

REPUBLIC OF CROATIA

CENTRAL STATE ADMINISTRATIVE OFFICE

REPORT OF THE CROATIAN
GOVERNMENT ON COMPLIANCE WITH THE
ACCESS TO INFORMATION ACT IN 2008

Zagreb, February 2009

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I. INTRODUCTORY REMARKS

1. Freedom of information, including the right to access to information in the possession of the public authorities, has long been acknowledged as a fundamental human right which is protected by the European Convention on Human Rights and Fundamental Freedoms, the Convention on Access to Information, international treaties and the provisions of the Constitution of the Republic of Croatia.

Pursuant to the ideas of rationalism, enlightenment, liberalism and constitutionalism where this pertains to fundamental rights and freedoms, in 1766 Andreas Chidenius, a clergyman and member of the Swedish parliament, initiated a procedure which for the first time was aimed at using the law governing freedom of the press and accessibility of public documents to regulate the right to access to public information. Henceforward this right began to be regulated in various ways. Among these documents, the Declaration of the Rights and Man and the Citizen ratified in France in 1789 is especially important. The Declaration stresses in particular that for public authority fulfil its role, each citizen is entitled to seek from any public official the disclosure of accounts on his/her administration and to be informed of the manner in which public finances are expended. Such provisions in the Declaration were of particular significance for the further legal formulation and institutionalization of fundamental civic freedoms and rights, among them the right to information of public interest, which in the foundations of the rule of law and constitutional democracy has been affirmed through the general principle of the “public’s right to know”.

In 1948, the UN adopted the Universal Declaration of Human Rights, which bound member states to incorporate the provisions of this Declaration into their constitutional and legal systems after ratification. The Declaration explicitly states that everyone is entitled to their own opinions and the expression thereof, including the freedom of people to adhere to these opinions without outside interference, and to receive and disseminate information and ideas using any media regardless of borders.

After Sweden adopted its access to information law in 1766, it was followed by Finland in 1919, while the more expansive regulation of this right in developed democracies only began in the second half of the twentieth century.

2. The Constitution of the Republic of Croatia guarantees the freedom of opinion and expression thereof. Freedom of expressing opinions encompasses in particular freedom of the press and other means of communication. Censorship is banned, although all persons are entitled to a correction or retraction insofar as their constitutionally and legally established rights are violated by a publicly-released information or allegations.

Given the great impact exerted by the right to free access to information and documents at the disposal of bodies of governmental authority on societal democratization, the general oversight of bodies of public authority and the elimination of corruption, at the end of 2003 the Croatian Parliament enacted the Access to Information Act (hereinafter: Act) which was published in the official journal of the Republic of Croatia, *Narodne novine*, no.: 172/03.

The Act regulates the right to access to information which is held, managed or overseen by bodies of public authority, stipulating the principles underlying the right to access to information, exceptions thereto and the procedures to exercise and protect the right to access to information.

The objective of the Act is to facilitate and ensure exercise of the right to access to information by natural and legal persons through the openness and public accessibility of public authorities and to allow citizens to successfully resolve requests and to obtain accurate and complete information at the disposal of these public authorities.

The right to access to information encompasses the right of authorized persons to seek and receive information, and the obligation of bodies of public authority to allow access to the requested information, and to release information when there is no particular request, i.e. when such release constitutes an obligation specified by law or another general regulation.

The Act stipulates that public authorities are central governmental bodies, the bodies of local and regional governments, legal persons vested with public authority and other persons to whom public authority has been conferred.

Determination of the term public authority shall be decisive in ascertaining whether a given instance is a legal person vested with public authority or a legal person to whom public authority has been conferred.

The concept of public authority is regulated by the State Administrative System Act. Only state administrative operations, meaning direct law enforcement, enactment of the instruments for their enforcement, conduct of administrative oversight and other expertise-based tasks are deemed operations of public authority.

The vital principal of publicity, free access to information, is prescribed by the Act such that all information held, managed or overseen by bodies of public authority must be accessible to interested individuals exercising the right to access to information. It therefore follows that the only limitations to the right to access to information are exceptions, and a clear requirement has been placed on exceptions such that any restriction must be grounded in the Act.

The Act stipulates that public authorities are obliged to grant access to information not only on the individual request of those authorized to seek such information but also to actively release information at their own initiative.

Oversight of compliance with Act shall be conducted by the Central State Administrative Office (hereinafter: Office).

The Act stipulates the obligation of all public authorities to submit reports to the Office on compliance with the Act based on the data contained in the information catalogue for the preceding year not later than 31 January, and the Office submits the consolidated report for the preceding year to the Croatian Government not later than 28 February. The Croatian Government is obliged to submit the report on compliance with the Act to the Croatian Parliament for approval not later than 31 March.

After it is endorsed, the Report is published in the official journal, *Narodne novine*.

3. In order to prepare the most complete and highest quality possible report, the Office has asked public authorities to submit detailed reports on compliance with the Act so that it can draft the consolidated report and submit the latter to the Croatian Government within the stipulated deadlines.

However, despite the obligations which ensue from the Act, the Office has forwarded three rush notices to local and regional governments for the delivery of their reports.

The following data were requested:

- 1) individual and consolidated (for natural and legal persons):
- the number of received access to information requests;
 - the number of resolved requests by 31 December 2008;
 - the number of unresolved requests by 31 December 2008 and the reasons why they were not resolved;
 - the number of requests resolved within the stipulated period (Article 12 of the Act) and the number of requests resolved after expiry of the deadline with the reasons for the failure to resolve them prior to the specified deadline;
 - the number of requests ceded (Article 13 of the Act) and requests for which the resolution deadline was extended (Article 14 of the Act);
 - the number of requests for which corrections or additional information was sought (Article 16 of the Act);
 - the total number of accepted and the total number of rejected requests;
 - requests which have been rejected and the reasons for such rejection;
 - a description of the requested information group by area under the jurisdiction of a given working body with an explanation of which information is most often sought;
 - lodged appeals – appeals to the Administrative Court of the Republic of Croatia with indication of how they were resolved and whether they were resolved in due time (Article 17 of the Act);
 - appeals lodged due to administrative silence and the reasons for such silence;
 - appeals lodged with a description of the reasons for which they are most often lodged, and photocopies of the verdict or ruling;
 - filed misdemeanour charges (Article 26 of the Act) and photocopies of the misdemeanour rulings;
 - data on the amount of actual costs incurred by information-seekers with reference to rendering and delivery of requested information (Article 19 of Act);
 - data on whether administrative fees on requests are paid and in which amounts;
 - descriptions of the manner of release of information with indication of which information is released (Article 20 of the Act);
 - data on whether an internal by-law, decision or similar information at the disposal of a given body has been declared an official or trade secret;

2) an explanation and the reasons insofar as an official in charge of information has not been appointed and an information catalogue in its possession, under its management or supervision has not been established;

3) measures and activities undertaken in the sense of compliance with the Act with proposals on how to make compliance more effective;

4) the major drawbacks in compliance with the Act and whether official bodies feel that it should be supplemented or amended.

The Office also issued a memorandum asking public authorities to deliver photocopies of all decisions rejecting requests filed by information-seekers, and photocopies of verdicts or rulings issued by the Administrative Court of the Republic of Croatia.

The annual reports of the Office are grounded in the provisions of Article 25 of the Act, and hereinafter follows a survey of this report and a survey of the total number of received, accepted, rejected, and ceded access to information requests based on reports received from public authorities with individual examples.

II. STATISTICS FOR 2008

1. Pursuant to the Act, all domestic or foreign natural or legal persons who seek access to information are authorized to exercise this right (hereinafter: information-seeker).

Information-seekers exercise the right to access to information by filing an oral or written request to the authorized body of a given public authority.

If the request is filed orally, a record thereof is made, while if it is filed by telephone or other telecommunications device, an official notation is drafted.

The public authority does not issue a special decision on acceptance of the access to information request, rather it compiles an official notation in this case.

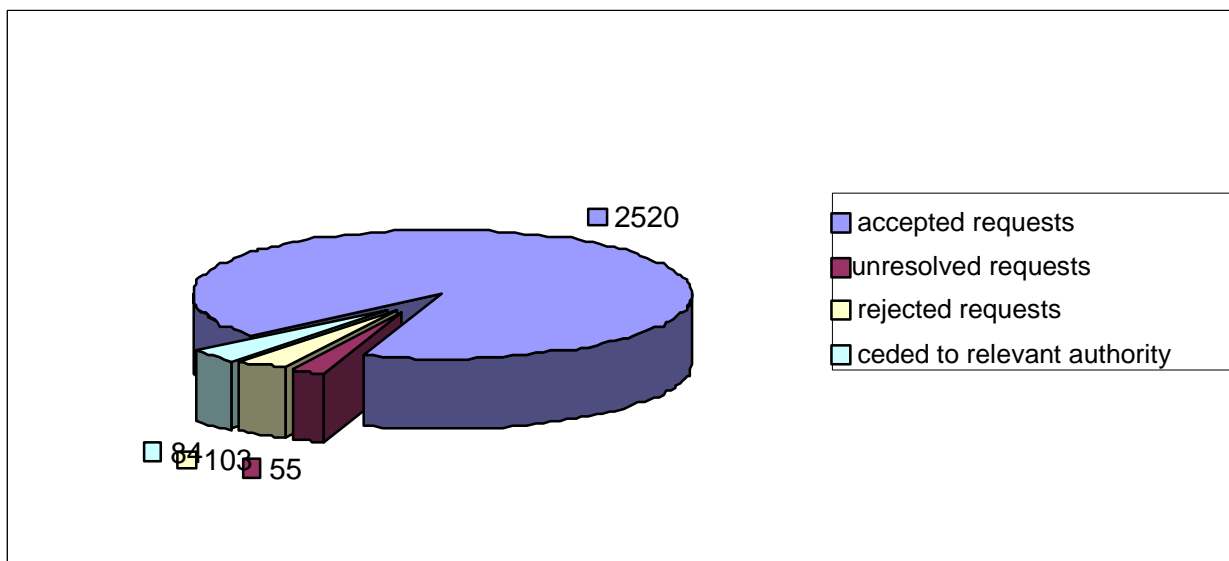
In case of a negative decision, the public authority is obliged to issue a formal decision on rejection of said request.

The information issued or released by the public authority must be complete and accurate.

The information-seeker may lodge an appeal or file an administrative complaint with the Administrative Court of the Republic of Croatia against the decision of a public authority, in compliance with the provisions of the Administrative Lawsuits Act. The proceedings based on such actions are deemed urgent.

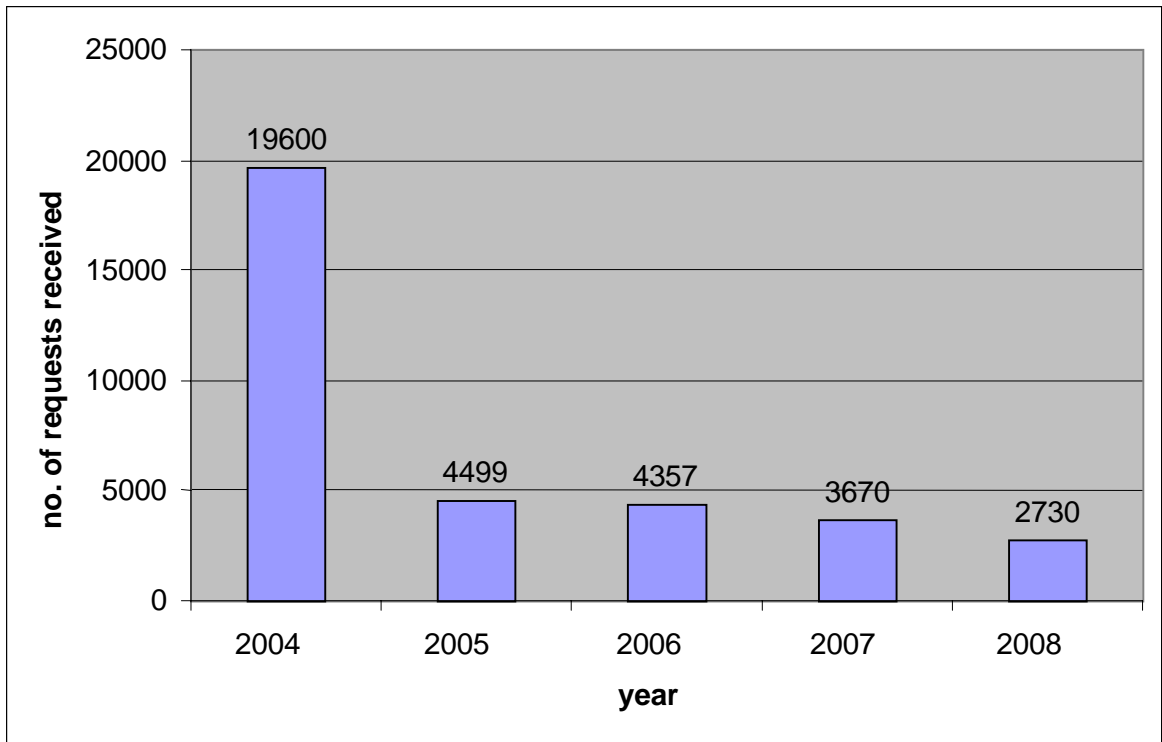
2. According to the data submitted in the reports to this Office during 2008, public authorities received a total of **2,731** access to information requests. Out of this, a total of **2,520** were accepted, while **103** were rejected, and the remaining **55** were unresolved, while **84** requests were ceded.

Chart 1. Number of received requests for exercise of the right to access to information in 2008



In comparison to the Report on Compliance with the Act in 2007, a decline in received access to information requests has been noted.

Chart 2. Number of received access to information requests from 2004 to 2008



Data on the smaller number of received access to information requests in 2008 should, in the opinion of this Office, be viewed through the fact that information-seekers are aware of the information public authorities possess, manage or oversee, for according to the reports submitted by public authorities regularly – with the obligation to do so once monthly – publish information in official bulletins and media, and release it via free business information/phone lines and on electronic media (web pages), particularly information on tenders and tender documentation for public procurement, and the public opening of submitted bids.

III. ANALYSIS OF ACTIVITIES

1. CROATIAN PARLIAMENT

In 2008, the Croatian Parliament received a total of 46 access to information requests.

Natural persons submitted 23 requests, while 23 access to information requests were submitted by legal persons.

All 46 requests were accepted and resolved within the legally-stipulated period.

Access to information requests pertained to information on the work of Parliament, sponsorship of bills, phonogram transcripts and information on Parliament's legislative activities.

No administrative fees were collected for these requests.

Information held, managed or overseen by the Croatian Parliament can be found in the information catalogue posted on the Parliament's web pages.

None of the information has been designated with any level of confidentiality.

