

10. STATISTICAL DATA

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10.1. Total data¹

Total data on final responses show that upon 38% of requests access to information was allowed, in 13% they do not have the information, in 11% claim not to have the authority, 4% are exemptions, in 4.5% information was not given because the request implied composing the information, in 3% cases access was not allowed, while in as many as 21% cases the institutions ignored the applications at all levels.

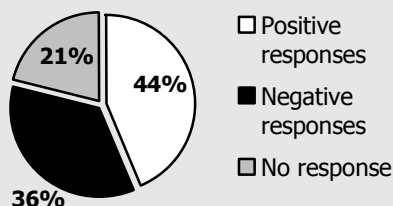
Although out of the total number of requests for information, only in 4% of the cases public institutions referred to exceptions and restricted access to information, it is interesting that 98% of such responses fall within the first three months of the Law application, and in 90% cases when the governmental agencies invoked the exceptions, they responded early in the procedure.

In the second stage of the law application, after the first complaints have been filed, governmental agencies mostly did not refer to exceptions, but tried in other ways to avoid publishing the information².

In about 3% of the cases government agencies did not allow access to information without referring to the exceptions stipulated by the Law on Free Access to Information, by refusing to publish it or referring to other acts regulating access to a certain type of information thus limiting the right to access information.

In most of the cases (63%) government agencies do not observe the 8-day deadline stipulated by the Law for delivery of the response to request for information, while in the case of responses on appeals the percentage of those arriving within the statutory timeframe is somewhat higher (49%).

Overall, positive responses came for 44% of requests, negative for 36%³, while in 21% of the cases no response was given.



A high percentage of the silence of the administration and a substantial share of negative responses to requests for information are clear indicators of the level of application of the Law on Free Access to Information in Montenegro.

Response	# of responses	% of responses
Allowed	386	38%
Partially	14	1.5%
Already published	42	4%
Not competent	109	11%
No information	129	13%
Refused - compilation	44	4.5%
Restricted - exceptions	40	4%
Not allowed	28	3%
Silence of the admin.	208	21%

¹ The data in the publication refer to the first 1000 requests.

² More detailed information in other chapters.

³ Positive responses: allowed, partially allowed and already published, negative: not competent, no information, refused because the request implies compiling new information, restricted – an exception, not allowed without invoking the exceptions.

10.2. Data by stages of the procedure

Upon request for information, 24% of institutions allowed access to information, while as many as 9% of the authorities declared that they do not have the competence, and most of them just ignored the requests (45% of the silence of the administration).

Although just a few agencies asked for the correction of the request, the structure of responses shows that after the submission of a correction in somewhat over half of the cases access to information was allowed (57%), while in 17% of the response was they did not possess the information requested, although there is a high percentage of the silence of administration (19%).

Upon the repeated request, most agencies continue to ignore the applications (39% silence of the administration), while on the other hand, access to information is allowed in 29% cases.

In 16% cases only the second instance body allowed access to information upon appeal, while in as many as 19% they relinquished jurisdiction, and no response ever arrived for 53% of appeals.

It is similar the case with repeated appeals; in only 14% of cases access was allowed, 17% were dismissed because the second instance body was of the opinion the request referred to compilation of new information, and 66% of repeated appeals were not responded to.

Response / procedure	Request		Correction of the request		Repeated request		Appeal		Repeated appeal	
	No	%	No	%	No	%	No	%	No	%
Allowed	243	24%	24	57%	77	29%	34	16%	17	14%
Partially	15	2%	-	0%	1	0%	-	0%	-	0%
Correction of the request	33	3%	-	0%	14	5%	1	0%	2	2%
Already published	25	3%	1	2%	16	6%	-	0%	-	0%
Not competent	91	9%	-	0%	15	6%	3	1%	-	0%
No information	59	6%	7	17%	26	10%	41	19%	1	1%
Refused – compilation	17	2%	-	0%	2	1%	6	3%	21	17%
Restricted – exception	36	4%	-	0%	4	2%	3	1%	-	0%
Not allowed	31	3%	2	5%	7	3%	13	6%	1	1%
Silence of administration	450	45%	8	19%	102	39%	114	53%	81	66%
Total	1000		42		264		215		123	

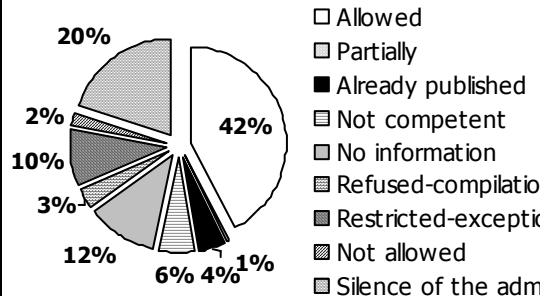
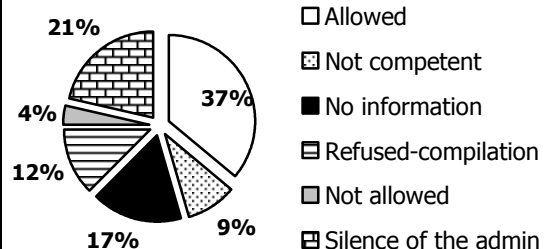
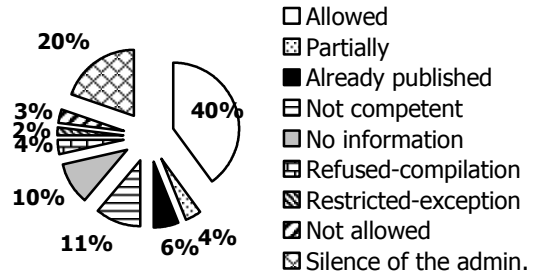
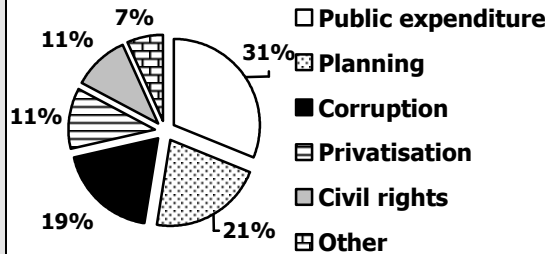
10.3. Data per sectors

The charts show the data by **sectors** to which the requests for information referred. The largest number of requests (31%) referred to public expenditures, 21% to planning, 19% to corruption, 11% to privatisation, 11% to civil rights and 7% to other fields.

