

3. FORMAT IN WHICH THE RESPONSES TO REQUESTS ARE SUBMITTED

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Responses to requests for access to information must be exclusively in the form of decision whose content is precisely prescribed by the Law on General Administrative Procedure.

At the beginning of implementation of the Law on Free Access to Information, many institutions failed to submit responses in the prescribed format.

After a number of complaints and appeals with the explanation of procedure violation, as well as verdicts of the Administrative Court, institutions evidently built capacities to submit responses in the format prescribed by the law.

Law on Free Access to Information, Article 18, paragraphs 1 and 2

A public authority body shall pass a decision on the request for access to information.

Decision by which access to information or a part of it is allowed determines the manner and the time limit for access to information and the cost of procedure.

Law on General Administrative Procedure, Article 200, paragraphs 1 and 3

Each decision shall have a reference number as such. In particular cases, special regulations may determine that decisions may be given another title.

Written decision shall contain: introduction, disposition (statement), exposition, instruction on legal remedy, authority's title and number and date of the decision, authorized person's signature and authority's stamp. If the decision is issued in electronic form it shall have an encrypted electronic signature. In certain cases defined by the law or other regulations the decision shall not contain some of those items. If the decision is processed mechanically, it shall contain facsimile instead of signature and stamp.

Case study 3: Parliament of the Republic of Montenegro

MANS asked from the Parliament of the Republic of Montenegro a copy of the decision on adaptation of the Parliament premises, of tender documents based on which the contractor for the work of adaptation of the Parliament premises was chosen; of the contract between the contractor for adaptation as well as the decision by which the official notes are temporarily kept on another location due to adaptation of the Parliament premises.

Through an enactment of the Parliament from March 3 2006 the request for information was rejected, with the explanation that the requested documents are not held by that institution.

The mentioned enactment does not include an introduction, a statement nor an instruction on the legal remedy.

3. Format in which the responses to requests are submitted

Republika Crna Gora
S K U P Š T I N A
SU-KGS br. 30/06
3. marta 2006. godine
P o d g o r i c a

BROJ. 06/213-D16 odgovor
PODGORICA, 06-03-2006.

Mreža za afirmaciju nevladinog sektora - MANS

Podgorica
Zgrada Čelebić II/9
Stari Aerodrom

Vašim dopisom od 21. februara 2006. godine, bez broja, tražili ste da vam dostavimo kopiju Odluke o adaptaciji prostorija Skupštine koja je u toku, kopiju tenderske dokumentacije, na osnovu koje je izabran izvođač radova i kopiju ugovora između izvođača radova na adaptaciji skupštinskih prostorija.

S tim u vezi dostavljam vam odgovor,

Skupština Republike Crne Gore, ne može vam dostaviti traženu dokumentaciju, iz razloga što se kompletna dokumentacija i informacije koje vi tražite nalaze kod Evropske Agencije za rekonstrukciju i razvoj, pošto je Evropska Agencija u vidu pomoći odnosno donacije taj posao obavlja za Skupštinu Republike Crne Gore.

GENERALNI SEKRETAR
Mitar Radović

Enactment of the Parliament of the Republic of Montenegro from March 3 2006

After a complaint submitted to the Administrative Court **the enactment of the Parliament was annulled, for it was not submitted in the form of a decision.**

Verdict of the Administrative Court ordered passing of a decision on the request, in compliance with the Law on Free Access to Information.

Naime, odredbom člana 18. stav 1. Zakona o slobodnom pristupu informacijama ("Sl.list RCG", br. 68/05) propisano je da organ vlasti o zahtjevu za pristup informaciji odlučuje rješenjem.

U konkretnom slučaju povrijeđena je citirana zakonska odredba, budući da tuženi nije po podnijetom zahtjevu odlučio rješenjem.

„Namely, provision under Article 18, paragraph 1 of the Law on Free Access to Information (Official Gazett RoM, no 68/05) prescribes that the public authority body shall pass a decision on the request for free access to information.“

UPRAVNI SUD REPUBLIKE CRNE GORE
Podgorica, 21.07. 2006. godine

Zapisničar,
Marina Nedović,s,r.

PREDSJEDNIK VIJEĆA,
Vladimir Radulović,s,r.



Tačnost prepisa potvrđuje
Ovlašteni službenik suda
Ustav Republika

Verdict of the Administrative Court from July 21 2006

3. Format in which the responses to requests are submitted

After the verdict of the Administrative Court the Parliament passed a **new decision, which not only complies with the law with regard to its form, but also allows access to information.**

All the answers of the Parliament pertaining to requests for information were submitted in the prescribed form after this verdict of the Administrative Court.

Republika Crna Gora
S K U P Š T I N A
SU-GKS Broj 30/06
Podgorica, 1. avgusta 2006. godine

Na osnovu člana 18 stav 1 Zakona o slobodnom pristupu informacijama ("Službeni list RCG", br. 68/5), a u vezi sa zahtjevom NVO-MANS br. 06/213-216 od 1. februara 2006. godine, donosim

R J E Š E N J E

Dozvoljava se slobodan pristup informaciji iz zahtjeva mreže za afirmacije nevladinog sektora - MANS iz Podgorice, vršenjem uvida u spise predmeta SU-KGS. 30/06 o adaptaciji suterenskog prostora Skupštine Republike Crne Gore i prostorija Arhive gdje se privremeno čuvaju stenografske bilješke sa sjednice Skupštine Republike Crne Gore.

Uvid u dokumentaciju izvršiće se u Pisarnici Skupštine Republike Crne Gore, dana 11. septembra 2006. godine u vremenu od 11 sati i 30 minuta do 12 sati.

Odgovorni službenik za realizaciju ovog rješenja je šef Pisarnice Ljiljana Ivanović.

O b r a z l o ž e n j e

Podnosilac zahtjeva mreže za afirmaciju nevladinog sektora - MANS iz Podgorice, zatražio je uvid u spise predmeta SU-KGS 30/06 o adaptaciji suterenskog prostora Skupštine Republike Crne Gore i prostorija Arhive gdje se privremeno čuvaju stenografske bilješke sa sjednice Skupštine Republike Crne Gore.

U toku postupka utvrđeno je da Skupština Republike Crne Gore posjeduje traženu informaciju i da se ne radi o informaciji i dokumentu kojoj je pristup ograničen.

Pošto je u toku kolektivno korišćenja godišnjeg odmora počev od 2. avgusta 2006. godine kada se u Službi Skupštine uvodi samo neophodno dežurstvo i kada Služba Skupštine ne radi, osim u hitnim slučajevima Poslovníkom Skupštine Republike Crne Gore.

Na osnovu izloženog, a saglasno čl. 13 i 18 Zakona o slobodnom pristupu informacijama ("Službeni list RCG", br. 68/05) odlučeno je kao u dispozitivu rješenja.


GENERALNI SEKRETAR
Milan Radović

UPUSTVO O PRAVNOM SREDSTVU: Protiv ovog rješenja može se podnijeti tužba Upravnom sudu u roku od 30 dana od dana njegovog prijema.

Decision of the Assembly of RoM from August 1 2006