2. OFFICE OF THE CROATIAN PRESIDENT

The Office of the Croatian President received 7 access to information requests.

Five requests were resolved within the stipulated period, while two were resolved outside of the legally-stipulated deadline because information held outside of the Office's premises were sought.

Out of the 7 requests received, 1 was ceded to the proper agency.

These access to information requests pertained to queries for examination of archival materials, information on the costs of official travel abroad by the Croatian president during his term in office, information on the use of the official credit cards of the Office of the President, and information on the participation of the president in observing the anniversary of the Antifascist National Liberation Council of Yugoslavia.

No administrative fees were collected for these requests.

Information in the sense of this Act which is held by the Croatian president is published in the official journal of the Republic of Croatia, *Narodne novine*, and posted on the Office's web pages.

3. CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA

The Constitutional Court of the Republic of Croatia received five access to information requests in 2008.

All requests were filed by natural persons.

All five requests were accepted and resolved within the legally-stipulated period.

No administrative fees were collected for these requests.

The Constitutional Court posts data on its work, major rulings and resolutions on the Court's official web pages.

4. CROATIAN GOVERNMENT

The Croatian Government received 27 access to information requests in 2008:

- 17 requests were accepted,
- 1 request was rejected,
- 9 requests were ceded.

Corrections or supplements were sought for two requests.

The Croatian Government posts the information at its disposal on its official web pages.

Two complaints against rulings of the Croatian Government were filed with the Administrative Court of the Republic of Croatia.

1. Description: K.D. from Zagreb, filed a complaint with the Administrative Court of the Republic of Croatia on 22 August 2008 against the Croatian Government due to refusal of access to information on all items on the agendas of those portions of the Government's sessions closed to the public.

Outcome: The Administrative Court rejected the complaint.

2. Description: The Women's Infoteque from Zagreb and the Women's Network of Croatia filed a complaint against the Croatian Government's Gender Equality Office due to rejection of their right to access to information on the tender for financial support within the framework of available central budgetary funds for 2007.

In its response to the complaint, the Government stressed that it allowed access to this documentation, except those portions which concerned intellectual property rights, in compliance with Article 8(2)6 of the Act, and that upon obtaining the consent of associations to facilitate access to their project proposals, it allowed access to these documents as well.

Outcome: The complaint was rejected as untimely, as it was filed prior to the legally-stipulated period.

5. CROATIAN NATIONAL ELECTIONS COMMISSION

The National Elections Commission of the Republic of Croatia received 9 access to information requests in 2008.

Natural persons filed 6 requests, while 3 requests were filed by legal persons.

All requests were accepted.

One request (spam e-mail) was resolved subsequently.

The information sought pertained to the results of parliamentary, presidential and local elections in the Republic of Croatia up to 2007. One query pertained to information on individual electoral institutions in Croatia's legislation.

None of this information was proclaimed confidential.

6. SECURITY AND INTELLIGENCE AGENCY

The Security and Intelligence Agency received 42 access to information requests in 2008:

- 33 requests were accepted,
- 7 requests were rejected,
- 2 requests were not resolved.

Natural persons filed 25 requests, while 17 requests were filed by legal persons. The requests concerned with the Agency's activities and its employees, and access to the Agency's documentation was sought.

7. CHILDREN'S OMBUDSWOMAN

The Office of the Children's Ombudswoman received no access to information requests in 2008.

The method for releasing information is governed by the information catalogue posted on the Office's web pages.

Based on the decision on confidentiality of data, the Ombudswoman's Office has specified that information which bears the designation of confidentiality, the levels of confidentiality, and methods for safeguarding confidential data, its handling and all other circumstances pertinent to data confidentiality.

8. DISABILITIES OMBUDSWOMAN

The Office of the Disabilities Ombudswoman commenced functioning on 1 July 2008 and since then it has received one access to information request, which was accepted and resolved within the legally-stipulated deadline.

The query pertained to the securing of contractual employment.

The Office has no information which may be proclaimed an official or trade secret.

The Office of the Ombudswoman, since it has just begun functioning, does not yet have a designated official in charge of information nor an information catalogue.

9. GENDER EQUALITY OMBUDSWOMAN

The Office of the Gender Equality Ombudswoman received no access to information requests in 2008.

10. MINISTRIES

The Government's ministries received 312 access to information requests in 2008:

- 239 requests were accepted,
- 21 requests were rejected,
- 30 requests were ceded,
- 30 requests were resolved.

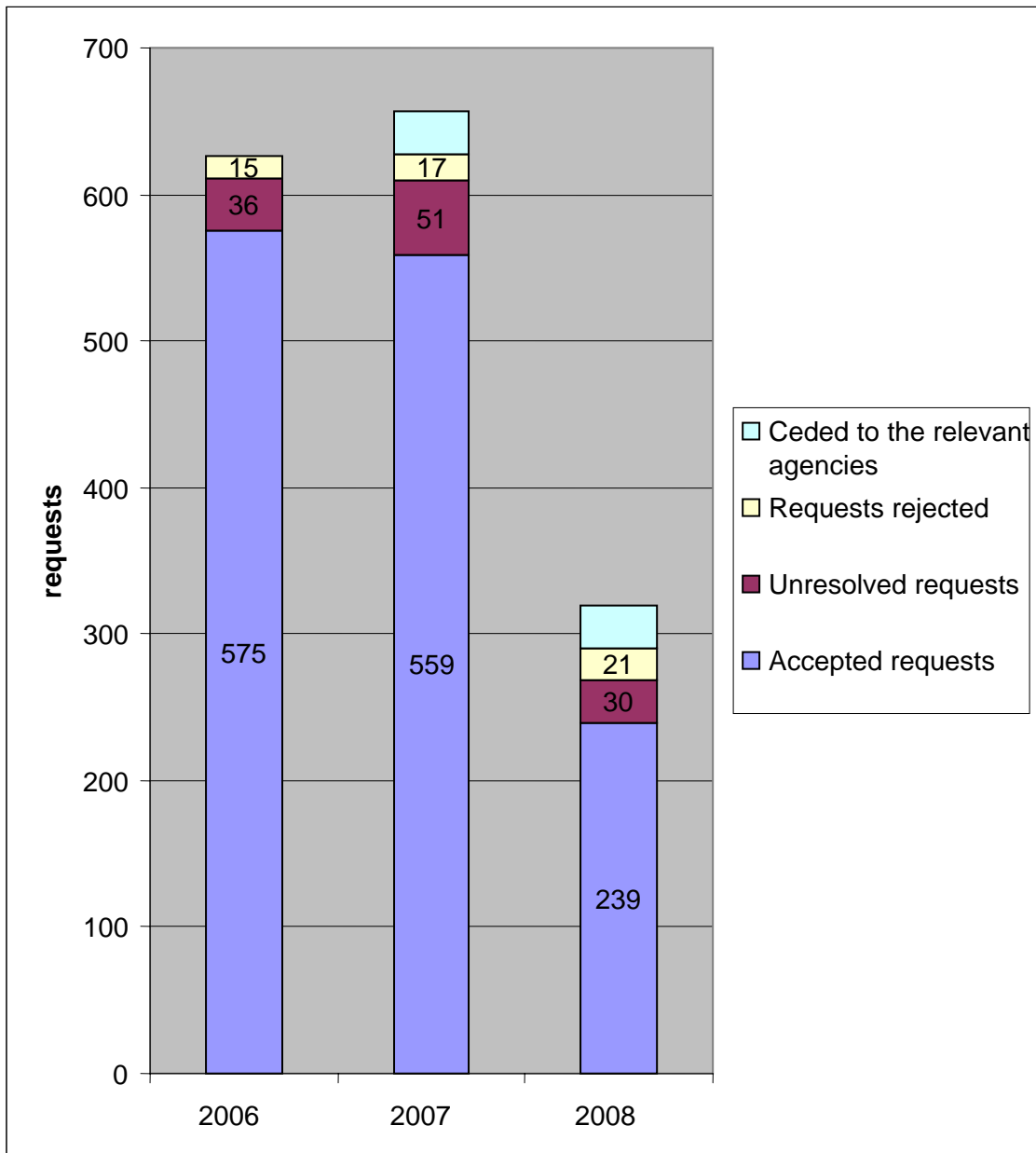
The ministries did not collect administrative fees for received requests.

The information at the disposal of the ministries are posted on their official web pages and also through their established information catalogues.

The access to information requests most often concerned queries for access to the operational documentation of the ministries, delivery of photocopies of documents, status issues, the work of individual organizational units and their jurisdiction.

Also sought were statements on the use of the official credit cards of the ministries, as well as queries on the number of employees with the number of those who have some level of disability status and so forth.

Chart 3. The number of received access to information requests from 2006 to 2008.



10.1 MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN INTEGRATION

The Ministry received 9 access to information requests in 2008.

All requests were accepted and resolved within the legally-stipulated period.

The Ministry received 4 complaints, of which 2 had no grounds.

No complaints nor misdemeanour charges were filed.

The information sought from the Ministry pertained to the full content of correspondence received by the Croatian Government from the European Commission, to the operations of the Rockwool factory in Istria, the expenditure of Croatian budgetary funds in 2007 to pay the salaries of those employed in the Mission in Brussels, the expenditures to cover the costs of housing and accommodation of those employed in the Mission in Brussels, photocopies of the statements detailing all users of the Ministry's official credit cards and how much was charged on them per individual in 2007, the Ministry's outlays for the purpose of educating the public on Croatia's accession to the EU per NGO from 2003 to the present, Croatia's negotiating positions in the process of accession to the European Union, and the list of all lobbying, attorney and consulting services paid for the by Croatian Embassy in Brussels and the Croatian Embassy in Washington, D.C. from the period beginning in 2005 and ending on 20 October 2008.

10.2 MINISTRY OF FINANCE

The Ministry received 40 access to information requests in 2008:

- 36 requests were accepted,
- 3 requests were rejected,
- 6 requests were ceded,
- 1 request was not resolved.

Natural persons filed 29 requests, while 11 access to information requests were filed by legal persons.

Three rulings to reject requests were issued in order to safeguard trade or tax secrets.

The information sought from the Ministry primarily pertained to the scope of authority of the narrower part of the Ministry tied to financing local and regional governments, payments and disbursements of funds from the Republic of Croatia central budget, data from the Ministry's Concessions Register, data on implementation of tenders for financing under the ISPA programme, information on payment of damages, data on the costs run up on the Ministry's official credit cards, etc.

Three complaints were filed with the Administrative Court of the Republic of Croatia, of which two were rejected.

The reasons for filing these complaints were to contest Article 8 of the General Tax Act wherein data declared tax secrets were sought.

No complaints were filed due to administrative silence.

Examples of requests which were rejected:

1. Description: Z.B. from Zagreb submitted a request to the Ministry of Finance, National Tax Administration, Zagreb Branch Office, seeking delivery of data in written form on whether co-owners J.M. and D.P., with whom Z.B. co-owns the building at Kosirnikova 44a in Zagreb, pay taxes for the leasing of their housing units to subletters.

The request was rejected in order to protect official secrets, in compliance with the provisions of the General Tax Act stipulating that officials in the tax procedure are obliged to maintain as tax secrets any facts on taxpayers of which they gained knowledge during said procedures, with reference to the Personal Data Protection Act.

The information-seeker filed an appeal against the first-instance ruling, stating that it violates the Access to Information Act, that the public agency wrongfully conducted the administrative procedure in the sense of its jurisdiction, and that it neglected to specify the manner of access to information in its information catalogue. The complainant further stated that the information being sought from the case file has no designation of confidentiality and that the fact of someone paying taxes or not may not bear the designation of confidentiality.

Outcome: The appeal was rejected as unfounded pursuant to Article 8(1) of the Act, as the requested information was proclaimed a tax secret by separate legislation, and the first-instance ruling was therefore upheld.

2. Description: I.G., a reporter for the weekly *Lider*, sought the delivery of a list of the 50 largest concessionaires according to concession fee rates, based on data from the public Concessions Register.

The Minister of Finance issued the Rules on Organization and Maintenance of the Concessions Register, in which it stipulates the manner and criteria whereunder data from the Register may be made available to the public. The records on payment of concession fees are available to the concession grantor and the relevant ministry or executive agency of a county or city. The possibility of reviewing the Concessions Register is open to entities registered therein for access to the relevant records on the Internet with use of a smart card.

Public data from the Concessions Register are available via the Internet on the official web pages of the Ministry to legal and natural persons, with a fee. Public data are: the name of the concession grantor, the registration number of the concession grantor, the name or

designation of the concessionaire, the date of commencement of the concession, the date of expiry of the concession, the name and type of concession and the concession site.

In compliance with the aforementioned provisions of the Rules, the reporter's request for delivery of data pertaining to concession fees was rejected.

Outcome: A complaint was filed with the Administrative Court. This Office has not received any information on how this administrative complaint was settled.

10.3 MINISTRY OF DEFENCE

The Ministry received 23 access to information requests in 2008:

- 17 requests were accepted,
- 3 requests were rejected,
- 3 requests were ceded,
- 3 requests were not resolved.

The requests were not resolved by 31 December 2008 since they were received at the end of December and the legal deadline for their resolution had not yet expired.

Most often access to the Ministry's documentation was sought, status questions were posed, as well as queries tied to disciplinary courts martial, etc.

Examples of rejected requests, all submitted by a single information-seeker:

Description: The "Sixty-sixth P" Road Construction Cooperative from Zagreb filed three requests whereby on 13 August 2008 it sought from the Ministry of Defence construction documentation on the preparation of the plateau at Žnjan in Split for the visit by Pope John Paul II. In the second request filed on 19 December 2008 it sought access to the Report of Minister Jozo Radoš forwarded to Deputy Prime Minister Goran Granić on 18 April 2000, and the registry lists for overland vehicles and aircraft owned by the 66th Road Construction Regiment for use in the Ministry of Defence with a survey of their field deployment; also, the construction documentation on preparation of the Žnjan plateau in Split for the welcome ceremony for Pope John Paul II was once more sought.

The third request involved access to the construction documentation on the completed earthworks on the Kupjak-Vrbovsko motorway section rendered by the Defence Ministry's

66th Regiment, and the construction contract concluded between the firm Autocesta Rijeka-Zagreb d.d. and the Ministry, and all accompanying agreements.

Outcome: All three requests were rejected because the Ministry does not have the requested documentation at its disposal nor does it have any knowledge of where it may be found.

The petitioner filed a complaint with the Administrative Court of the Republic of Croatia against the Ministry's decision, which was rejected as unfounded.

10.4 MINISTRY OF INTERNAL AFFAIRS

The Ministry received 12 access to information requests in 2008:

- 9 requests were accepted,
- 3 requests were rejected.

All received requests were resolved within the legally-stipulated period.

Two complaints were filed with the Administrative Court of the Republic of Croatia. This Office has been notified that one complaint has been settled, although without details on its outcome, while the other complaint procedure is still in progress.

