

PAR PRINCIPLES MAINSTREAMING IN SECTORAL POLICIES

REPORT FOR NORTH MACEDONIA

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Report summary

This report showcases the level of transparency of the Ministry of Social Policy, Demography and Youth (MSPDY)¹, as seen through the WeBER methodology. Precisely, the report is divided in seven sections that show in detail the readiness of MSPDY to fulfil its obligations regarding the transparency of its work.

The first section presents the effectiveness of the MSPDY to answer Free Access to Public Information Requests (FOIs) within the legal deadlines, which in the case of North Macedonia are 20 days as a general deadline with a possibility for extension of additional 10 day, so in total 30 days. The second section is related to the first one and presents whether the MSPDY provides quality answers that suffice the petitioner's request. The third section presents whether the MSPDY charges for providing public information.

The fourth section presents whether the MSPDY promotes free access to public information in a user-friendly and a citizen-friendly manner. The fifth section presents whether the MSPDY has a contact person for access to public information and whether it publishes their contact information. The sixth section presents whether the MSPDY publishes on its website basic information about its work and competence, so the citizens can be easily and well informed. The seventh and last section presents whether the MSPDY publishes data in open formats on its own website as well as on the national (centralized) website/portal for open data.

The analysis included website reviews, FOI requests to the MSPDY and review of national legislation (laws and bylaws). The report shows that the MSPDY is transparent and open, since its website is frequently updated with the necessary information and documents, its section on free access to public information is rather extensive and easily accessible and it provides the requested information and data whenever it receives a FOI request. However, there is a space for enhancement in the field of open data. More precisely, the MSPDY lacks in publishing data in open format on its website and the data published on the national open data portal are out of date.

¹ Technical note: On 10.06.2024 the Parliament of the Republic of North Macedonia amended the Law on Organization and Operation of State Administrative Bodies (LOOSAB) which resulted in changes of the government structure. In that regard new ministries were created, some were separated into two new Ministries (some have merged competences of two ministries) and competences of the existing Ministries were allocated. This report analyses the Ministry responsible for the sector social policy, which at the beginning of the reporting period held the title "Ministry for Labor and Social Policy" and now according to the changes of the LOOSAB holds the title "Ministry for Social Policy, Demography and Youth". Also, the Ministry responsible for public administration that held the title "Ministry for Information Society and Administration" was separated into two new Ministries "Ministry for Public Administration" and "Ministry for Digital Transformation". Within this report, the new title for the Ministry responsible for social policy will be used i.e. MSPDY, as for the Ministry responsible for public administration we will use the old title "Ministry for Information Society and Administration" (MISA), since the LOOSAB does not specify in which of the two new Ministries competences will the open data portal fall in, neither the new Ministries have websites, they still use the existing website of the MISA.

Introduction

1.1 What does WeBER monitor and how?

The monitoring in the Organisation, Accountability and Oversight (OAO) area is performed against SIGMA Principle 15.

Principle 15: Public administration is transparent and open.

ACC checklist consists of 7 requirements that pertain to the practice of reactive (based on free access to information requests) and proactive information provision. In the area of reactive informing, requirements consider whether assessed institution meets legal deadlines when responding to free access to information requests, whether contents of such responses correspond to what was requested (based on a sample), and whether assessed institution as a rule provides responses free of charge. Finally, it is monitored whether all interested parties can easily access online a section useful, at the website of responsible institution, that provides useful and citizen-friendly guidance or tips for exercising this right.

In the area of proactive informing, it is monitored whether responsible institution has an information on the designated contact person(s) for FOI easily accessible online, and whether all the basic information from the institution's work is available for public scrutiny, which includes policy and legal acts, offered public services, annual reports, budget, general contacts, and organisational charts. Lastly, this report monitors whether practices of proactive disclosure of datasets in open formats exist, and how regularly open data is published.

For monitoring and assessing how free access to information is achieved, freedom of information requests will be filed for all documents that are not available online, but also to assess practices of the responsible institution in providing responses to request. Also, approach to this checklist relies on review of websites of assessed institution and government-sponsored open data portals. The timeframe of analysis covers either current practices that exist at the time of assessment, or 6 and 12 month-periods which depends on the individual requirement.

