action Plan for Strategy for the Development of Public Administration 2015-2020 for the 2017-2020 period, as well as the creation of the IV National Report on the Implementation of the Aarhus Convention and the II National Report on the Implementation of the PRTR Protocol.

We were involved in public consultations in the process of drafting the Proposal Plan for the Management of Property Owned by the Republic of Croatia for 2017, and pointed out the need to comply with the Act in such a way that the Central Registry of State Property be published in a machine readable and open form, in accordance with open standards. Our comment was acknowledged.

For the purpose of standardizing procedure in accordance with the Act on the Right of Access to Information, we have given public authorities the following guidelines:

- on transparency clauses in business lease agreements;
- on access to information in implementation procedures for public tenders for employment and election and appointment procedures through open tenders in public authority bodies;
- on majority state-owned companies, local and regional entities publishing annual business reports;
- on the implementation of public consultations;
- on the proactive disclosure of information.

We also collaborated with a number of associations on the implementation of specific activities from action and strategic plans.

International cooperation

The Information Commissioner's international co-operation is achieved through multilateral European and other types of groups and bilateral relations with bodies responsible for access to information in other countries.

In 2016, we participated in five international conferences, presenting Croatia's experience in the implementation of the Act on the Right of Access to Information, and we collaborated through working groups and networks, for example:

- in the work of the European Commission's Public Sector Information Group (PSI), which is the European Commission's advisory body for the re-use of information; we regularly reported on the status of open data, upon the Commission's request;
- in the International Open Data Conference (5-7 October 2016) in Madrid and the Open Government Partnership (7-9 December 2016) in November in Paris
- we continued with our active participation in the network of commissioners and other institutions which is brought together by the Centre for Freedom of Information which is headquartered in Scotland, which was conducted in 2016 by Scottish Commissioner Rosemary Agnew
- we provided support to our colleagues from Albania through the OECD Sigma project "Support in the implementation of the Act on the Right of Access to Information in Albania", and we regularly cooperated with colleagues from Slovenia, Montenegro and Macedonia

Collaboration with international bodies and associations and bodies and associations from other countries was also accomplished through the maintenance of promotional activities and projects, especially through the continued cooperation with the British Embassy, the Konrad Adenauer Foundation and the French Institute.

7. About the Information Commissioner and the Office

In 2016, we issued a new Rules of Procedure and set up three services, with a total of 11 employees (9 women and 2 men), all university-educated. We also received help in our work from external associates and student volunteers. Accounting and IT affairs are carried out by external contractors.

We spent a total of 2.68 million of the budget funds, i.e. 91.63% of the anticipated 2.92 million, although due to external circumstances we could not start implementing the planned 600,000 HRK European Social Fund project, which we planned on co-financing in the prescribed amount of 15%. In addition, we spent 73,877.73 HRK in donations and aid money to fund project activities. We returned 244,929.84 HRK to the budget, and the remaining amount from donations will be invested in promotional activities in 2017.

The structure of our financial plan and its execution:

Information Commissioner 2016		Final plan 2016	Executed	% executed	Remaining
A874001	Administration and management	2.615.029,00	2.507.093,96	95,87	107.935,04
A874006	Promotion of the Right to Access Information	92.000,00	78.156,69	84,88	13.843,31
A874007	Strengthening public authorities' capacities	119.000,00	0,00	0,00	119.000,00
K874004	Computerization	100.000,00	95.949,51	95,95	4.050,49
Total		2.926.029,00	2.681.200,16	91,63	244.828,84
EU aid source 51		5.832,51	5.832,51	100,00	0,00
Other aid source 52		109.708,81	73.877,73	0,00	35.831,08
Total		3.041.570,32	2.760.910,40	90,77	

- We received a total of 2054 items, 23% more than in the previous year
- We created 4,349 outgoing acts, 37,45% more than in the previous year
- Beneficiaries filed 635 complaints, and we resolved 674 of them, which is 28.14% more resolved complaints than in the previous year
- We provided 37 statements of defence, 27.59% more than in the previous year, and received 35 decisions from administrative courts
- We filed 6 indictments and sent 13 notices of intent to initiate misdemeanour proceedings to be signed
- Beneficiaries submitted 324 applications, and we resolved them 237, which is 42.77% more than in the previous year