As for **public expenditures**, 40% of requests were responded to, 4% partially, while in 6% of the cases the information requested was already published, or altogether 50% positive responses. In 11% cases the authorities claimed not to have competence, and 10% not to possess the information, while 4% was refused since the request referred to compilation of information. In 2% of the cases access to information was restricted referring to exceptions, while in 3% of the cases access was denied without invoking the exceptions. Some 20% of requests went without response.

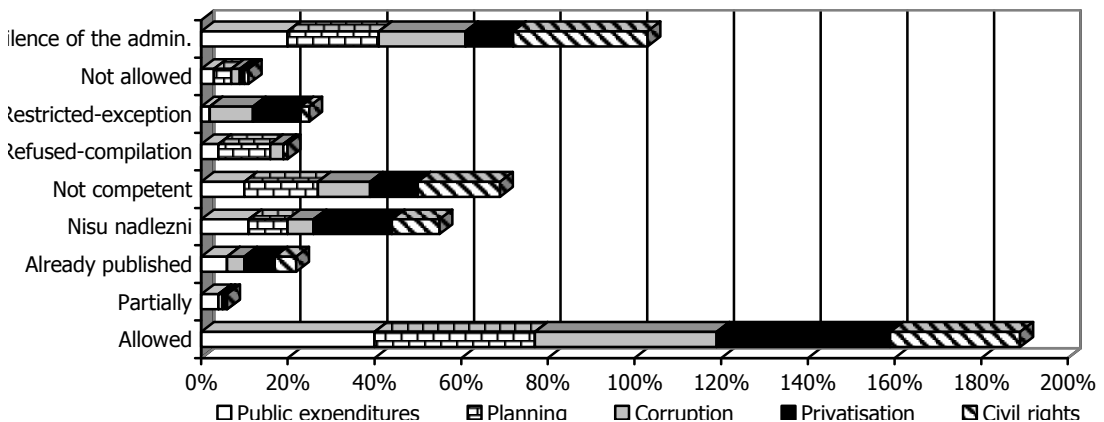
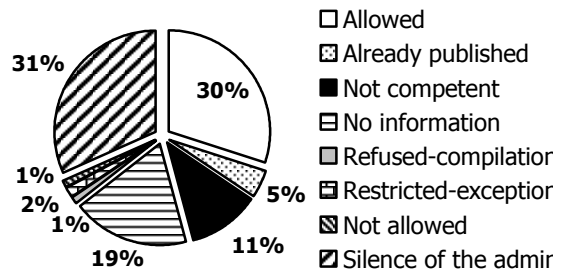
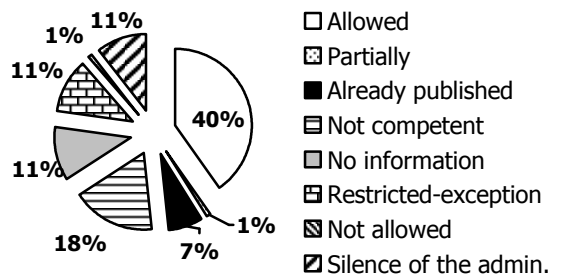
Regarding **planning**, access was allowed in 37% of the cases, for 9% the authorities claimed not to have the competence, for 17% they claimed not to possess the requested information, 12% were refused since it involved compilation of the information, while in 4% of the cases access to information was not allowed without referring to the exceptions envisaged by the Law. One fifth of all requests remained without any response.

As for requests for information regarding fight against **corruption**, 42% were responded to, 1% only partially, while in 4% the information was already published. In 6% institutions claimed not to have the competence, and in 12% not to have the information. Some 3% of the requests were refused since they involved compilation of information, 10% was restricted pursuant to exceptions stipulated by the law, in 2% access was not allowed, without explanation, and one fifth was without response.



In the field of **privatisation**, 40% of the requests were responded to, in 1% the response was partial, and in 7% the information was already published. Government agencies claimed not to be competent in 18% of the cases, and not to have the information in 11%. Access to information was restricted in 11% of the cases, while in 1% it was not allowed without explanation. For 11% of the requests response never came.

For **civil rights**, 30% of the requests were responded to, while in 5% of the cases the information was already published. In 11% of the cases authorities claimed not to have the competence, and in 19% that the information was not filed with them. Just 1% of the requests were refused because they implied compilation of the information, 2% as exceptions, and 1% without an explanation. Almost one third remained without a response.



The lowest percentage of information was allowed access to in the field of **civil rights**, and that is the field with the largest number of **partial responses**.

In the field of **privatisation**, the requests were **most frequently** refused as **already published** and here the government agency most often claimed **non-competence**. The largest share of requests refused because the authority **does not** possess the required information referred to **planning and civil rights**. The largest share of requests which were refused due to the need to **compile information** was in the field of **planning**.

The largest number of requests which were refused referring to **exceptions** was in the field of **privatisation and corruption**, and **restricted access** without the legal grounds is most frequent in **planning**.

The silence of the administration is **most frequent** in the field of **civil rights**, and the **lowest in privatisation**.