1.2 In this report

This report contains the conducted analysis by the Center for Change Management (CCM) on the implementation of the principle of transparency by the MSPDY according to the previously established methodology by the project's consortium.

The analysis gives a preview of the level of transparency of the MSPDY according to the seven requirements, elaborated as sections in the introduction part of this report.

For the readers to truly understand this analysis, it is important that they know or at least have a sense of the legal and institutional framework in North Macedonia that focuses on the topic of transparency of the public institutions. Therefore, we will firstly, in brief, explain this framework, as a necessary introduction of the analysis.

North Macedonia has established the principle of transparency through several general laws and has adopted the specific Law on Free Access to Public Information (LFAPI)² through which it has established the Agency for Protection of the Right to Free Access to Public Information (APRFAPI)³ that has the mandate and competence to oversee and support the public administration institutions in enhancing transparency i.e. making public information accessible to the public, as well as sanction them in a form of misdemeanor when they breach the law's provisions.

The Law on General Administrative Procedure (LGAP)⁴ is a general law that provides the minimum procedural rules for the administrative procedures that are conducted before a public institution and guarantees for protecting human rights in those procedures. In short, this Law provides general minimum standards for the development of the specific administrative procedures before sector specific institutions.

The Law on Social Protection (LSP)⁵ as a specific material law that proscribes special administrative procedures that are conducted before the MSPDY or a subordinate institution (as are the Centers for Social Works which are dispersed across the country), contains provisions that guarantee transparency. Precisely, article 25 of the LSP states that "The Ministry, the municipalities, the city of Skopje and the municipalities in the city of Skopje on their website, in the means of public information, as well as in other ways in accordance with the law, inform the public about social protection and provide other information established by law. Social protection institutions and social service providers provide free access to information about their work, in accordance with the law".

Requirement 1: Responsible institution submits information within the respected deadlines

The first FOI was sent on 06.06.2024 and it contained 5 questions regarding (1) Information whether the MSPDY charges for providing public information; (2) if it does, what is the legal basis for that; (3) The last systematization with job tasks; (4) Total number of FOI requests received in the last 6 months; and (5) Description of the FOI requests received in the past 6 months.

The second FOI was sent on 03.07.2024 and it contained 2 questions regarding (1) The last systematization with job tasks and (2) Copies of three specific answers to FOI requests.

The FOI requests were sent via e-mail, addressed to the official general e-mail of the MSPDY, as well as to the designated person for FOI requests. This is allowed by the LFAPI, and it is also a well-established practice in the public sector in North Macedonia.

Regarding the first FOI request, the MSPDY provided an answer on 25.06.2024, which is 19 days from the day of the submission. As for the second FOI request, the MSPDY sent an answer on 25.07.2024, which is 22 days from the day of the submission.

According to the LFAPI, the institutions have two deadlines to answer FOIs. The first deadline is 20 days, and the second deadline is a possibility for extension of just 10 more days in cases where the FOI request is extensive and complicated. Whenever a public institution wants to extend the deadline, it must inform the person that has submitted the request.

² Law on Free Access to Public Information, Official Gazette of the Republic of North Macedonia, no. 101 of 22.05.2019 <https://shorturl.at/YPUJX>

³ Website of the Agency for Protection of the Right to Free Access to Public Information <https://aspi.mk/>

⁴ The Law on General Administrative Procedure, Official Gazette of the Republic of North Macedonia, no. 124 of 23.07.2015 https://www.aa.mk/content/zakon_za_opstata_upravna_postapka.pdf

⁵ The Law on Social Protection, Official Gazette of the Republic of North Macedonia, no. 104 of 23.05.2019 https://www.mtsp.gov.mk/content/pdf/zakoni/2019/28.5_zakon_SZ.pdf

In this current case, according to the methodology and the guidelines for assessment, the MSPDY has submitted the first answer within the first legal deadline and the second answer within the second legal deadline, which means that this **requirement is fully met**.

However, we would like to point out that, according to the legal provisions, the MSPDY did not inform us that it will send the second answer within the second legal deadline.