- We conducted 28 direct and 21 indirect inspectional supervisions, 133% more than in the previous year
- We answered 492 written queries, 18% more than in the previous year, as well as 414 inquiries via info-phone
- We created 6 analytical studies based the monitoring of the implementation of the Act, in which we were assisted by students and volunteers
- We issued and published 5 guidelines, i.e. directives which facilitate the implementation of the provisions of the ARAI
- Beneficiaries informed us 237 times that they were granted access to the requested information, which is 62.33% more than in 2015
- We published 3 publications and 2 promotional pamphlets
- We implemented three applications - a List of Public Authorities, a Decision and Opinion search engine and an internal Application for the Delivery of Annual Reports and the Monitoring of the Work of Public Authorities
- We continued to daily update the List of public authority bodies which contains data on 5,873 bodies
- We published 467 decisions, 138 opinions, 5 instructions and guidelines and 51 court decisions on the TOM Opinion and Decision Search Engine
- Beneficiaries and public authorities accessed the TOM Opinion and Decision Search Engine 2,438 times in the period from the end of September to December 2016
- In January 2016, we collected annual reports for 2015 from 4,539 public authorities, which is 76.41% of the total number, while in January 2016 we collected 4,759 reports from 5,873 bodies or 81.03%
- We created and submitted a Report on the Implementation of the Act on the Right to Access Information for 2015, which was accepted by the Croatian Parliament with 101 votes "for" and 1 abstention
- Within the framework of the implementation of the four strategic documents, we performed or have continuously executed 38 measures
- We conducted 38 trainings during which we educated 945 information officers and other public authority employees, as well as 75 journalists, association representatives and citizens
- We organized 6 promotional events and participated in 24 other promotional events in Croatia and abroad
- Our webpage www.pristupinfo.hr was visited 195,852 times
- We published a version of the website in English

- On the website we published 57 news items, averaging slightly more than one per week
- We launched a two-month internet newsletter that included 173 users
- We resolved 13 requests for access to information sent to us by citizens, and have not denied any of them
- We regularly responded to journalists' and the media's inquiries, with about 10 interviews and TV statements
- When performing supervisions, trainings and promotional activities, we went on 31 official trips for which 49 travel orders were issued
- In order to perform our tasks, we spent a total of 2,760,847.90 HRK, about 2.5% of which were donations
- The Information Officer was assisted by 11 civil servants in the Office

8. Status assessment and recommendations

During 2016, in accordance with the provisions of the Act, the obligations from strategic documents and her strategic and annual plan, the Information Commissioner protected, monitored and promoted the right of access to information and the re-use of information by deciding on complaints, by implementing inspectional monitorings and other forms of monitoring the implementation of the Act and by undertaking promotional activities.

The Information Commissioner's general assessment is that the state of transparency and openness of public authorities is gradually improving in the direction of strengthening the disclosure of information on the internet, including the implementation of public consultations, as well as in the quality of dealing with beneficiary's requests which is the result of public authorities' better ability to implement the Act and their greater awareness of the importance of transparent and open work. Given the intense monitoring and promotion activities, with regular security procedures in accordance with complaints and petitions, public authorities are becoming more aware of their obligations and skilful in implementing the Act. However, the overall level of transparency and openness is still unsatisfactory. Significant discrepancies have been noted at the local and regional government level, in the work of legal entities with public authority and of majority owned public companies, although among them there are examples of good practice in implementing the Act. At all levels and in all groups of bodies oversights in publishing information via websites were perceived, as were irregularities in dealing with citizens' requests, especially with respect to deadlines and the manner of decision-making, as evidenced by the fact that in four-fifths of the cases the public authorities gave unlawful or improper decisions. However, the most critical elements of the implementation of the Act, despite an evident improvement over previous years, are related to the inadequate involvement of the public in the decision-making process through public consultations, especially at the local level and on the behalf of institutions and other legal entities with public authority, as well as the lack of knowledge of obligations related to enabling the re-use of information (open data) And thus the implementation of the part of the Act which is in accordance with the European acquis.