The information sought from the Ministry pertained to the jurisdiction of the Police Directorate, and queries concerning administrative and inspectoral operations.

Examples of requests which were rejected:

1. Description: M.Z. from Rijeka filed an complaint against the Ministry of Internal Affairs in order to seek data as to why and when disciplinary procedures were initiated against a police officer of the Primorje-Gorski kotar Police Department, and the outcome thereof.

Outcome: The complaint was rejected as unfounded in compliance with Article 15(2) of the Act stipulating protection of personal data, with reference to Article 7 of the Internal Affairs Ministry's Rules on Confidentiality of Official Data, since the requested data is designated as "RESTRICTED".

2. Description: T.P. from Zagreb filed an complaint against the Ministry of Internal Affairs due to refusal to release of portion of the requested data pertaining to the conferral of a housing loan to Đ.Š. based on the housing point list of the Ministry.

Outcome: The complaint was rejected as unfounded in compliance with Article 15(2) of the Act, in the interest of safeguarding personal data.

3. Description: M.D., a reporter for the newspaper *Narodni list* from Zadar, filed an complaint against the Ministry of Internal Affairs due to refusal to permit an examination of files and their photocopying in a case involving a traffic accident which occurred in 1992.

Outcome: The complaint was rejected as unfounded in compliance with Article 15(2) of the Act, with reference to Article 164(3) of the Criminal Proceedings Act.

10.5 MINISTRY OF JUSTICE

The Ministry of Justice received 12 access to information requests in 2008:

- 7 requests were accepted,
- 3 requests were rejected,
- 2 requests were ceded.

All requests were filed by natural persons.

The Ministry was asked to deliver specific documents from its records, while most queries concerned information on the work of the courts, jurisdiction in the functioning of the courts and actions of judges in specific cases.

The Ministry has cautioned that citizens frequently do not comprehend the jurisdiction of the Ministry of Justice, in that it exclusively handles oversight of court administration, and by no means actual court proceedings held before the courts which are protected by the Constitution of the Republic of Croatia such that judicial authority is autonomous and independent in its work.

Example of a request which was rejected:

Description: S.J. from Zagreb sought an interpretation of legal regulations and views in a specific court case from the Ministry of Justice, i.e. in the text of the explanation of a court ruling, seeking an answer to the question: “what is the duty of the president of a court or the Minister of Justice when they learn that the judges sitting in council or a judge adjudicating individually incorporate false or inaccurate data in their judgement or ruling, and whether, based on such ruling or judgement, they are obliged to launch disciplinary

procedures against such judges before the National Judiciary Council and notify the Public Prosecution thereof?”

Outcome: The request was rejected in light of the provisions of Articles 3 and 8(2)2 of the Act, since what was being sought did not constitute information in the sense of the Act. It was stressed that judicial authority is autonomous and independent in its decision-making, and the legality of such decisions may only be reviewed before the courts in legally-prescribed proceedings.

10.6 MINISTRY OF THE ECONOMY, LABOUR AND ENTREPRENEURSHIP

The Ministry received 4 access to information requests in 2008.

All received requests were accepted, while one request was resolved outside of the legally-stipulated deadline due to the need to seek a transcript of a regulation from 1947 under the jurisdiction of the Labour and Labour Market Administration.

The deadline for resolution was extended pursuant to Article 14 of the Act.

10.7 MINISTRY OF THE SEA, TRANSPORT AND INFRASTRUCTURE

The Ministry received 16 access to information requests in 2008:

- 8 requests were accepted,
- 3 requests were rejected,
- 4 requests were ceded.

Natural persons filed 11 requests, while 5 access to information requests were filed by legal persons.

Two received requests were resolved outside of the legally-stipulated deadline due to the complexity of the cases and the need for additional data searches.

Examples of requests which were rejected:

1. Description: A.S. from Split filed a complaint against the Ministry due to failure to adhere to the legally-stipulated deadline in the delivery of the requested transcript of the Environmental Impact Study associated with construction of the Pelješac Bridge.

Outcome: The complaint was rejected as unfounded, since, as stressed in the explanation to the ruling provided by the Ministry. The information-seeker was advised of the jurisdiction of another agency which possesses the requested information and the matter was turned over to the national road management company Hrvatske ceste d.o.o. with reference to construction of the bridge from the mainland to the Pelješac Peninsula, which in fact commissioned said Study.

2. Description: A law office from Varaždin submitted an access to information request to the Ministry of the Sea, Transport and Infrastructure, seeking data pertaining to the air carrier Trade Air d.o.o. from Velika Gorica.

Outcome: The request was partially accepted in that portion pertaining to initiated and ascertained misdemeanours for this company, assessed as official secrets pursuant to Article 78 of the Misdemeanours Act, whereby the resolution was partially rejected in compliance with Article 8(1) of the Act.

3. Description: M.L. from Rijeka filed a complaint against the Ministry due to its failure to respond within the legally-stipulated period to a request seeking delivery of the transcript of a report on all persons who use the Ministry's official credit cards, and how much each individual spent using them in 2007.

Outcome: The complaint was rejected as unfounded, for as the Ministry's explanation makes clear, for a review of the file indicated that the information-seeker received this information within the legally-stipulated period.

10.8 MINISTRY OF AGRICULTURE, FISHERIES AND RURAL DEVELOPMENT

The Ministry received 7 access to information requests in 2008:

- 6 requests were accepted,
- 1 request was rejected,
- 1 request was not resolved.

Natural persons filed 4 requests, while 3 requests were filed by legal persons.

One request was resolved outside of the legally-stipulated deadline because the requested information had to be gathered and processed.

The information sought from the Ministry pertained to costs based on use of official credit cards during 2007 per individual, two queries were tied to conducted inspections, delivery of consent rulings, information on fishing incentives, documents tied to farmland sales contracts and information on the allocation of farm incentives in the structure of war veterans/farmers and other information was sought.

One appeal was filed, and two complaints were filed with the Administrative Court of the Republic of Croatia due to failure to deliver requested files.

Description of a rejected request:

Description: Z.V. from Donja Stubica requested that the Ministry deliver transcripts of the record of the completed audit of operations of the Krapina-Zagorje County Recreational Fishing Union from Bedekovčina and the charges filed pursuant to allegedly observed irregularities in the operations of this entity.

The request was rejected since the requested information is not contained in the information catalogue of the Ministry of Agriculture, Forestry and Water Management, now the Ministry of Agriculture, Fisheries and Rural Development, and also in order to safeguard a currently ongoing administrative procedure. Additionally, seeking access to filed charges runs contrary to Article 80(2), (4) of the General Administrative Procedures Act, and Article 109 of the Misdemeanours Act, since the information-seeker is not a party to the procedure.

Based on an examination of the case file and the return receipt, it was ascertained that the information-seeker received the information on the completed inspectoral audit based on the charges and the course of the procedure conducted by the competent fish and game inspector from Čakovec, with precise instructions on exercise of rights, in compliance with Article 14 of the General Administrative Procedures Act.

The information-seeker filed an appeal against the first-instance decision rejecting his request with the minister as the chief of the agency, stating that it was issued 15 days late and emphasized the obligation of delivering one copy of the minutes to the persons present during an inspection upon the completion of each inspection, thereby becoming available to all members of the aforementioned commercial entity.

Outcome: The appeal was rejected as unfounded. During the appeal procedure it was ascertained that the disputed ruling was issued within an extended deadline of 30 days in the sense of Article 14 of the Act. Furthermore, it was ascertained that the fish and game inspector responded in writing to the petition of the information-seeker and forwarded it to the

agency with jurisdiction over further resolution and pointed out, given the ongoing administrative procedure, the need to prove a legal interest in examining the file in compliance with Article 80 of the General Administrative Procedures Act, which the information-seeker failed to do as of the issuance of this ruling.

10.9 MINISTRY OF ENVIRONMENTAL PROTECTION, PHYSICAL PLANNING AND CONSTRUCTION

The Ministry received 121 access to information requests in 2008:

- 99 requests were accepted (86 resolved in due time, 18 beyond the legal deadline),
- 5 requests were rejected,
- 12 requests were ceded,
- 5 requests were not resolved.

Natural persons filed 66 requests, while 55 access to information requests were filed by legal persons.

The most common information sought was under the jurisdiction of the Inspections Administration, mainly information on inspection procedures in inspectoral oversight cases, and under the jurisdiction of the Environmental Management Administration, from which environmental impact studies and lists of firms in Croatia with concessions or licenses to engage in waste management and maintenance of refrigeration and air conditioning devices were sought.

One complaint was filed with the Administrative Court of the Republic of Croatia, which the Court accepted, and the Ministry acted upon it.

As at 31 December 2008, the Ministry had not yet resolved 5 requests. In one request, the information-seeker sought a transcript of a document for which the Ministry had not received a return receipt at the moment of submission of the request, and in compliance with Article 6(2) of the Act it did not resolve the matter so as to avoid placing the information-seeker in a more advantageous position than the party to which the document itself was submitted.

Four requests were resolved after 31 December 2008 given the date on which they were received, but within the legally-stipulated deadline.

Examples of requests which were rejected:

Description with outcome: The Ministry of Environmental Protection, Physical Planning and Construction issued 5 decisions to reject requests. Three resolutions were partially rejected such that in one resolution that part of the request was rejected which pertained to information to which the information-seeker had already been previously granted access. The second rejected the delivery of photocopies of an environmental impact study, given that it was still in the preparatory phase, i.e. it was still being completed, even though the information-seeker was offered the option of reviewing the requested documentation. In the third partially rejected resolution, the information-seeker was not allowed the delivery of a photocopy of a document pertaining to part of an environmental impact study in order to safeguard intellectual property, since it was a case of competing firms on the market.

Two requests were entirely rejected, one due to protection of intellectual property, in which a photocopy of an environmental impact study of two firms competing on the market was sought. The other was rejected because it sought legally-protected personal data from official registers on requests and issued confirmations and notifications from the register logs.

10.10 MINISTRY OF HEALTH AND SOCIAL WELFARE

The Ministry received 40 access to information requests in 2008:

- 17 requests were accepted (3 were resolved in due time, 15 outside of the deadline),
- 1 request was rejected,
- 1 request was ceded,
- 21 requests were not resolved.

The primary reasons for non-resolution of requests by 31 December 2008 were the speed of delivery and the quality of the basis for preparing responses to access to information requests. The same reasons apply to cases resolved outside of the legally-stipulated deadline.

Two complaints were filed due to administrative silence.

No complaints were filed with the Administrative Court of the Republic of Croatia.

Most often the posting of laws and subordinate legislation on the Ministry's web pages were sought. Access to case files was sought, and queries were posed pertaining to the jurisdiction of the Ministry's individual departments.

In the interest of more efficient communication with the public, the Ministry opened its so-called “White Phone”, where citizens may place oral petitions, complaints, commendations, or proposals tied to exercise of the right to health-care.

Example of a request which was rejected:

Description: D.P.T. from Zagreb submitted a request in which she sought from the Ministry the delivery of a certified report from 2004 on blood-tests for syphilis in the Croatian Transfusion Medicine Institute during 2000-2001 by the director of the World Health Organization in the English language.

Outcome: The request was rejected, pursuant to Article 8(2)2, given that a trial is under way to which the information-seeker is a party.

10.11 MINISTRY OF SCIENCE, EDUCATION AND SPORTS

The Ministry received 9 access to information requests in 2008:

- 7 requests were accepted,
- 2 requests were ceded.

Natural persons filed 8 requests, while legal persons filed only 1 access to information request.

An extension of the resolution deadline was sought for one accepted request in compliance with Article 14 of the Act.

The requested information pertained to status issues and the selection of research assistants, registration of vocational titles in employment records, and the right to use official credit cards, while most sought deliver of documentation tied to procedures before public agencies and state authorities pertaining to education.

No complaints were filed with the Administrative Court of the Republic of Croatia.

10.12 MINISTRY OF CULTURE

The Ministry received 8 access to information requests in 2008.

Natural persons filed 3 requests, while legal persons filed 5 access to information requests in 2008.

All requests received were accepted and resolved within the legally-stipulated period.

No appeals nor complaints were filed with the Administrative Court of the Republic of Croatia.

10.13 MINISTRY OF THE FAMILY, VETERANS AFFAIRS AND INTERGENERATIONAL SOLIDARITY

The Ministry received 11 access to information requests in 2008.

Natural persons filed 8 requests, while legal persons filed 3 requests.

All requests received were accepted and resolved within the legally-stipulated period.

No appeals nor complaints were filed with the Administrative Court of the Republic of Croatia.

The information sought from the Ministry pertained to provision of housing, shares in the Investment Fund for veterans of Croatia's Homeland War and members of their families, queries pertaining to employment issues of single parents, photocopies of permission to use the Ministry's official credit cards, information on the number of employees in the Ministry and the number of the latter who are disabled.

Transparency International Croatia sought the delivery of data from the Unified Register of Croatian War Veterans and photocopies of content from the Register.

10.14 MINISTRY OF REGIONAL DEVELOPMENT, FORESTRY AND WATER MANAGEMENT

The Ministry received 4 access to information requests in 2008.

All requests received were resolved within the legally-stipulated period, except one in which the deadline was exceeded by five days, due to the extensive work involved in gathering and processing the requested data.

All requests were filed by natural persons.

All received requests were tied to the question of housing in regions of special State concern.

No appeals nor complaints were filed with the Administrative Court of the Republic of Croatia.

10.15 MINISTRY OF TOURISM

The Ministry received 3 access to information requests in 2008.

All 3 requests were submitted by single natural persons, to whom responses were sent within the legally-stipulated deadline.

The requests pertained to the legality of the operations and actions of tourism board agencies.

11. STATE AUDIT OFFICE

The State Audit Office received 6 access to information requests in 2008:

- 3 requests were accepted,
- 2 requests were rejected,
- 1 request was ceded.

The reason for rejecting the one request was because it sought data which are official secrets, as specified by the Rules on Data Confidentiality as an internal by-law.

The information sought was tied to reports on completed audits.

No charges were collected for the requests received.

The reports on its work and completed audits are posted by the Office on its official web pages.

12. CENTRAL STATE OFFICES

The central state offices received 22 access to information requests in 2008:

- 17 requests were accepted,
- 2 requests were rejected,
- 3 requests were ceded.

All requests were resolved with the exception of one, as its response is still being prepared.

One complaint was filed with the Administrative Court of the Republic of Croatia against the Central State Asset Management Office.

Description: The company Lovac trgovina d.o.o. from Zagreb filed a complaint against the Office for its failure to act upon the plaintiff's request in a case of exercise of the

right to access to information. The agency, as stated in the complaint, did not respond to the plaintiff's request submitted on 2 April 2008, nor to its protest for failure to resolve, nor to the subsequently filed rush note.