Also, according to the reports of the MSPDY on implementing the LFAP for the past three years (2021⁶, 2022⁷ and 2023⁸) there hasn't been a case of refused or unanswered FOI request. More precisely, in 2021 it has received 156 FOI requests, in 2022 it has received 93 FOI requests and in 2023 it has received 60 FOI requests.

Requirement 2: Responsible institution submits information that was requested

Regarding the first FOI request that was submitted to the MSPDY within the monitoring, they answered that they have submitted links to their website where the requested information is published. This is an option prescribed in the LFAP.

Regarding the second FOI request that was submitted to the MSPDY, we asked them to send us three specific cases of answers to FOI requests, which were selected as complicated cases. The MSPDY both sent us the formal answers and the link to their website where the answers are published. In this section we will elaborate on the three specific cases separately and in detail.

Regarding the first specific case, the FOI contains 9 questions which are related to (1) number of children enrolled in preschool; (2) Organized conferences on the topic "Roma women"; (3) The progress on the Law on social housing; (4) Pilot activities for temporary care for homeless people; (5) Activities for temporary care of homeless people in the area "Kale" in Skopje and the program for financial support to homeless people; (6) Activities conducted in 2023 by the Unit for implementation of the National Strategy for Roma; (7) Activities in 2023 by the National Coordinative Body for Roma and reports from the activities; (8) Implemented activities for solving problems for unregistered people through the Law on persons without a regulated civil status; and (9) Implemented activities for children on the streets.

The answer from the MSPDY is consisted of a 5-page document which contains one detailed table with data for question 1. As for the other questions, the MSPDY has answered narratively and in detail. In addition, it has submitted three documents regarding the requested reports from question 7 and a separate document elaborating question 9. Overall, the quality of the answers is satisfactory.

Regarding the second specific case, the FOI contains four questions regarding (1) the total number of persons that can be accommodated in the Transit Centre's Vinojug and Tabanovce; (2) Total number of persons that were accommodated in the Transit Centre's Vinojug and Tabanovce on 31 of August 2023 and 30 of November 2023; (3) Has the country signed an agreement for translation services for the need of migrants; and (4) Does the country have any standard operative procedures for identification of newly registered migrants.

The answer from the MSPDY is consisted of a one-page document, which briefly answers the four questions and does not have any annexes with concrete documents or online links. The answer is sufficient according to the requested information. Regarding the third specific case, the FOI contains a request for obtaining three types of documents (1) Copy of the minutes of the public auction that sold the children's resort "Macedonia" in Tivat, Montenegro; (2) Copy of the concluded contract for its sale; and (3) Copy of the record of handing over the building to the new owner. The answer consists of the concrete requested documents in a scanned version in one single pdf file.

6 Annual Report of the Ministry of Labor and Social Policy (now MSPYD) on the Implementation of the Law on Free access to Public Information, 2021, https://www.mtsp.gov.mk/content/pdf/2022/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%B5%D0%BD%20%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98_2021.pdf

7 Annual Report of the Ministry of Labor and Social Policy (now MSPYD) on the Implementation of the Law on Free access to Public Information, 2022, <https://www.mtsp.gov.mk/content/pdf/2023/godishen%20izvestaj%202022.pdf>

8 Annual Report of the Ministry of Labor and Social Policy (now MSPYD) on the Implementation of the Law on Free access to Public Information, 2022, https://www.mtsp.gov.mk/content/pdf/2024/Godishen_izvestaj_2023.pdf

Regarding the overall quality of the answers to the three specific FOIs we can confirm, from a substantive aspect, the MSPDY in all cases has provided the information and data that the petitioners have requested. However, from a formal aspect, we point out that the MSPDY has not answered the FOI requests with a formal administrative act in accordance to the LGAP. The same applies to the answers of the FOI requests submitted to the MSPDY within this monitoring assessment. However, since the instructions for the assessment do not specify between substantive and formal criteria, but only for the first, this **requirement is fully met**.

It should be noted that generally the FOI requests that the MSPDY receives are not utterly complicated. The assessors reviewed the MSPDY's website where their FOI requests and answers are published for the past period, not just the past 6 months, to determine the overall complexity of the FOI's that the MSPDY gets. The analysis showed that the FOIs are of a lighter character, having in mind they contain questions that require brief answers, like "what is the number of child welfare subsidies that the MSPDY gives in the past three year?". There were not many FOIs that requested concrete documents.