Efforts must therefore primarily be directed at continuing the strengthening of public authorities' capacities at all levels for the implementation of the Act, including the adoption of transparency and openness in everyday work and procedures and the development of knowledge and skills in order to effectually act upon requests, particularly in encouraging the proactive disclosure of information, public consultations and the re-use of information. For this, it is necessary to continue strengthening the Information Commissioner's capacity to perform her functions of protecting, monitoring and promoting. The second improvement direction of the implementation of the Act is the need to sensitize and develop the public awareness of citizens, associations, the media, the academic community and the private sector in regards to the importance of active inclusion in the processes of public decision-making and of an active search for information, as well as the ways in which they can exercise their rights, including an awareness of the existence of the Information Commissioner as an independent institution acting as a protector of citizens in relation to public authorities.

Here are some of the most significant problems in the implementation of the Act, detailed in the Report:

- nearly 1,000 public authorities do not have their own website, nor publish the necessary information on the pages of the bodies that have established them or transferred them to public authorities, and there are fewer information officers that can attend to the implementation of the Act in public authority bodies;

- although there was an estimated at 5-10% increase in proactive disclosure, often left undisclosed is information related to the financing and distribution of financial resources, including donations and sponsorships or other non-refundable funds, conclusions from official sessions and documents that must be published by bodies that are obligated to conduct public consultations;
- at all levels and in all groups of bodies irregularities were noted in dealing with citizens' requests, especially in respect to deadlines and the manner of decision-making, as evidenced by the fact that in four-fifths of the cases public authorities gave unlawful or improper decisions, or 4,92 decisions unlawful for every legitimate one;
- although the situation is 4% better than in 2015, citizens' requests for access to information being ignored remains alarming, given that two thirds of the complaints to the Commissioner are tied to this reason;
- the Republic of Croatia has progressed on the European Union's open data scale and is ranked 14th, but there is still a low level of awareness among public authorities and beneficiaries on the possibility of re-use of information, in particular due to the lack of an open data policy and partly due to bodies' weak capacities;
- despite a positive shift in the sense that there was an approximately 30% increase in the number of consultations, there is still an unsatisfactory amount of consultations being conducted i.e. it is estimated that for two-thirds of regulations, acts and documents consultations through which citizens and legal persons are engaged in decision making are not conducted, or their duration is not conducive to inclusion;
- the floor is open for strengthening the legal framework for the realization of citizens' constitutionally-guaranteed right of access to information and to the re-use of information as regulated by EU regulations, both in terms of access to international documents and in amending obsolete regulations i.e. in taking into account this right and obligation from the European acquis when adopting new regulations.

Taking this into consideration, we have made proposals and recommendations for several measures in order to address the shortcomings and irregularities detailed in the Report:

- 1** All public bodies must have a website on which, in a timely fashion, it will publish all prescribed information and documents, in an easily searchable manner and in machine-readable form, and will deliver official documents to the Central Catalogue of Official Documents, in order to be permanently available to future generations.
- 2** Within public authority bodies it is necessary to ensure an effective cooperation between Information Officers and other organizational units, especially the people in charge of online contents, and a regular analysis of websites is recommended in order for them to comply with the Act.

- 3** Public authorities, especially the authorities and representative bodies of local and regional units, must enable the public to participate in sessions, in accordance with the Act, must harmonize acts with the provisions of the Act, and must publish the daily order of sessions, as well as the conclusions and official documents adopted during the sessions.
- 4** In acting in accordance with the requirements, public authorities must comply with the provisions of the Act on the Right of Access to Information and the General Administrative Procedure Act and align the organization of work within the public authority body in order for access to information to be available in the fastest, most effective and most lawful way possible. It is necessary to provide promptness in decision-making, cooperation between organizational units in the delivery of information, and the implementation of Proportionality and Public Interest Tests, as well as continuity by avoiding frequent changes of officers, who must continuously undergo trainings. Also, it is necessary for leaders and other employees to be internally familiarized with their obligations towards the Act on the Right of Access to Information, given that it is resistance on the behalf of those that are in other parts but especially at the top or organizations that make it difficult for citizens to exercise their rights.
- 5** Denying an application for access to information due to an abuse of rights should be exercised cautiously, bearing in mind that the right of access to information is a constitutional right for beneficiaries. In handling requests for access to information public authorities must be guided by the fact that information on the availability of public funds is information that is available to the public, unless it is classified information, and the rest of the information is subject to the application of the Proportionality and Public Interest Test.
- 6** In complaints, as well as in other procedures conducted in accordance with the Act on the Right of Access to Information public authorities must cooperate with the Commissioner and duly provide all the documentation, in order to avoid the procedure being unnecessarily delayed.
- 7** The implementation of Proportionality and Public Interest Test requires a significant effort on the behalf of public authorities, including forming a working group and a detailed explanation of the reasons for a public announcement or denial thereof.
- 8** Public authorities must inform the public of databases and registers from their jurisdiction, and, whenever it is legally justified, publish data in a re-usable form; when creating information, the possibility of creating information that is in a form considered to be reusable must be taken into consideration; their open data must be linked to the Open Data Portal or to local portals. It is recommended that counties and/or major cities establish their own open data portals in order to make the information they possess more accessible to their citizens and economy.