Outcome: The complaint was acknowledged and the state secretary of the Office was ordered to make a decision on the plaintiff's complaint within a period not to exceed 30 days.

The plaintiff received a response to this complaint on 4 December 2008.

Description of a rejected request:

D.B., a reporter for the independent weekly *Zadarski regional*, submitted a request to the Central State Administrative Office seeking access to the findings of an administrative inspection in the Municipality of Galovac, i.e. its delivery by e-mail or telefax.

Outcome: The request was rejected as unfounded, pursuant to Article 15(2)1 of the Act, with reference to Article 21 of the Administrative Inspection Act. The record of the completed inspection of the bodies of the Galovac Municipality contain data from the personal journals of the Municipality's officials and employees, which have the status of professional secrets.

Examples of accepted requests:

1. Description: O.L.D. from the Kamanje Municipality requested from the Central State Administrative Office a photocopy of the citizens' proposals who demanded the establishment of the Kamanje Municipality.

As stated in the request, she required this information in order to initiate proceedings before the national authorities for the purpose of restitution of nationalized family property.

Outcome: The request was accepted within the legally-stipulated deadline such that the following were delivered to the information-seeker: the Draft Amendments to the Croatian County, City and Municipal Territories Act, a memorandum of the Kamanje Local Committee, the Opinion of the Žakanje Municipal Council and the conclusion of the County Assembly on establishment of the Kamanje Municipality.

In the response to the request, the information-seeker was informed as to who is entitled to sponsor laws in the Republic of Croatia in compliance with Article 84 of the Constitution of the Republic of Croatia.

2. Description: M.Š. from Zagreb sought information from the Central State Administrative Office on persons who use the Office's official credit cards and information on the amounts spent based on their use in 2007.

Outcome: The request was accepted and the information was delivered within the legally-stipulated deadline.

The information sought most often pertained to delivery of photocopies of documents and to the jurisdiction of the state offices, e.g. information on the total costs for the e-Justice project, information on the completion of data for the international project on territorial broadband internet coverage in Split-Dalmatia County, information on expended finances from the central budget in 2006 and 2007 on Microsoft software for computerization of state governance, queries on the activities planned for the development of public administration portal content worth up to HRK 10 million and on the planned anti-corruption action plan.

A portion of this information was tied to European Union assistance programmes. Also sought were the list of registered NGOs in Croatia was sought, information on the findings of an administrative inspection in the Galovac Municipality, information tied to nationalized family property in the Kamanje Municipality, data on the methods for maintaining voter rolls in the Republic of Croatia, a list of the public authorities that did not file a report on compliance with the Access to Information Act in 2007, and a report on complaints filed against the behaviour of civil servants in 2007, which is submitted to this Office.

Furthermore, data on person who use official credit cards was sought, with information on funds expended thereby in 2007 and the list of contractors paid during 2007.

The information is posted on web pages, incorporated in established information catalogues and released by means of appointed public relations officials.

13. STATE ADMINISTRATIVE ORGANIZATIONS

State administrative organizations received 41 access to information requests in 2008:

- 35 requests were accepted,
- 6 requests were rejected.

All accepted requests were resolved within the legally-stipulated period.

Examples of requests which were rejected:

1. Description: Z.L. from Donji Kraljevac sought from the State Inspectorate a photocopy of the records of the completed audits of the city pastry shop LINO d.o.o. Čakovec over the past five years.

Outcome: The request was rejected because the information is not information in the sense of Article 3(1)3 of the Act and pursuant to Article 80(1), (2) of the General Administrative Procedures Act, since the information-seeker is not a party to the case to which the requested information pertains. The resolution was based on the ruling of the Administrative Court of the Republic of Croatia, Us-7348/2007-4 of 18 June 2008.

2. Description: D.C.M. from Tribunj submitted an appeal against a ruling of the State Inspectorate which rejected his request for delivery of a photocopy of a petition submitted to the Hospitality Industry and Tourism Department in Zagreb.

Outcome: The appeal was rejected as unfounded pursuant to Article 8(1) governing protection of the identity of petitioners, and with reference to Article 37(2) of the State Inspectorate Act.

3. Description: M.Š. from Zagreb filed a request to Sisak-Moslavina County, forwarded to the National Land Survey Bureau, wherein he sought data on a summary report of completed organization of land registers and cadastres of real estate in the territory of the Municipalities of Dvor, Topusko and Sunja for 2006-2008.

Outcome: The request was rejected because the agency neither has nor oversees this information nor has knowledge of where it may be found.

4. Description: K.Ž. from Zagreb proposed to the Central Office of the National Land Survey Bureau to proclaim null and void the decision of the Branch Office of the Rijeka Cadastral Office, Krk Station, whereby his complaint was rejected, for its execution would, as the information-seeker alleged, run contrary to the fundamental principles of the legal order.

The information-seeker stated in his proposal that his access to information requests did not entail seeking an abstract from the cadastral plan from 1888 and he taxatively stated what he sought with the submitted requests. He furthermore stated which documents are in force and which layout maps belong to the requested abstracts from the cadastral map, and he believed it inaccurate that the Branch Office of the Rijeka Cadastre, Krk Station, does not have requested data at its disposal.

Outcome: The proposal for nullifying the aforementioned decision was rejected, for based on the case file the reasons for its nullification cannot be ascertained.

5. Description: D.R. from Zagreb filed a complaint with the Administrative Court of the Republic of Croatia against a ruling of the National Land Survey Bureau, which rejected her access to information request, i.e. delivery of abstracts from the technical documentation of the new cadastral measurement of the Perušić Cadastral Municipality.

Outcome: The complaint was resolved positively on 10 April 2008 with the annulment of the ruling which rejected the plaintiff's request, and the Court explained that the agency in question was obliged to provide the requested information.

6. Description: D.K.M.M. from Zagreb filed a complaint with the Administrative Court of the Republic of Croatia against a decision of the National Land Survey Bureau, Rijeka Cadastre Regional Office, Vrbovsko Station, which rejected the information-seeker's access to information request.

Outcome: The complaint was resolved positively on 25 January 2008 with the overturning of the aforementioned decision, with an order to the agency in question to facilitate access the requested information to the plaintiff within a period not to exceed 8 days, stating in its explanation to the judgement that the agency acted contrary to the Court's earlier judgement, no. Us-9747/06, wherein the National Land Survey Bureau decided on the plaintiff's complaint as the central body, and not the head of the body of first instance, and it notified the relevant body, the Croatian Government, thereof.

The requests of the information-seeker pertained to information under the jurisdiction of administrative organizations, such as, for example, data on actual imports and exports of closed radioactive sources and radiography quality testing equipment during 2007 and the first half of the 2008, the list of authorized legal and natural persons to conduct activities tied to treatment of radioactive sources, data on salaries and censuses, and data obtained in inspections of the hospitality and tourism industries, with the number of inspections and measures undertaken. A high number of queries pertained to data on title to real estate by natural and legal persons in the real estate cadastre.

14. STATE ADMINISTRATIVE OFFICES IN THE COUNTIES

State administrative offices in the counties received 216 access to information requests in 2008:

- 195 requests were accepted,
- 7 requests were rejected,
- 14 requests were ceded.

Examples of requests which were rejected:

1. Description: Međimurje-plin d.o.o. Čakovec submitted a request to the State Administrative Office in Međimurje County seeking data on the date of birth of a natural person for the purpose of distraint procedures to collect a debt for unpaid natural gas.

Outcome: The request was rejected pursuant to Article 15(2)1 of the Act for the purpose of protection of personal data in compliance with the Personal Data Protection Act.

2. Description: The Šenkovec Municipality submitted a request to the State Administrative Office in Međimurje County seeking data on the number of children born from 2002 to 2007 with personal data on the children (names and surnames of the children and their parents, residential address, date of birth) so they can be registered during enrolment for nurseries and kindergarten.

Outcome: The request was accepted in that portion seeking the number of children born, while the other part of the request was rejected pursuant to Article 15(2)1 of the Act in order to safeguard personal data.

3. Description: The Croatian Veterans Treated for Post-traumatic Stress Disorder Association from Čakovec submitted a request to the State Administrative Office in Međimurje County seeking delivery of lists of veterans who filed requests to exercise the right of disabled Croatian war veterans based on suffering from PTSD.

Outcome: The request was rejected to safeguard personal data.

4. Description: The Ftiček Kindergarten in Donji Kraljevac submitted a request to the State Administrative Office in Međimurje County seeking delivery of data on the number of children born from 2004 to 2007 in all settlements in the Donji Kraljevec Municipality with their personal data.

Outcome: The request was rejected in the portion seeking delivery of children's personal data, while the information-seeker was provided with information on the number of children born.

5. Description: The County Anti-cancer League in Čakovec submitted a request to the State Administrative Office in Međimurje County seeking delivery of personal data for women born from 1958 to 1968 for the settlements of Krištanovec and Žiškovec, for the purpose of sending invitations and medical examinations by mobile mammograph.

The Office deemed the request ambiguous and incomplete and sought that it be supplemented, such that it is made clear whether the data is being sought on persons born in these municipalities or those who have domicile therein.

Outcome: The request was rejected because the information-seeker did not specify the legal grounds, and pursuant to Article 12(2) of the Act, the information-seeker did not correct the request to make it comprehensible.

6. Description: Šofko international d.o.o. from Karlovac sought from the State Administrative Office in Međimurje County the delivery of data on the transfer account number and bank of the Mlječni put Family Farm from Pribislavci, which is a debtor of the information-seeker.

The information-seeker was asked to correct its request to make it comprehensible.

Outcome: The request was rejected because the information-seeker did not specify its legal grounds, and pursuant to Article 12(2) of the Act, the information-seeker did not correct the request and make it comprehensible.

7. Description: Međimurska banka d.d. in Čakovec sought from the State Administrative Office in Međimurje County the delivery of abstracts from the Register of Live Births for D.V. as their debtor based on a current account, for the purpose of conducting distraint, referring to Article 43 of the State Registrars Act.

Outcome: The request was rejected pursuant to Article 15(2)1 of the Act, and pursuant to the provisions of the Personal Data Protection Act.

8. Description: The Consumer Voice Association from Vinkovci submitted a request to the State Administrative Office in Vukovar-Srijem County, seeking a response to the

question of whether the Decision made by the utilities company Vinkovački vodovod i kanalizacija d.o.o. is an administrative instrument.

Outcome: The request was rejected pursuant to Article 15(2)2 of the Act.

9. Description: P.T. from Biograd na moru filed an appeal against a ruling of the State Administrative Office in Zadar County rejecting his appeal filed in response to a rejected request for data tied to his employment status and the grounds for his dismissal from the civil service for the purpose of effective protection of his other rights.

Outcome: The appeal was rejected on 24 September 2008 as unfounded, as the overruled ruling was assessed as legal with reference to Article 8(1) of the Act protecting official secrets, since the requested data from personal journals in the central register are protected as confidential.

Besides natural and legal persons, requests were largely submitted by the media, cities and municipalities, certified court experts, cooperatives, chambers and others.

The information sought pertained to the jurisdiction of the offices in the fields of public interest activities, general affairs, the economy, more accurate data from the trades register, property rights matters, sanitary inspections, registrar affairs, data from archives, etc.

Data was sought on the rate of average salaries, the number of employees, the status of the economy, the number of family farms, data on labour relations, data on enrolment in elementary and secondary school, the number of pupils, etc.

A considerable number of queries pertained to personal data from the records at the disposal of the offices, and such requests were regularly rejected in compliance with the Personal Data Protection Act.

The State Administrative Office in Krapina-Zagorje County received three requests and all three pertained to compensation for seized property – the Beženec Palace.

The requests were accepted and resolved within the legally-stipulated period.

The State Administrative Office in Međimurje County received 40 access to information requests. Besides the information based on normal operations, data was also sought on the number of children born with their personal data in the municipalities in which the requests were submitted, with kindergartens also requesting information for enrolment in nurseries, kindergartens and primary schools in the municipality of the information-seeker.

Such requests were regularly rejected in that portion seeking delivery of children's personal data, while request for data on the number of children born was accepted.

15. SUPREME COURT OF THE REPUBLIC OF CROATIA

The Supreme Court posts its case law and rulings on its official web pages. In 2008, 8,316 rulings of the Supreme Court of the Republic of Croatia were posted, while 406 public sessions were scheduled and held.

In 2008, two issues of the journal *Izbor odluka Vrhovnog suda* (Selection of Supreme Court Decisions) were published, featuring the Court's case law and also that of other courts in part.

With reference to requests for attendance and recording of public sessions of the Supreme Court, one instance of photographing was approved.

This number should also include the unverified number of reporters who attended public sessions pursuant to approval of the chair of the council of justices, who directly receive and convey information from sessions of the council of judges.

The Criminal Procedures Act (*Narodne novine*, no. 62/03 – consolidated text, and 115/06) stipulates that no photographic, motion picture, television nor other recording by technical means is allowed in the courtroom. By way of exception, the chief justice of the Supreme Court may allow television or other recording at individual main hearings. Therefore, recording approved by the chief justice of the Supreme Court is approved as an exception to the general ban in the public interest. As a rule, recording is approved for war crimes trials and those involving particularly heinous crimes, while requests for permission to record the announcement of the judgement in all cases is regularly approved.

Through application of Article 299 of the Criminal Procedures Act, 50 requests for recording of sessions before other courts were rejected.

The court administration's register has records of 67 requests for delivery of photocopies of files or photocopies of documents contained therein, as well as requests for access to files, of which 40 were accepted, 1 was rejected and 26 were resolved differently, i.e. the parties received a response to their requests or instructions on how they may proceed.

A total of 222 requests from information-seekers are recorded in the register of the Supreme Court's administration, which were resolved by 31 December 2008.

Information-seekers did not lodge any appeals nor file any administrative complaints.

A great deal of information is provided directly in the admitting registry office, or by phone from the authorized official in the Supreme Court's registry office, and this generally pertains to the case designation and number, and its current phase.

A potential indicator of this amount of information is the cases in the work of the Supreme Court in 2008 to which queries most often pertained:

- reviewed civil cases (Rev, Revr and Revt) – 3,557 cases,
- appeals in criminal cases (Kž) – 3,446 cases,
- requests for the right to speedy trials (Gzp, Uzp, Kzp) – 3,520 cases.

These data do not encompass the remaining cases which are maintained in the Supreme Court's other registers.

The criteria whereby the right to access to information is facilitated, and the relevant method and limitations, are specified by the Supreme Court Rules governing the right to access to information, issued on 30 December 2004. Information-related tasks are handled by several Court officials within the framework of their work specified by the schedules for the corresponding workplaces.

16. NATIONAL JUDICIARY COUNCIL

The National Judiciary Council received 4 access to information requests in 2008:

- 2 requests were accepted,
- 1 request was rejected,
- 1 request was ceded.