Requirement 3: Responsible institution as a rule does not charge for providing responses to FOI request

In North Macedonia, the LFAPI⁹ is a *lex specialis* which was adopted in 2019. The LFAPI in Article 28 section (2) proscribes that "The requester of information for the received transcript, photocopy or electronic record of the information, pays a fee in the amount of the material costs". However, the LFAPI does not determine the amount of the fee, which means is left at the discretion of every institution to determine the amount of the fee in every individual case.

The LFAPI in Article 10 prescribes a list of information that the institutions of the public sector must make public and that they are obliged to have free access to information listed in Article 10. The list of Article 10 ends with an open-ended provision which says: "other information resulting from the competence and work of the owner of the information".

The LFAPI in Article 39 section 1 paragraph 7 proscribes a (misdemeanor) fine of 250 euros for the officer in the institution that will collect a fee for information listed in Article 10 of the Law. Hence, the LFAPI makes access to public information free for citizens and its breach punishable for the officials in the institutions.

A detailed analysis of the MSPDY website showed that the MSPDY has not adopted its own bylaw through which it would determine an amount for a fee for providing public information. The MSPDY website has a special section dedicated to public information (elaborated in detail in requirement 4), that does not contain information whether the MSPDY has determined a fee for the information that it provides through FOIs.

Similarly, in an official answer of FOI request, the MSPDY answered that it does not charge for providing public information. In that regard, this requirement can be considered as **fully met**.

⁹ Law on Free Access to Public Information (Official Gazette no. 101 from 22.05.2019) <https://shorturl.at/uHNL3>

Requirement 4: Responsible institution publishes online an accessible, useful and citizen-friendly section on free access to public information

The MSPDY has a user friendly and easily accessible website, with a visible and easily accessible banner on the left side, which reads “Public information” and leads to a special section¹⁰ that contains all necessary information for accessing public information which is within its competences.

This special section contains:

- Contact information of the appointed person for access to public information i.e. his/her official e-mail address and phone number;
- The LFAPA;
- The Decision of the Government for determining the fee for material expenses for the provided information, from 2006 (This decision is out of force, since there is a new LFAPA from 2019 and this is in detail elaborated in requirement 3);
- Guidance for implementation the LFAPA from 2019, issued by the Agency for protection of the rights for free access to public information;
- Template for Request for free access to public information;
- Template for complaint;
- Annual reports on the implementation of the LFAPA for the previous 6 years (2018-2023);
- List of received and answered requests for free access to public information for the previous 4 years (2020-2023) as well as for the ongoing year 2024;
- Link to the website of the Agency for protection of the rights for free access to public information.

This special section is accessible within two clicks and the banner is visible on the left side of the website no matter which link the user opens, and this special section is user friendly. Therefore, we can consider this requirement as fully met.

Requirement 5: Responsible institution makes available information on the contact person for FOI easily accessible online

The MSPDY has assigned a person responsible for free access to public information and his contact information's are easily accessible and listed on a special section on the ministry's website¹¹. This special section contains the general information of the appointed contact person i.e. his/her name and surname, official e-mail address and phone number.

The LFAPI has a section 2 that reads “Officer for Access to Public Information” and contains article 8, according to which each holder of information (institutions) determines one or more officials in exercising the right to free access to information.

However, in the job systematization that is published on the ministry's website¹², which is also the same referred to us by the contact person for access to public information, there isn't any job tasks or positions related to access to public information.

