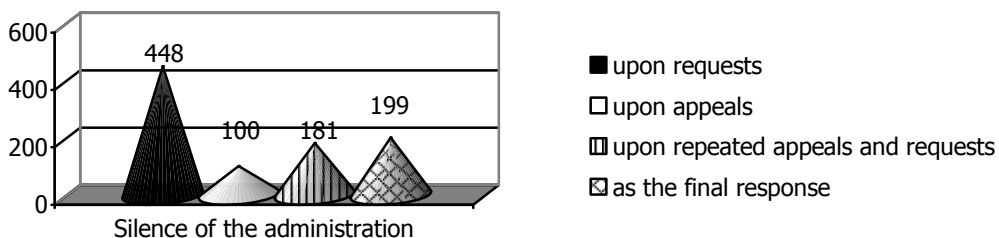


7. THE SILENCE OF THE ADMINISTRATION

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The silence of the administration essentially means ignoring the request for information and that is **the most common and the most obvious impediment** to free access to information.

The chart below shows the data on the number of applications to which the administration failed to respond in different stages of the procedure of access to information¹.



Name of the Institution	Total no of requests submitted	No of requests without response	% the silence of the administration compared to the total no of requests
Ministry of Labour and Social Welfare	40	36	90 %
Ministry of Transport and Maritime Affairs	22	12	60 %
Municipality of Budva	54	24	44 %
Municipality of Podgorica	120	43	36 %

The Law on Administrative Dispute, Article 18

(1) If the second instance body failed within 60 days or within a shorter period otherwise stipulated² to pass a decision upon an appeal of a party against the first instance decision, and fails to pass it in the further period of seven days upon the repeated request, the party may instigate an administrative dispute as if the appeal had been rejected.

(2) A party may proceed in the manner envisaged by paragraph 1 of this Article also when upon its request the first instance body did not make a decision against which there is no right of appeal envisaged.

(3) If the first instance body against whose decisions there is no right of appeal envisaged failed within 60 days or within a shorter period otherwise stipulated to pass a decision upon the request, the party shall have the right to submit a request to the second instance body. The party may instigate administrative dispute against the decision of the second instance body, and it may, under the conditions referred to in paragraph 1 of this Article, also instigate the administrative dispute if the body fails to pass the decision.

¹ The data refer to the first 1000 requests for information.

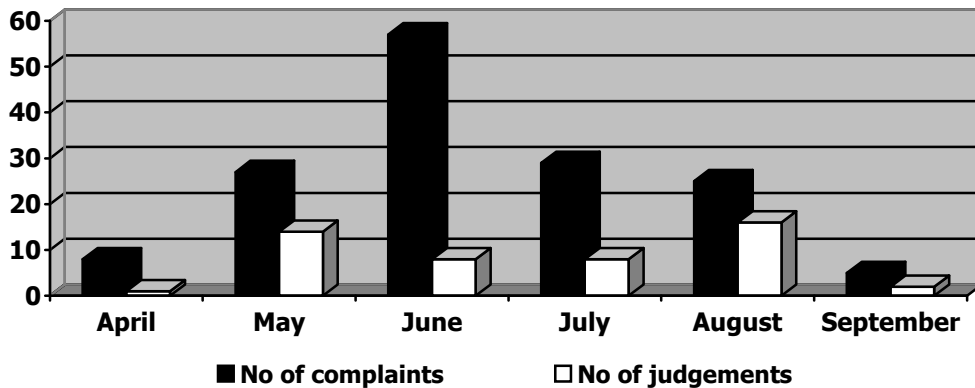
² The Law on Free Access to Information envisages a shorter deadline, just 8 days.

In the given period, on the grounds of the silence of the administration, MANS filed complaints with the Administrative Court pursuant to 151 requests, and the Court passed judgement only upon 49 of them or some 32 %.

Month when the complaint was lodged	No of complaints lodged	No of judgement against complaints
April 2006	8	1
May 2006	27	14
June 2006	57	8
July 2006	29	8
August 2006	25	16
September 2006	5	2
Total	151	49

Considering that the access to information procedure is highly complex and that several steps need to be taken before filing a complaint, in case of silence of the administration one has to wait long for access to information.

The chart below shows data on complaints filed due to the silence of the administration and judgements passed.



In most cases court proceedings instigated due to the silence of the administration take several months, which shows that **court protection of the right to free access to information is not efficient.**