Description: I.B. from Split submitted an access to information request to the National Judiciary Council, from which he sought delivery of the opinion of the Council of Judges of the County Court in Šibenik in the procedure to appoint S.Č. a judge in the Municipal Court in Drniš during 1998.

Outcome: The request was rejected pursuant to Article 15(2)2 of the Act, and it was explained that in 1998, pursuant to the regulations of the time, there were no councils of judges and thereby there was no action by such councils in the appointment of judges.

17. PUBLIC PROSECUTION OF THE REPUBLIC OF CROATIA

The Public Prosecution of the Republic of Croatia received 3 access to information requests in 2008:

- 2 requests were accepted,
- 1 request was ceded.

The Public Prosecution of the Republic of Croatia posts information on all major cases of public interest on its official web pages.

The obligation to maintain the confidentiality of data is stipulated by the Public Prosecution Act and the Rules on Internal Order in Public Prosecution Offices.

18. ANTI-CORRUPTION AND ORGANIZED CRIME OFFICE

The Anti-corruption and Organized Crime Office received 3 access to information requests in 2008.

All three requests were filed by natural persons who received responses within the legally-stipulated deadline.

One request was rejected after a renewed query made by means of an appeal due to an incomplete response. In the renewed response, it was explained to the information-seeker that a portion of the requested information and photocopies of documentation could not be delivered because they were declared official secrets.

19. ADMINISTRATIVE COURT OF THE REPUBLIC OF CROATIA

The Administrative Court of the Republic of Croatia received 6 access to information requests in 2008.

All requests were accepted and resolved within the legally-stipulated period.

The information sought pertained in administrative complaints heard before the Administrative Court of the Republic of Croatia.

In 2008, the Administrative Court received 81 new complaints pursuant to the Act.

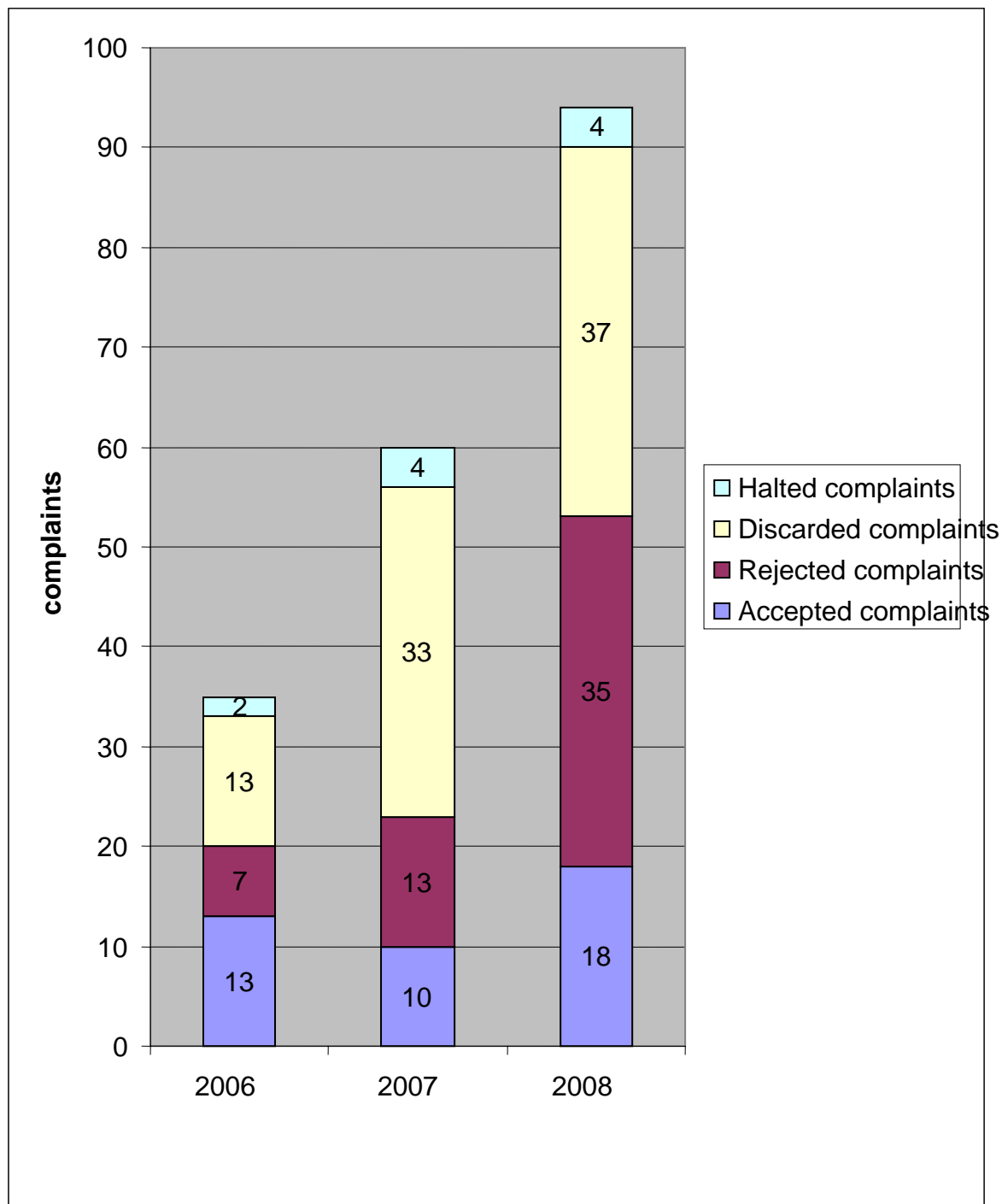
Over the past year, the Court resolved 94 complaints as follows:

- 18 complaints were resolved positively,
- 4 complaints were halted,
- 37 complaints were discarded,

- 35 complaints were rejected.

In 2008, 38 complaints remained unresolved.

Chart 4. Number of received complaints concerning exercise of the right to access to information from 2006 to 2008.



A.S. from Zagreb filed 11 administrative complaints against:

- the Municipal Public Prosecution in Zagreb, 4 complaints (2 rejected, 2 discarded),
- the County Public Prosecution in Zagreb, 1 complaint (rejected),

- the Ministry of Internal Affairs, 1 complaint (accepted),
- the Ministry of Science, Education and Sports, 5 complaints (1 rejected, 4 accepted),
- the University of Zagreb Civil Engineering Faculty, 3 complaints (2 rejected, 1 discarded).

1. Description: A.S. from Zagreb filed an administrative complaint against the Municipal Public Prosecution in Zagreb for failure to issue a second-instance decision on his second appeal. The information-seeker had received information previously which he did not acknowledge and he lodged an appeal, which was rejected with the explanation that he had already received a response.

Outcome: The appeal was discarded as impermissible because it was ascertained that the information was delivered to the plaintiff and that there are no grounds for filing a complaint; it was also ascertained that there is no administrative instrument in the case which would be the subject of an administrative complaint.

2. Description: A.S. from Zagreb filed an administrative complaint against the Ministry of Internal Affairs due violation of his right to access to information. This agency did not respond to said request nor to the subsequently filed appeal, nor to the rush note placed on said appeal.

Outcome: The appeal was accepted with the order that the agency issue a decision on the appeal within a period not to exceed 30 days.

3. Description: A.S. from Zagreb launched an administrative complaint against a decision of the Civil Engineering Faculty of the University of Zagreb rejecting his appeal in a case of providing information by this institution.

Outcome: The appeal was rejected as unfounded, and the legality of the contested decision rejecting the plaintiff's request for the purpose of protection of the personal data sought in the request.

The case has been before the Constitutional Court since 4 November 2008.

4. Description: B.Š. from Rakovica filed a complaint against the national water management company Hrvatske vode from Zagreb due to failure to issue a decision in response to his request seeking the results of an analysis of the water in Rakovica Creek. The plaintiff contested the defendant's actions in the sense of implementing the provisions of the

Act, alleging that he did not receive the requested data. He announced the intent to file an appeal to the head of this agency, and a rush note for resolution of the appeal.

In the response to the complaint, the defendant alleged that the plaintiff was given information within the limits of possibility of the agency in question, with which the plaintiff was obviously not satisfied given the filing of this complaint.

Outcome: The complaint was rejected as impermissible. Based on the case file, it was ascertained that the plaintiff did not utilize the legal possibility of seeking a correction, or a supplement to the information received in the sense of Article 16(1) of the Act.

5. Description: I.A.G. from Pula filed a complaint against the Ministry of the Economy, Labour and Entrepreneurship due to failure to resolve his request seeking delivery of photocopies of documents and information. The plaintiff lodged an appeal with the head of this body, and more than fifteen days after the appeal was lodged, he once more sought the resolution of this appeal, as he stated in the complaint.

Outcome: The complaint was discarded as impermissible because none of the procedural criteria for initiation of an administrative complaint had been fulfilled pursuant to Article 26 of the Administrative Disputes Act. According to the evidence submitted by the plaintiff with the complaint, it was ascertained that he did not file a rush note with his appeal with the head of the agency, i.e. the minister, as required by the aforementioned legal provision.

The case has been before the Constitutional Court since 27 June 2008.

6. Description: M.T. from Kaštelir filed a complaint against the State Inspectorate of the Republic of Croatia due to failure to resolve his request. He lodged an appeal which also received no response.

Outcome: The complaint was discarded due to failure to fulfil the stipulated procedural criteria in the sense of adherence to deadlines and proper order of actions by parties. The plaintiff neglected the possibility of filing a rush note for resolution of his appeal and could not attach it as evidence which the Court sought during processing of the complaint.

7. Description: M.T. from Kaštelir filed a complaint against the chief official of the Kaštelir-Labinci Municipality due to withholding of full and accurate information based on his request. The plaintiff once more filed a request seeking additional information or a

correction of the information provided, and even after lodging an appeal with this body he remained dissatisfied.

Outcome: The complaint was rejected as unfounded as it was ascertained on the basis of the case file that the complaint was filed against a body which neither holds, manages nor oversees the requested information, of which the plaintiff was informed by the defendant in the response to his request.

8. Description: I.O. from Dubrovnik filed an administrative complaint against a ruling of the State Inspectorate with regard to the right to access to information which rejected his appeal lodged against a first-instance decision based on rejection of a request for access to a case and photocopies of the case file of an inspection conducted by a commercial inspector of the Split Branch Office, Dubrovnik Station.

The plaintiff contested the ruling because he believed the relevant regulations were violated, and that it is based on “falsified facts and evidence” and that it was made in an *a priori* irregularly conducted procedure.

Outcome: The complaint had merit since the Court assessed that the right to review the file in this specific case is not deemed providing information in the sense of Article 3(1)3 of the Act, rather it is judged pursuant to Article 80(1), (2) of the General Administrative Procedures Act, whereby the law was violated to the detriment of the plaintiff through application of the wrong legal instrument.

The body was ordered to issue a new ruling applying the Court’s legal argument and its comments pertaining to the procedure.

9. Description: R.S. from Republic of Slovenia filed an administrative complaint against the ruling of the president of the Municipal Court in Zadar rejecting the plaintiff’s appeal lodged due to failure allow access to information at her request. The plaintiff requested the documentation from litigation conducted before this court, in which, as the information-seeker alleged, the findings and opinion of a certified court expert should have been included, on which basis the litigation should have been resolved. The plaintiff sought photocopies of said materials.

Outcome: The complaint was rejected as unfounded, and the legality of the disputed ruling was upheld, with the note that the explanation of the contested ruling properly indicates that the provisions of the Access to Information Act may to which the plaintiff refers may not

be applied in this case, rather the plaintiff may exercise her right to access to information tied to this litigation to which she is a party by application of the Civil Litigation Act.

The case has been before the Constitutional Court since 12 January 2009.

10. Description: J.B. from Varaždin filed a complaint against a ruling of the Municipal Court in Našice rejecting her request for delivery of certified photocopies of the original will and agreement from a case file of this court. The plaintiff believed that this court did not explain the grounds for rejecting the request with sufficient clarity, and stressed that the documentation being sought in this case was forged, causing her to incur damages. Furthermore, she sought compensation of litigation costs in her claim.

Outcome: The complaint was rejected as unfounded because the requested documentation is not deemed information pursuant to Article 3(1)3 of the Act, and the legality of the contested ruling was confirmed despite some ascertained procedural irregularities.

11. Description: M.G. from the Republic of Serbia filed an administrative complaint against the Croatian Pension Insurance Institute, Zagreb Central Service due to failure to rule in case of access to information.

Outcome: The complaint was discarded based on reasons apparent in the file, as she did not appoint an authorized representative to receive official documents in the Republic of Croatia, in compliance with Article 146(1) of the Civil Litigation Act, which stipulates the obligation to appoint an authorized representative insofar as the plaintiff resides abroad.

12. Description: A.V. from Zagreb filed a complaint against the Croatian Government due to rejection of an access to information request. The plaintiff specified in her complaint that the disputed decision is being contested for all of the reasons specified in Article 10(1)3 of the Administrative Lawsuits Act, and she also alleged that Article 209(2) of the General Administrative Procedures Act was violated, i.e. the validity of explanations of contested decisions/rulings.

Outcome: The complaint was discarded as impermissible, with the explanation that an administrative complaint may be filed against a second-instance administrative decree, while it may be filed against a first-instance decree only when there is no allowances for appeals in the administrative procedure.

According to the Court's assessment, the plaintiff proceeded due to erroneous instructions on legal recourse for the contested decree, made in this case by the body of first

instance, the Croatian Government, without applying Article 17(1) of the Access to Information Act which stipulates that the decisions of public authorities may be appealed within a period not to exceed 8 days after their delivery, in this case lodged with the prime minister rather than the Administrative Court as erroneously stated in the instructions.

Due to the erroneous instructions on legal recourse, in compliance with Article 210(4) of the General Administrative Procedures Act, the plaintiff cannot incur harmful consequences, so she was instructed to lodge an appeal with the prime minister within a period not to exceed 8 days after receiving this ruling, after which, if she is still unsatisfied, she may file an administrative complaint.

13. Description: R.P., a councillor of the Varaždin City Council, filed a complaint against a decision of the mayor of Varaždin rejecting his appeal lodged against a decision of the City of Varaždin which rejects the plaintiff's request for access to a case involving a Contract and delivery of photocopies of the Contract on Construction of the Varaždin Sports Hall concluded with the firm Max Bogi Tehnobeton d.o.o. of Varaždin.

In the complaint, the plaintiff cited the statutory and procedural provisions which allow him as a councillor to gain access to all information essential to perform his duties as a councillor. The information was sought for the purpose of passing the city budget, and he stressed that the same information had already been released and delivered to the members of the City Government.