- 9** It was suggested to the Government of the Republic of Croatia to adopt a comprehensive and long-term open data policy, in accordance with good European practice and standards, and that will effectively stimulate and insure the opening of data and sensitize beneficiaries, especially entrepreneurs, to use data for the purpose of developing new products and opening employment positions. It is also recommended that local and regional self-government units adopt their own policies (for example, within their associations, at the county level or independently), in order to encourage development and openness in local communities.
- 10** Public authorities are asked to publish the data identified as a priority by the Information Commissioner in cooperation with other bodies based on monitorings, beneficiaries' suggestions, petitions and complaints, such as registers and lists of state and local assets, concession registers, lists and registers of concluded contracts, financial data (budget, execution), subsidies and donations, projects and programmes in individual sectors or local units, information related to public transport, the environment, the management of natural resources, waste, the economy and entrepreneurship as well as local institutions.
- 11** Public authorities must pay particular attention to the quality of data, especially in equipping the data with the appropriate licenses, in accordance with the Regulations which in the process of adoption, metadata and appropriate formats, as well as in the charging of costs which should be guided by the principle of collection of marginal costs in accordance with the Criteria, i.e. in charging higher costs only in statutory cases. The granting of exclusive rights is only exceptionally possible, in cases prescribed by the Act.
- 12** In terms of public consultations, it is suggested that public authorities include 30 days for the implementation of consultations within their normative activities as well as process opinions and suggestions and prepare reports. Public consultations must be part of the regular process of the adoption of regulations, acts and documents, which contributes to the quality of regulations and restores trust between public authorities and beneficiaries. It should also be part of regular annual planning and given in consultation plans.
- 13** When conducting consultations, in accordance with good practice, the international standard and the Open Government Partnership Action, it is also necessary to publish information on the composition of the working groups which participated in preparing the draft of a law, other regulation or act (decision or list of members).
- 14** For the purpose of encouraging the implementation of public consultations and the realization of the democratic process, it is recommended that the Croatian Parliament and the Government of the Republic of Croatia, especially their professional services and offices participating in the process of adopting regulations, encourage and monitor the implementation of the provisions of the Rules of Procedure of the Croatian Parliament and the Rules of Procedure of the Government of the

Republic of Croatia, and which require that the proponent submit a proposal of the regulation or the act and a report on the conducted consultation.

- 15** Because of discrepancies between the Act and the Government's Codex, it is proposed that the Government of the Republic of Croatia either put the existing Codex into force or adopt a new one that will comply with legal provisions (on deadlines, consultation plans, reports on the conducted consultations, portals) and implement the good practices of public consultations which have been developed since the adoption of the last Codex.
- 16** It is proposed that the Government of the Republic of Croatia ensure the technical advancement of the e-counselling portal, especially since an increase in the use of the portal in the future is expected, particularly in regards to the obligation to publish reports on the conducted consultations which provide a substantive quality to consultations and provides bodies and participants with the opportunity to get insight into the results of their participation.
- 17** It is recommended that local and regional self-government units in particular include provisions on public consultations to its statutes and rules of procedure for the work of councils and the assemblies as well as introduce a good participatory budgeting practice in relation to their budget planning in which their decision on the part of funds dedicated to individual needs will be brought according to citizens' proposals on funding priorities.
- 18** All public authorities must actively encourage citizen involvement in the consultation process, primarily through the implementation of other forms of consultation (public hearings, email notifications of drafts of regulations, etc.) and adequate information on the implementation of consultations on their website. Local and regional self-government units, especially counties or major cities, are recommended to establish local public consultation portals which would ensure the timely informing and involving of the public in the adoption of general acts and strategic and planning documents.
- 19** All public authorities are obliged to appoint an information officer as well as inform the Commissioner and the public the officer's details and ways they will create access to information and to the re-use of information. It is the responsibility of the head of the public authorities to ensure the smooth and full implementation of the Civil Obligations Act.
- 20** Public authorities are obliged to keep a Register on Requests for Access to and Re-Use of Information, in accordance with the Ordinance on the Organization, Content and Manner of Keeping the Official Register (OG 83/14).
- 21** All public authorities are required to submit an annual report to the Information Commissioner, minding the quality of the submitted data. It is recommended that bodies publish a report on their website in a machine-readable form that enables the application for the delivery of annual reports and that its contents be debated during its working bodies and sessions, and that this data be included in their annual work reports.