Moreover, in the complaint he alleges the secretary of the City of Varaždin notified him that he is entitled to see the requested documentation provided that he adheres to intellectual property regulations, while the first-instance decision denied his right to access to and delivery of photocopies of the documents. The plaintiff deemed the protection of intellectual property incorrect because he was only interested in data pertaining to the overall price of the hall, the structure of costs and maintenance costs, the leasing price, and related financial costs to the City which is financing the hall using city budget funds.

In the complaint, he further stressed the denial of information which had already been published earlier in a regional weekly newspaper.

Outcome: The complaint has merit, and the contested decision violating the law to the detriment of the plaintiff was overturned, with emphasis on Article 8(4) of the Act, whereby all public authorities must approve access to those portions of information which may be released with reference to the nature of their content.

R.P., based on a decision of the City of Varaždin of 15 July 2008, was allowed access to the requested documentation with restrictions on those portions which pertain to intellectual property rights.

20. HIGH MISDEMEANOUR COURT OF THE REPUBLIC OF CROATIA

The High Misdemeanour Court of the Republic of Croatia received no access to information requests in 2008.

The deputy president of the High Misdemeanour Court was appointed its spokesman, and an electronic register has been established for cases involving access to information requests.

It is the opinion of the Court that the legislative branch should more meticulously specify which questions and which data under the Court's jurisdiction are deemed official secrets – such amendments should subsequently facilitate the more effective and consistent application of the Act.

21. MISDEMEANOUR COURTS

The misdemeanour courts received 24 access to information requests in 2008.

All requests received were accepted and settled within the legally-stipulated deadline.

The information sought concerned cases being heard before these courts, such as, for example, misdemeanour charges filed against specific natural and legal persons, information on which misdemeanours were involved, how the cases were resolved, information on hearing dates, the status of files, the course of proceedings, etc.

The Misdemeanour Court in Umag received 7 requests, of which 5 were filed by the media, and they pertained to reports on work in 2007.

No administrative fees were collected on received requests.

22. COMMERCIAL COURTS

Commercial courts in the Republic of Croatia received 66 access to information requests in 2008.

All requests received were accepted and settled within the legally-stipulated deadline.

The most requests, 43, were received by the Commercial Court in Rijeka.

The information sought concerned cases heard before these courts, such as, for example, matters tied to bankruptcy and liquidation cases, questions on distraint and registration cases, questions on civil litigation, the number of filed and resolved claims, the number of cases in which no hearings were held, and the average duration of litigation.

No administrative fees were collected on received requests.

23. COUNTY COURTS

The county courts received 19 access to information requests in 2008.

All received access to information requests were resolved within the legally-stipulated period, with the exception of a single rejected request.

The rejected request was received by the County Court in Zadar. It was rejected because the party sought access to the findings and opinion of a certified court expert, on which basis the party was instructed to apply Article 150 of the Civil Litigation Act whereby parties are entitled to examine and copy the files of the litigation in which they are participants, and Article 60 of the Court Standing Orders which allows the examination, requesting of transcripts and copies of files and components thereof by parties, their authorized representatives and other authorized individuals.

The information sought concerned information on cases heard before these courts with reference to the course and results of certain criminal trials, information on decision-making on the commuted prison sentence for the convicted I.M. in Lepoglava Prison, and access to files and photocopies of documents from a case in which the information seeker was a party to the procedure.

24. MUNICIPAL COURTS

Municipal courts received 227 access to information requests in 2008:

- 217 requests were accepted,
- 8 requests were rejected,
- 2 requests were ceded.
- 3 requests were not resolved.

The unresolved cases as at 31 December 2008 were not resolved because the legal deadline for their resolution had not yet passed by that time.

Examples of requests which were rejected:

1. Description: The council of the Serbian ethnic minority filed an access to information request with the Municipal Court in Slatina, seeking data on the number of persons employed in that Court, the number of minority employees and the number of Serbian employees. The request was rejected pursuant to Article 15(2) of the Act.

Outcome: An appeal was filed with the County Court in Virovitica, which accepted the appeal and overturned the first-instance ruling, after which the information-seeker's request for information was granted.

2. Description: S.Š. from Dubrovnik, requested from the Municipal Civil Court in Zagreb the right to record with television cameras the proceedings of a main hearing of a trial to which he was a party, in order to protect his interests through public access to the work of the courts.

Outcome: The request was rejected, pursuant to Article 5(5) of the court's Rules governing the right to access to information which prohibits audio and video recording of hearings conducted before the court. In its explanation, the court noted that the prohibition of recording does not limit the principle of public access, for in civil litigation hearings are public and may be attended by legal adults.

3. Description: M.L. from Zagreb filed a request with the Municipal Civil Court in Zagreb seeking the delivery of documentation pertaining to a case in which he is an authorized representative and in which he represents the party D.A. from Zagreb as an attorney. The request was rejected pursuant to Article 15(2)3 of the Act because the information-seeker was provided with the requested information previously.

Outcome: The information-seeker lodged an appeal against the ruling rejecting his request. The appeal was rejected as unfounded, as it was ascertained that the information-seeker exercised the right to access to information within a period of 60 days after the date of filing the new request, and the body was therefore compelled to rule negatively.

The Municipal Civil Court in Zagreb received the most access to information requests in 2008, a total of 151.

Most often the requested information concerned the status of a proceeding to which the information-seeker was also a party or the authorized representative thereof, and which the Municipal Civil Court in Zagreb regularly rejected, instructing the parties to apply the provisions of the Civil Litigation Act, whereby parties are entitled to examine the files pertaining to the cases to which they are parties.

The media often sought specific statistical data on given types of cases (title registration, distraint, litigation) for the purpose of covering various themes on the work of the courts.

To facilitate the most effective possible application of the Act, the Municipal Civil court in Zagreb printed the “Guide to Exercising the Right to Access to Information” which was delivered to all media representatives.

25. MUNICIPAL PUBLIC PROSECUTOR’S OFFICES

Municipal public prosecutor’s offices received 82 access to information requests in 2008:

- 77 requests were accepted,
- 3 requests were rejected,
- 1 request was ceded,
- 1 request was not resolved.

Examples of requests which were rejected:

1. Description: A.S. from Zagreb sought from the Municipal Public Prosecutor’s Office in Zagreb the correction of the response to a request seeking data on criminal charges which he filed against the dean of the Civil Engineering Faculty in Zagreb, Ž.K., and the former secretary of said Faculty, F.B.

The information-seeker received a response to his request on 21 February 2008, however he sought the correction of said response on 11 March 2008, because he felt that the data provided were incomplete and inaccurate.

Outcome: The request was rejected as unfounded pursuant to Article 16(2) of the Act, given that A.S. was entirely apprised of the course of resolution of his criminal charges.

2. Description: The council of the Serbian ethnic minority of the city of Slatina requested from the Municipal Public Prosecutor's Office in Slatina data on the number of employees in the prosecutor's office, the number of minority employees and the number of Serbian employees, for the purpose of obtaining information on the status of the Serbian ethnic minority and its participation in the structure of employees in the city of Slatina.

Outcome: The request was rejected pursuant to Article 15(2)1 of the Act, with reference to Article 141 of Civil Servants Act, for the purpose of protecting data maintained in the personal files of civil servants and public employees.

The municipal public prosecutor's offices did not collect administrative fees for requests.

26. COUNTY PUBLIC PROSECUTOR'S OFFICES

The county public prosecutor's offices received 46 access to information requests in 2008:

- 42 requests were accepted,
- 2 requests were rejected,
- 2 requests were ceded.

All accepted requests were resolved within the legally-stipulated period.

No administrative fees were collected for requests.

Examples of requests which were rejected:

1. Description: I.B. from Split filed a complaint against the decision of the County Public Prosecutor's Office in Šibenik rejecting his request for delivery of photocopies of the file from a case being conducted against an unidentified perpetrator of a war crime against three prisoners of war in Siverić.

In the complaint, the information-seeker contested the legality of the decision and stressed that these records were made public on several occasions very likely with the consent and knowledge of the Chief County Public Prosecutor, and he attached several newspaper articles to the complaint.

Outcome: The appeal was rejected as unfounded, pursuant to Article 8(2)1 of the Act, for the purpose of protecting pre-trial procedures still in progress. The allegations that the

documentation had already been released were also refuted, for it was not apparent from the content of the file that the photocopied newspaper articles corresponded to the requested information.

2. Description: I.B. from Split filed a complaint against the decision of the County Public Prosecutor's Office in Split rejecting his request for access to and examination of a file, and photocopies of military documentation, whereby he once more sought information from the filed request.

Outcome: The complaint was rejected as unfounded, and the legality of the first-instance decision in the interest of safeguarding data designated as "STRICTLY CONFIDENTIAL" was upheld.

27. LOCAL AND REGIONAL GOVERNMENTAL BODIES:

27.1. MUNICIPALITIES

Municipal bodies received 183 access to information requests in 2008:

- 174 requests were accepted,
- 7 requests were rejected,
- 1 request was ceded,
- 1 request was not resolved.

The one request was not resolved because the information-seeker did not proceed in compliance with the conclusion of the Municipality of Veliko Trgovišće, i.e. he did not pay the costs of photocopying the requested documentation.

Examples of requests which were accepted:

1. Description: E.H., a councillor in the Pribislavec Municipal Council, requested information from the Pribislavec Municipal Government on documentation for 14 questions pertaining to the authority of said Government in the conclusion of various contracts, disbursements according to specific costs since its establishment, etc.

Outcome: The information was formally delivered to him on 120 copied pages, and he was charged with costs of HRK 137.00.

2. Description: S.Ž. from Bjelovar requested from the Pribislavec Municipality the delivery of photocopies of documents as to when the assembly of citizens was last held in the Pribislavec Municipality.

Outcome: The information-seeker was provided with a memorandum on the assembly of citizens held in 2002, because she could not find the minutes to the assembly in the archives.

3. Description: I.L., a councillor in the Pribislavec Municipal Council, requested information from the Municipal Government on matters within the scope of his work, a copy of sales contracts, excerpts from salary disbursement statements of employees and a copy of a letter from Haix d.o.o.

Outcome: The documentation was formally delivered to the information-seeker and he was charged with costs of HRK 19.00.

4. Description: E.J. from Zagreb requested a copy of the decision to lease public land from the Primošten Municipality.

Outcome: The request was accepted and resolved within the legally-stipulated period.

5. Lj.I. from Primošten filed a request for delivery of the Physical Plan of the Primošten Municipality on CD.

Outcome: The request was accepted and resolved within the legally-stipulated period.

Examples of requests which were rejected:

1. Description: N.K. from Veliki Đurđevac requested access to documents and photocopies of documentation containing a requested maiden surname from the Primošten Municipality.

Outcome: The request was rejected pursuant to Article 15 of the Act, as the body in question does not have the requested information at its disposal.

2. Description: D.L. from Zagreb requested from the Primošten Municipality access to documents and photocopies of documents to purchase land.

Outcome: The request was rejected pursuant to Article 15 of the Act, because the requested information had already been released in the Physical Plan on the official Internet site of the Primošten Municipality.

3. Description: T.H. from Zagreb requested from the Primošten Municipality an orthophotograph folded over the cadastre and photocopies of documents containing information on the intended uses and existing installations for specific cadastral lots.

Outcome: The request was partially accepted with the delivery of the requested orthophotograph containing the requested lots to the information-seeker, while the remaining information could not be delivered because the body does not have it and the information-seeker was instructed to consult the Branch Office for the Šibenik Cadastre.

4. Description: A.D. from Zagreb requested data on cadastral lots from the Primošten Municipality owned by R.D. or D.D., by direct access to information to inspect it and photocopies of documents containing the requested information.

Outcome: The request was rejected, because the body in question does not have at its disposal the requested information, and the information-seeker was instructed to refer to the National Land Survey Bureau, Šibenik Branch Office or the land registry department of the Šibenik Municipal Court.

5. Description: Ž.M. from Bilje requested from the Bilje Municipality the delivery of a copy of an order, invoice, tachograph card and payments to the cash register in the sense of an audit of the firm Komunalno-Bilje d.o.o. (limited liability company).

Due to the ambiguity of the request in the sense of reference to the Act itself, the Municipality sought that it be supplemented and clarified in that portion which pertains to the audit. The request for the remaining data was forwarded to Komunalno-Bilje d.o.o. for consideration.

Outcome: The request was partially rejected, in that portion pertaining to the audit, because the information-seeker did not proceed as requested, i.e. he did not make the request comprehensible.

Access to information requests concerned access to information on the methods for implementing public land lease procedures, public procurement, and delivery of cadastre documentation. Also sought were individual and general ordinances adopted by municipal

councils, tender documentation on the sale of farm land, delivery of photocopies of various decisions made by municipalities, delivery of abstracts from the Physical Plan for a part of the industrial zone in the Čermenica cadastral district, data from the budget on designated and allocated funds for entertainment costs in 2008, etc.

Some of the municipalities which received requests collected administrative fees for their resolution.

27.2 CITIES

The public bodies of cities received 343 access to information requests in 2008:

- 308 requests were accepted,
- 14 requests were rejected,
- 12 requests were ceded,
- 11 requests were not resolved.

Some of the requests remained unresolved as of 31 December 2008 given that as at the date on which they were received the legal deadline for their resolution had not yet passed.

Some of the requests were not resolved due to failure to settle the costs for making photocopies of the requested documentation and review of documents compiled prior to 1993.

Examples of requests which were accepted:

1. Description: R.P. from Varaždin requested from the City of Varaždin a photocopy of the Conclusion of the City Executive Council on the exchange of land with the firm Parkovi, and a photocopy of the court expert's estimate of the value of the city's land and the lands belonging to the firm Parkovi which were exchanged.

Outcome: The request was accepted outside of the legally-stipulated deadline.

2. Description: M.P. from Varaždin requested from the City of Varaždin a photocopy of part of the Minutes to the fourteenth session of the City Council containing the amendment on the reclassification of the "Commercial-use zone of the nurseries of the firm Parkovi" and the text of said amendment.

Outcome: The request was accepted and resolved within the legally-stipulated period.

3. Description: K.D. from Zagreb requested from the City of Varaždin a photocopy of the contract concluded between the City and individual media in 2007 and 2008 whereby the City of Varaždin was obliged hold promotions and inform citizens.

Outcome: The request was accepted and resolved within the legally-stipulated period.

4. Description: J.K. from Osijek filed a request with the City of Varaždin seeking data on the media with which the City concluded a contract on City information and promotion, with data on the costs per media during the year for these services.

Outcome: The request was accepted and resolved within the legally-stipulated period.

5. Description: M.Š. from Zagreb requested information from the City of Varaždin on the reasons why the City allocated funds for the newspaper *Varaždin News*, information on the total funds allocated and photocopies of the invoices.

Outcome: The request was accepted and resolved within the legally-stipulated period.

6. Description: R.P. from Varaždin requested from the City of Varaždin photocopies of the report on the work of public institutions and companies, discussed by the Varaždin City Executive Council at its 89th session.

Outcome: The request was accepted and resolved within the legally-stipulated period.

7. Description: A law office from Čakovec requested from the City of Varaždin photocopies of all contracts, preliminary agreements and similar documents which the City concluded with the Company Zračna luka d.o.o. of Varaždin, including the basic tender documentation, and the minutes to the sessions of the City Council or City Executive Council at which these contracts were discussed.

Outcome: Since the request received on 4 September 2008 sought a considerable amount of information, the deadline for its resolution was extended to 4 October 2008. The information-seeker was provided with the requested information within these deadlines.

Examples of requests which were rejected:

1. Description: V.K. from Rijeka requested from the City of Rijeka the supplementation of earlier submitted access to information requests in 2008 on hospitality

establishment leasing, in response to which the information-seeker was provided with the requested information, but with which he was not satisfied and refused to assume it.

The request was rejected since the City does not have at its disposal the requested documents nor any information as to where they may be found.

The information-seeker lodged a complaint with the mayor of the City of Rijeka against the first-instance decision rejecting his supplementation of the repeated request.

Outcome: The complaint was rejected as unfounded, since a renewed examination of the entire documentation ascertained that the body does not have at its disposal the requested information nor any knowledge as to where such leasing information may be found.

An appeal was filed against the second-instance decision which the Administrative Court of the Republic of Croatia rejected as unfounded.

2. Description: V.R. from Rijeka requested from the City of Rijeka the delivery of documentation from 1995 on the works to replace natural gas installations to convey natural gas to the buildings at Tizianova 1 and Laginjina 31.

Outcome: The request was rejected because the requested documentation had a storage period of 10 years in compliance with the City of Rijeka Rules on Protection and Processing of Archival and Registration Materials of 21 March 2006, and the City no longer has said documentation.

3. Description: A.N. from Rijeka requested from the City of Rijeka the delivery of photocopies of the closing accounts of the Association of Residential Building Tenants/Co-owners for the period from 2000 to 2008, and the reports of the Supervisory Board of this Association for the same period.

Outcome: The request was rejected since the City of Rijeka does not have the requested documentation and the latter is the operating documentation of the Association which is an independent legal entity.

4. Description: S.S. from Rijeka filed a request with the City of Rijeka seeking access to and photocopies of the project documentation for a flat in Rijeka, at the address Brdo 4.

Outcome: The request was rejected pursuant to Article 15(2)2 of the Act. The City does not have this documentation, does not oversee it nor does it have any knowledge as to where it may be found.

5. Description: The Izvor Women's Association from Tenje requested information from the City of Vinkovci on the overall operations of the city government during the period from 1 May 2005 to 31 December 2007. The information-seeker was summoned to clarify the request within a period of three days, specifying which precise information it deems essential and to review the files and set aside the necessary materials.

Outcome: The request was rejected pursuant to Article 12(2) of the Act, since the information-seeker did not correct its request within the legally-specified period.

6. Description: J.B. from Varaždin filed several requests with the City of Varaždin; in one she sought delivery of certified photocopies of the entire file on the request for issuance of a site permit in the case of S. and V.Š. from Varaždin, the applicants for a construction criteria certificate together with a preliminary design; in another request she sought delivery of certified photocopies of the entire file for the "Varaždin Private Secondary School" case for issuance of a construction license for construction and re-classification of a residential building for the needs of the school, which contains the final design submitted by the investor.

Since the requested documents are copyrighted and protected by the Copyrights and Similar Rights Act, the information-seeker was asked to provide the City of the express written consent of the individual who drafted the project documentation and who owns the project, in compliance with Article 8(2)6 of the Act.

J.B. later filed one more request, her third, seeking a supplement to and correction of the response received for an earlier request, stating that she is not seeking the final design.

Outcome: The request was rejected pursuant to Article 15 of the Act, since the information-seeker did not proceed as the body instructed, i.e. did not provide the necessary consent of the project documentation's creator, and it was assessed that the third amended request did not essentially differ from the earlier request.

7. Description: I.P., an attorney from Čakovec, requested from the City of Varaždin photocopies of all contracts, preliminary agreements and other, similar documents if such exist, which the City concluded with the company Zračna luka d.o.o. from Varaždin.

Outcome: The request was rejected pursuant to Article 15(2)3 of the Act, because the information-seeker was earlier allowed access to the information within a period of 60 days after submitting the request.

8. Description: I.K., a reporter for the newspaper *Bjelovarski list*, requested from the City of Bjelovar on 18 September 2008 information on all occupants of low-income housing owned by the City and the conditions for use of these housing units. The request was re-submitted on 2 October 2008, wherein the reporter sought the same information such that he be allowed access to or secure delivery of the list of all occupants of city-owned housing units on any basis and pursuant to any decision, for the needs of a newspaper article on the City's needs for such housing.

Outcome: The request was rejected Article 15(2) of the Act for the purpose of safeguarding personal data sought by the request, and for which the information-seeker has no permission from the data owners.

The information requested from cities concerned their work, employees in city agencies, and data on salaries. Also sought were the delivery of photocopies of city documentation, e.g. decisions on financing political parties, information on capital investments in religious buildings and aid to religious communities, and inspection of decisions and other documents of city councils and other city agencies. Furthermore, queries were posed which pertained to the budget and finances, financial liabilities to specific vendors, borrowing by the cities, uses of loans, loan instalments, interest rates, etc.

Some of the requests concerned data on city-owned commercial and residential facilities, a list of their number and dimensions, the leasing thereof, data on lessees and lease rates. Questions were also posed on public procurement, completed public tenders, the number of bidding firms with the amounts of their bids, and data on firms which concluded contracts based on public procurement tenders.

Access to city physical planning and development was also sought, and as well as delivery of photocopies thereof.

27.3 COUNTIES

County public bodies received 124 access to information requests in 2008:

- 118 requests were accepted,
- 1 request was rejected,
- 4 requests were ceded,
- 1 request was not resolved.

The one request was not resolved because it was received on 23 December 2008 in Primorje-Gorski Kotar County, and the legal deadline for its resolution did not expire as at 31 December 2008. The same County received a total of 9 requests, of which 5 were resolved within the legally-stipulated period, while 3 were forwarded to the relevant body for resolution.

Krapina-Zagorje County received a total of 4 requests which were positively resolved.

1. Description: B.K., the owner of the sole proprietorship Autotransporti Krapina, Autobusni kolodvor of Krapina, requested from the County photocopies of the license for performance of county passenger road transport issued to the firm Presečki grupa d.o.o. and other transporters with head office in Krapina, and the accompanying travel schedules.

Outcome: The request was accepted and resolved within the legally-stipulated period.

2. Description: B B.K., the owner of the sole proprietorship Autotransporti Krapina, Autobusni kolodvor of Krapina, requested from the County a photocopy of the license for performance of county passenger road transport granted to all transporters and county transit lines for which taxi transport was approved "from/to" the Krapina bus station "from/to" Krapina Nova, for the period from 1 December 2005 up to the date of the request.

Outcome: The request was accepted and resolved within the legally-stipulated period.

3. Description: D.T. from Zaprešić requested from the County a photocopy of the request of the Police Directorate for an opinion on the dismissal and appointment of the chief of the Krapina-Zagorje Police Department of 11 February 2004 and a photocopy of the conclusion of the County Assembly of 14 December 2004 concerning the same matter.

Outcome: The request was accepted and resolved within the legally-stipulated period.

4. Description: M.Š., the owner of the sole proprietorship NIGRA Zlatar from Zlatar, requested from the County a photocopy of the minutes to the public opening of bids in the public procurement procedure for services involving transportation of pupils in elementary schools in which Krapina-Zagorje County has founder's rights, and a photocopy of the minutes to the 68th session of the County Government.

Outcome: The request was accepted and resolved within the legally-stipulated period.

Example of a request which was rejected:

Description: The Municipality of Mala Subotica, Consolidated Administrative Department, filed a request with Međimurje County seeking delivery of photocopies of the ruling of the Administrative Court of the Republic of Croatia in an administrative complaint in which the plaintiff PIB-EXTRA d.o.o. of Štefanec filed a complaint against Međimurje County.

Outcome: The request was rejected as unfounded, pursuant to Article 15(2)2 of the Act, since the County did not receive the relevant ruling from the Administrative Court.

The information requested from the counties primarily concerned matters tied to construction and the economy, as data was sought on the number of issued construction licenses and construction criteria certificates, as well as data from other ordinances tied to construction, information on the amount of funds expended to co-finance crops and data on farms which made use of co-financing. The question of the attorneys who represented Požega-Slavonia County from 2004 to 2008 was also posed.

The method for publication of the information of the counties was regulated by organized information catalogues, appointed public relations officials and by posting on the county web pages.

Some counties notify the public of their work by means of regular printed statements, press conferences, call-in programmes in the local media, releases in the official county bulletins, posting on bulletin boards, etc.

27.4 CITY OF ZAGREB

The bodies of the City of Zagreb received 186 access to information requests in 2008.

Natural persons filed 168 requests, while 18 requests were filed by legal persons.

180 requests were resolved, while 6 requests remained unresolved.

- 175 requests were resolved within the legally-stipulated period,
- 7 complaints were filed due to non-resolution of requests,
- 2 requests were resolved in appeal procedures.

According to available information, no appeals were filed against the City of Zagreb with the Administrative Court, nor were any rulings pronounced by that Court in this regard.

No administrative fees were collected.

The requested information concerned data on the management and use of real estate, budget execution, data on companies and institutions owned by the City of Zagreb, financing of associations and the media, questions on concessions, public procurement, data on city civil servants and public employees in the City's administration, environmental protection, consultation services, planned construction of sporting facilities and parks, community order, etc.

The City of Zagreb releases the information at its disposal and data falling with the scope of its operations in the City's official bulletin *Službeni glasnik Grad Zagreb*, and on its official web pages.

28. LEGAL PERSONS VESTED WITH PUBLIC AUTHORITY

Legal persons vested with public authority received 381 access to information requests in 2008:

- 357 requests were accepted,
- 16 requests were rejected,
- 2 requests were ceded,
- 5 requests were not resolved.

Examples of requests which were rejected:

1. Description: M.G. from Zagreb requested information from the Croatian Employment Bureau, Zagreb Branch Service, on registration of D.G. in the unemployment records.

Outcome: The request was rejected because the requested information is personal data maintained in the Bureau's records and the Bureau is obliged to safeguard such data as a professional secret.

2. Description: P.Č. from Glina requested access to information from the Croatian Pension Insurance Institute, Sisak Branch Service, by delivery of ordinances tied to the

discontinuation and resumption of payment of his old-age pension with personal data on the insurant.

The request was rejected pursuant to Article 6(3) of the Act, for the purpose of safeguarding the requested personal data, and the information-seeker was instructed to apply Article 80 of the General Administrative Procedures Act and the Pension Insurance Act in the exercise of his rights.

The information-seeker filed a complaint with the Central Service in Zagreb against the decision rejecting his access to information request, stating that the data he sought are not personal in nature, and that the contested decision wrongfully applies the provisions of the Act and that incorrect instructions on legal recourse were applied.

Outcome: The appeal was rejected as unfounded and the legality of the first-instance decision was upheld as was the rightful protection of personal data through instruction of the information-seeker to apply the provisions of the General Administrative Procedures Act, whereby he is entitled to examine the file of the relevant case to which he is a party.

The information-seeker filed an appeal with the Administrative Court of the Republic of Croatia against the decision, which was rejected.

The appeal was rejected as unfounded.

3. Description: A.G.R. from Zagreb requested from the Croatian Privatization Fund access to review the Decision of the Fund's Board of Directors of 28 March 2007 and documentation tied to the publicly released invitation to bid for leasing commercial premises in Zagreb at the address Ljerke Šram 6.

The request was rejected in compliance with the Rules governing the trade secrets of the Croatian Privatization Fund, which safeguards all data and documents tied to public tenders as trade secrets, except for persons participating in a given tender. The information-seeker did not prove her legal interest nor was she a party to the tender in order for the Fund to provide her with the requested information.

Outcome: An appeal was filed against the decision of the Croatian Privatization Fund which rejected the appeal lodged against the decision to reject the request.

The appeal was rejected as unfounded, and the explanation of the body which was safeguarding the requested information as a trade secret was upheld.

4. Description: T.D. from Zagreb and the Croatian Civility Movement requested for the Croatian Privatization Fund access to Contracts on share swaps concluded between the Fund and privatization mutual funds.

The request was rejected pursuant to Article 15(2)1 of the Act, with reference to the Rules governing trade secrets in the Croatian Privatization Fund, which safeguards the requested data as a trade secret.

Outcome: An appeal was lodged against the second-instance decision rejecting the information-seeker's complaint lodged against the decision made in the first instance which rejected the request for access to the requested information.

The plaintiff alleged that the requested Contracts were examined by the State Audit Bureau, and that they were cited in the Report on the Completed Audit of the voucher privatization process, whereby these documents became public. The requested documents were required for a litigation being conducted by the plaintiff before the Commercial Court in Zagreb.

The appeal was rejected as unfounded, with the notation that even though these documents were audited and cited in the Report, this does not mean that they are not as such protected by the provisions of the Act governing the protection of data confidentiality.

5. Description: The Zagreb Veterans Unity Farm of Zagreb requested from the Croatian Privatization Fund the right to access to the receivables of the Croatian Homeland Fund from the Croatian Privatization Fund.

Outcome: The request was rejected since the Fund neither possesses, oversees nor has knowledge of where such information may be found.

6. Description: Mirna d.d. of Rovinj requested access to information from the Croatian Privatization Fund pertaining to the firm Merkant d.d. of Pula, Mirna trgovina d.o.o. of Rovinj and Mirnapack d.o.o. of Rovinj.

Outcome: The request was rejected pursuant to Article 15(2)1 of the Act.

Among legal persons vested with public authority, the most requests were received by the Croatian Employment Bureau, with a total of 208 requests, of which 206 were accepted, while 2 requests were rejected.

All accepted requests were resolved within the legally-stipulated period.

The information sought from the Bureau pertained to unemployment statistics broken down by sex, age, disability, education, vocation, duration of unemployment, county, city and municipality for various periods. Data was sought on the highest demand occupations, data on deficient and surplus occupations, hiring of persons from the Bureau's records, etc.

The Bureau does not collect administrative fees for received requests.

The information requested from other legal persons vested with public authority generally pertained to matters under their jurisdiction.

Information on the operations of these bodies are posted on their official web pages, by the public media, bulletin boards and organized information catalogues.

Some legal persons are obliged to notify the public of their work in compliance with law or their charters through the submission of regular annual reports.

29. FINANCIAL INSTITUTIONS

Financial institutions received 41 access to information requests in 2008.