- 22** All public authorities are invited to use the Pristupinfo.hr application on the Information Commissioner's website, for the purpose of the delivery or modification of data on the body and the information officer, as well as for submitting annual reports.
- 23** It is recommended that public authorities use the Questionnaire for the Self-Assessment of the Compliance of Procedures with the Act and draw up an action plan with activities for the purpose of strengthening transparency and openness, and also that they regularly consult the Commissioner's Decision and Opinion Search Engine for the sake of getting familiar with good practice.
- 24** It is suggested that the President of the Republic of Croatia i.e. the Government of the Republic of Croatia initiate the process of adhering to the Council of Europe Convention on Access to Official Documents.
- 25** It is suggested that the President of the Republic of Croatia i.e. the Government of the Republic of Croatia initiate the process of adhering to Protocol no. 207 in line with the Council of Europe's European Charter on Local Self-Government on the right to participate in local government affairs.
- 26** It is recommended that the Government of the Republic of Croatia propose amendments to the regulation in a way that allows for monetary fines to be imposed on public authorities that violate the Act on the Right of Access to Information.
- 27** The competent authorities are called to fulfil their obligations under the strategic documents and adequately improve and amend the Media Act which in Article 6 determines the availability of information to journalists as well as the Privacy Act which will, among other things, strengthen the supervisory mechanisms regarding classified information, as well as to take into account the possible impact on citizens' rights to information when adopting regulations i.e. the obligation and the possibility of re-use of information, and request the Commissioner's opinion. This particularly applies to the arrangement of registers and databases whose access method, when adopting a special regulation, must be regulated in such a way as to realize the right of citizens and the re-use of information In accordance with the Act, as well as to the application of the new Directive 2016/2012/EU which establishes the standards of accessibility of public authorities' websites, in a manner that combats discrimination.
- 28** The competent authorities – the Croatian Parliament and the Government of the Republic of Croatia – are invited to continue strengthening the Information Commissioner's capacities as well as that of other bodies involved in the implementation of the Act on the Right of Access to Information.

INFORMATION COMMISSIONER 2016 OVERVIEW IN NUMBERS

5.873

Number of public authorities (February 2017)

4.759
or **81.03%**

Public bodies that sent a report

5.019

Number of Information Officers (February 2017)

635

Number of complaints in 2016

384
or **60.50%**

Complaints due to administrative silence

106%

Case clearance rate in 2016

68%

Percentage of citizen plaintiffs

1:4

Legal: illegal decisions by bodies

56.076,72 HRK

Total of actual material costs

324

Number of filed petitions

49

Number of inspectional monitorings

270

Measures imposed on Public authorities

34:5

Complaints against the Commissioner's decision and annulled decisions

6

Submitted bills of indictment

492

Number of written responses to requests

414

Number of responses via info-phone

38

Number of trainings

945

Number of officials trained

75

Number of trained journalists, association representatives and citizens

6

Number of organized events

24

Number of public events we participated in

467 + 138

Number of decisions and opinions in TOM

195.852

Number of visits to the website

57

Number of published news items

2.054

Number of cases in progress

36

Number of implemented measures from strategic documents

3 + 2

Rules of procedure + pamphlet

5

Procedure guidelines

1 + 11

Number of state officials and officials in 2016

2,68 mil. HRK

Budget money spent in 2016

73.877,73 HRK

Donation money spent

0 + 1

Number of cars + number of official mobile phones



www.pristupinfo.hr

Information Commissioner
Summary on the Report of the Implementation of the Act on the Right of Access to Information for 2016
Zagreb, March 2017

Legal entity

Article 60, paragraph 3 of the Act on the Right of Access to Information (OG 25/13, 85/15)

Article 214 of the Rules of Procedure of the Croatian Parliament (OG 81/13)