All requests were accepted and resolved within the legally-stipulated period.

The National Deposit Insurance and Bank Rehabilitation Agency received one access to information request which pertained to the number of banks currently undergoing rehabilitation.

The Financial Agency received 35 access to information requests in 2008 submitted by reporters from national and local media who sought data from FINA's Registration Centre on the aggregate number of insolvent legal and natural persons at the national or county levels.

The Croatian Financial Services Oversight Agency received 5 requests in 2008 in which it sought delivery of data in the fields of insurance, leasing and the capital market.

30. STATE REAL ESTATE BROKERAGE AGENCY

The State Real Estate Brokerage Agency (APN) did not received any access to information requests in 2008.

One complaint was filed with the Administrative Court of the Republic of Croatia on 14 February 2008 against a decision of the APN, Class.: UP/II-034-04/07-02/49 of 11 January 2008 rejecting the complaint of the Civic Alternative and Ethnic Relations Association from Vukovar, lodged against the APN's decision in the first instance of 17 December 2008 in a procedure for access to information on the owners of purchased real estate, the numbers and effective dates of the sale contracts, data on authorized proxies, and the names of the courts and administrative bodies in Serbia and Montenegro in which the powers of attorney were certified for each individual sale.

The Civic Alternative and Ethnic Relations Association from Vukovar questioned the legality of the contested decision, because the contested ordinance did not eliminate the shortcomings caused by the proceeding of first-instance, nor did it comply with the earlier Court ruling no.: Us-13533/2006-4 of 26 September 2007 which validated the complaint of the plaintiff against the same body, and which overturned the APN's decision of 13 November 2006 in the same legal matter, returning the case for renewed deliberation.

In the explanation to the ruling, it was specified that in the rationale for the APN's contested decision of 13 November 2006 there is no clarification of the law or grounds for the criteria to declare the requested information in the specific case a trade secret and safeguard it from unauthorized gathering and further processing.

The agency in question made a new decision to reject the plaintiff's appeal, citing Article 8(2)1, 2 of the Act, which denies access to information if its release would impede the implementation of measures and actions to prevent and detect crimes or prosecution of the perpetrators of such crimes or block the effective, independent and impartial conduct of judicial, administrative or other legally-regulated procedures, or the enforcement of court rulings or sentences.

Outcome: The complaint was rejected as unfounded. Based on the data from the case file, the court ascertained that the requested data must not be released due to an ongoing criminal investigation conducted by the Public Prosecution and Anti-corruption and Organized Crime Office with reference to allegations of forged powers of attorney used in the sale of real estate belonging to Croatian citizens of Serbian ethnicity which was purchased in good faith by the sued agency, i.e. the APN.

31. EDUCATIONAL/LEARNING INSTITUTIONS

Educational and learning institutions received 16 access to information requests in 2008.

All requests were accepted and resolved within the stipulated period.

The requested data concerned expert contractors employed in individual educational institutions, their names and surnames, residential address, qualifications and vocation, data on retired employees with the same details, and the workplaces at which they were employed, as well as data on pupils.

32. SOCIAL WELFARE CENTRES

Social welfare centres received 2 access to information requests in 2008 which were accepted and resolved within the legally-stipulated period.

33. CULTURAL AND SCHOLARLY/RESEARCH INSTITUTIONS

Cultural and scholarly/research institutions received 4 access to information requests in 2008:

- 2 requests were accepted,
- 1 request was rejected,
- 1 request was not resolved.

The accepted requests were resolved within the legally-stipulated period.

The one request was not resolved due to the dissatisfaction of the information-seeker over the response received from the State Archives in Pazin, even though this individual was granted permission to access the archival materials on several occasions, which said information-seeker did not as at the date on which the Archives filed its report.

The State Archives in Zagreb received 1 exercise of the right to access to information which it rejected because it did not have the requested data.

34. ENVIRONMENTAL PROTECTION INSTITUTIONS

Environmental protection institutions received 4 access to information requests in 2008.

All received requests were resolved within the legally-stipulated period.

Most often, the requested information concerned the major topic of waste, and information was largely sought by private firms which intend to become or already are involved in some segment of waste collection and treatment.

Administrative fees for requests were not collected.

The Environmental Protection Agency regularly posts information on its activities, organization and measures on its web pages, and publishes them in its annual report, which contains information on the Agency's operations and employees. Once annually it informs the public by publicly presenting the results of its work and highlighting its human resources and financial indicators.

35. VETERINARY CLINICS AND STATIONS

Veterinary clinics and stations did not receive any requests for exercise of the right to access to information in 2008.

36. CROATIAN ROAD AND MOTORWAY MANAGEMENT

The road and motorway management company Hrvatske ceste – Hrvatske autoceste received 8 access to information requests in 2008:

- 6 requests were accepted,
- 2 requests were rejected.

Description of the rejected request with outcome:

The request of the 66th Regiment submitted to the motorway management company Autocesta Rijeka-Zagreb d.d. seeking information on a contract and records on the final contractual settlement of Autocesta Rijeka-Zagreb d.d. was rejected. The information-seeker was also a party to and signatory of the requested contract. The information-seeker attached the first page of the complaint in civil litigation which was launched against Autocesta Rijeka-Zagreb d.d., and photocopies of the documents which clearly show that some portions are designated as "MILITARY SECRET".

The information-seeker identified itself as the manager of a commercial road construction cooperative, but did not provide an abstract fro the court register or other identifying certificate which would prove its legitimacy and the existence of the cooperative.

The information-seeker was asked to supplement the request and the entire complaint.

The information-seeker did not proceed as instructed by the public authority, i.e. Autocesta Rijeka-Zagreb d.d. and the request was rejected.

IV. OVERSIGHT OF COMPLIANCE WITH THE ACT

The Central State Administrative Office, as the body charged with oversight of compliance with the Access to Information Act, received petitions from information-seekers concerning the work of bodies vested with public authority.

In 2008, the Office received 56 petitions on the work of the public authorities.

In the petitions, information-seekers stressed that a given public authority did not resolve the submitted request within the legally-stipulated period, or that the request was not at all resolved and so-called “administrative silence” ensued.

In acting on these petitions, the Office contacted the relevant public authorities in written form, instructing them on how to proceed and the obligations which ensue from the Act, with citation of the misdemeanour provisions due to failure to observe the Act, and their obligation to notify the Office of their actions in response to each submitted petition.

1. Description: N.K. from Zagreb, as a member of the School Board, submitted a petition due to the failure to respond by the City of Zagreb Education, Culture and Sports Office.

As an information-seeker, he sought documentation from the Office due to what he deemed as established irregularities in the operations of a Zagreb secondary school.

In acting on the petition, the Central State Administrative Office sent a letter to the Zagreb Office with instructions on how to proceed according to the Act.

Outcome: The City Education, Culture and Sports Office submitted to the Office a response in which it stated that it had attempted to send the requested documentation to the information-seeker’s home address twice, on which it has evidence, but the information-seeker never took possession of the package.

2. Description: J.B. from Split submitted a petition due to the failure of the County Public Prosecutor’s Office in Split to proceed in compliance with the Act.

He requested access to a criminal case file.

Outcome: The County Public Prosecutor's Office in Split sent a response to the Office in which it noted that it decided to reject their request in this case.

3. Description: M.K. from Gradina submitted a petition to this Office due to failure to proceed in compliance with the Act.

The request sought information from the Municipality of Gradina, Municipal Council, Unified Administrative Department on the leasing of farm land.

Outcome: In acting upon the instructions of this Office, the public authority specified above delivered to the Office a written response in which it stated that the information-seeker was granted access to the requested information, and as evidence thereof a photocopy of the request was provided which bears the signature of the information-seeker confirming that he had taken possession of the requested documents.

Based on the received petitions, it is apparent that there are increasingly frequent cases of abuse of the Act such that information-seekers cite the provisions of the Access to Information Act in an attempt to settle their administrative and court procedures and seek information from the public authorities which is not information in the strict definition of this term specified in the Act.

It was simultaneously ascertained on the basis of petitions received that information-seekers cite the provisions of the Act and seek specific information, although an analysis of the latter indicated that in specific it is not a matter of exercise of the right to access to information, rather a matter of seeking expert opinions from the jurisdiction of individual public authorities.

1. Description: N.M. from Rijeka filed a request citing the provisions of the Act and seeking information as to "whether the bodies of a civic association (e.g. the management or supervisory board) must simultaneously be members of this association".

Outcome: This Office responded to this query with the explanation that in this specific case it is not a matter of information in the sense of the Act, rather a request for an expert opinion tied to the Associations Act.

2. Description: O.P. from Bregana filed a request citing the Act in which he sought an assessment of the legality of actions taken by the Ministry of Finance.

Outcome: This Office ascertained that the information-seeker requested the assessment of the legality of a decision by the Ministry of Finance rejecting his access to information request, because the requested information is a tax secret in compliance with the General Tax Act.

The Office referred the information-seeker to the provisions of the Act stipulating the possibility of lodging an appeal or complaint with the Administrative Court of the Republic of Croatia, because the Office has no authority to assess the legality of individual administrative acts, rather this authority rests with the Administrative Court of the Republic of Croatia.

In 2008, the Office received two petitions concerning payment of administrative fees for access to information requests.

In compliance with the Act, a public authority is entitled to compensate incurred costs from information-seekers with reference to the rendering and delivery of requested information, which includes so-called copying costs.

However, the Administrative Fees Act governs the payment of administrative fees for files and operations before the public authorities.

The Act does not stipulate the requests for access to information are exempt from payment of administrative fees and payment of administrative fees rests on the Administrative Fees Act.

In the case of the Sunce Association for Nature, the Environment and Sustainable Development from Split, with reference to charges for “delivery services for requested documentation” from the Biokovo Nature Park Public Institution in an amount of HRK 940.62, the Office has requested a written explanation which has not yet been delivered.

V. ACTIVITIES OF THE OFFICE

The Access to Information Act commits all public authorities, whether national or local, and all legal persons vested with public authority in Croatia and all other parties to which public authority has been delegated to release their information.

The purpose of the Act, as already stated, is to enable and secure the exercise of the right to access to information to natural and legal persons through the open and public operations of public authorities.

The Office organizes seminars for civil servants charged with public relations who perform these tasks in central bodies of public authority and in the bodies of local and regional governments.

In 2008, three seminars were held in the Central State Administrative Office/Civil Service Qualification and Education Centre, two of which were basic seminars while the third was advanced.

The seminars were organized such that participants resolved specific examples from actual practice in implementing the Act through a theoretical section and workshops.

The Local Democracy Academy organized two consultations during 2008 on the “Right to Access to Information and Protection of Personal Data in Local Government” in which the Office participated with a presentation on application of the Act and current problems in applying the Act.

The Office has also actively participated in the seminar on the Right to Access to Information organized by the Civil Engineering Faculty in Zagreb and the scholarly seminar in Novalja organized by the Law Faculty/Lifelong Education Centre on the topic of “Effective Legislation on Public Access to Information and Previous Practices in Application of the Act”.

On 28 September – “International Right to Know Day” – a conference organized by the Office and the non-governmental organization GONG was held, also attended by Deputy Prime Minister Jadranka Kosor, the Minister of the Family, Veteran Affairs and Intergenerational Solidarity.

In line with the commitments ensuing from the Act, the Office has drafted and the Croatian Government has adopted the Directory of Public Authorities in 2008, which was supplemented with new agencies.

In 2008, the Office compiled the report on implementation of the Act within the stipulated deadlines and submitted it to the Croatian Government, which in turn forwarded it to the Croatian Parliament for approval.

The Report on Compliance with the Access to Information Act for 2007 was posted on the web page of the Office, so that citizens have access to the work of the public authorities.

VI. SITUATION ASSESSMENT

The Access to Information Act commits all public authorities, whether national or local, and all legal persons vested with public authority in Croatia and all other parties to which public authority has been delegated to release their information.

Under this Act, the right to access to information of public interest and the accessibility of information held, overseen or otherwise managed by public authorities is regulated and legalized.

The purpose of the Act is to facilitate and secure the right to access to information exercised by natural and legal persons through the open and public operations of the public authorities.

In its analysis of the submitted reports, the Office has assessed that public authorities still do not have sufficient knowledge of the Act.

Namely, individual public authorities included in their reports all queries from natural and physical persons with which they dealt in 2008, which means that besides access to information requests based on the Access to Information Act they also cited instances in which they provided expert opinions in their field of operations.

Since 2004, and with reference to oversight of compliance with the Act, the Office has continually collected and processed data from central authorities and local and regional authorities on decisions to appoint public relations officials and decisions on establishing information catalogues.

Thus, in July 2008, the Office sent letters and rush notes seeking delivery of data on public relations officials and information catalogues, and it compiled an updated list of public relations officials and information catalogues.

Such obligations follow from the National Anti-corruption Programme for 2006-2008 and the Action Plan accompanying the Anti-corruption Strategy adopted by the Croatian Government in June 2008.

The Action Plan specifies:

- the obligation of public relations officials in public agencies to file quarterly reports on compliance with the Act;
- continuation of ongoing training of spokespersons and other officials in charge of providing information;
- compilation of statistical analyses of rejected requests;
- establishment of the Task force to conduct analyses of the justification or lack thereof for rejected access to information requests;
- organization of public campaigns to raise awareness of the right to access to information.

Due to the importance of access to information, the Croatian Government adopted its Conclusion in October 2008 which charged all central authorities with the obligation of filing quarterly reports on compliance with the Access to Information Act.

A comparison of the number of received requests for the right to access to information from 2004 to 2008 indicates a declining tendency in the number of requests received.

Data on the smaller number of requests received as already stated should, in the Office's view, be seen in light of the fact that information-seekers are aware of the information held, managed or overseen by public authorities, for according to the reports submitted by public authorities, they regularly release information in public bulletins, the media, toll-free business info-lines and on web pages at least once monthly.

Therefore, it is certain that the application of state-of-the-art IT/communications technologies facilitates and accelerates the operations of public administration and allows easier public contacts.

It should be noted in particular that the citizens of the Republic of Croatia and the public at large have access to administration and a consolidated point for all relevant information in compliance with the principle of open and public administration at the web-site: www.moja uprava.hr.

The right to access to information held by public authorities is important to the Republic of Croatia as a firewall against corruption and abuse. Its application, including the transformation from the existing bureaucratic culture into a more democratic and publicly

accountable administration does constitute a challenge, particularly in countries with weaker economies and limited budgetary funds to implement more far-reaching reforms.

This approach contributes to greater professionalization of the work and procedures of civil servants, which will ultimately result in increased public trust and more positive evaluations of the work of public administration.

Pursuant to the submitted report, the Office shall continually monitor compliance with the Access to Information Act and regularly notify the public thereof, for confidentiality of work and limited access to information must be the exception rather than the rule.