¹⁰ Website of the Ministry, section for free access to public information <https://www.mtsp.gov.mk/sloboden-pristap-do-informacii.nspix>

¹¹ Website of the Ministry, section for free access to public information <https://www.mtsp.gov.mk/sloboden-pristap-do-informacii.nspix>

¹² Rulebook for job systematization in the Ministry for Labor and Social Policy (now MSPYD) from December 2023 https://www.mtsp.gov.mk/content/pdf/sistemizacija/2023/sistemizacija_web.pdf

Requirement 6: Responsible institution proactively publishes online basic information on their work

Regarding point 1 (List of primary and secondary legal acts under the purview of sectoral institution), the website of the MSPDY has a tab that reads "Regulation" and has 4 sub-tabs which read "Laws/Statues", "Regulations/Bylaws", "Documents" and "Proposed Laws and Documents". The sub-tab "Laws/Statues" contains laws in 7 fields for which the MSPDY has competence. Precisely, the MSPDY website contains the following laws in these 7 fields:

- Laws in the field of social protection
In this section/field the MSPDY has published 10 laws
- Laws in the field of protection of children
In this section/field the MSPDY has published 1 law
- Laws in the field of labour
In this section/fields the MSPDY has published 17 laws
- Laws in the field of equal opportunities
In this section/field the MSPDY has published 3 laws
- Laws in the field of pension and disability insurance
In this section/field the MSPDY has published 5 laws
- Laws in the field of fighters and disability protection
In this section/field the MSPDY has published 7 laws
- Other related laws
In this section/field the MSPDY has published 5 laws

The MSPDY has published a total of 48 laws and all of which are the latest versions, with clear notification which is the latest version, and which are previous versions of the laws.

Regarding point 2 (List of policy documents, valid during the assessment period), the website of the MSPDY within the tab "Regulations" has a sub-tab "Documents", which leads to a special section which contains the MSPDY policy documents, strategic plans and action plans in the fields for which it has competence.

These documents are divided in the following 12 fields:

- Strategic documents;
- Systematization of jobs;
- Gender equality and non-discrimination;
- Labour relations and employment;
- Social protection;
- Protection of children;
- Inclusion of Roma people;
- Internal audit;
- Finance;
- Audit reports; and
- Financial reports.

Regarding point 3 (List of public services offered) the website of the MSPDY has a tab that reads "Services and Rights" with 8 sub-tabs which read "social protection", "Pension and disability Insurance", "Protection of children", "Equal opportunities", "Inclusion of Roma", "Inspection supervision", "Protection of fighters with disabilities" and "Misdemeanour procedure in the field of labour relations and security and health in the workplace". Each of the 8 sub-tabs has its own sub-tabs, which in total are 11 sub-sub-tabs.

The website of the MSPDY also has a tab that reads "Labour market" with 6 sub-tabs which read "Employment", "Unemployment", "Social partnership", "Salaries", "Costs of living" and "Security and health in the workplace".

Regarding point 4 (Annual reports on their work, for at least previous two calendar years) the website of the MSPDY has a tab that reads "Regulations" that has a sub tab that reads "Documents" and which leads to a special section that has 3 fields that contain the ministries annual reports.

Regarding point 5 (Budget - plan for the ongoing year, and execution for the previous year), the website of the MSPDY has a tab that reads "Regulations" that has a sub tab that reads "Documents" and which leads to a special section that has 3 fields that contain the ministries annual reports.

Regarding point 6 (General contact information for the public), the website of the MSPDY has a tab that reads "Public relations" that has 5 sub-tabs that read "Covid-19", "Announcements", "Free Access to Public Information's", "Media Center" and "Notices and adds".

The website of the MSPDY also has a tab that reads "About the Ministry" and has 6 sub-tabs that read "Ministers", "Deputy Minister", "State Secretary", "Competences", "Sectors" and "Institutions within the Ministry".

The website of the MSPDY has a tab that is outside the main task-bar of the website that reads "Contact", and which lead to a special section that contains the general contact information of the MSPDY, like the address, e-mail, telephone numbers of the cabinet of the Minister, the Deputy Minister and the State Secretary of the MSPDY.

Regarding point 7 (Organisational chart, with names of key responsible officials (ministers, their deputies, and assistants, and general /state secretaries)), the website of the MSPDY has a tab that reads "For the Ministry" and it has a sub-tab that reads "Sectors" which leads to a special section that has a link to the organizational structure of the Ministry, which is automatically downloaded in an excel format. This document shows a chart of the organizational structure of the Ministry which has the minister and its deputy at the top, after which follow the 12 state councillors, the 16 sectors and the 53 departments that function within the Sectors.

Requirement 7: Responsible institution publishes data in open formats

In North Macedonia, the Law on the use of public sector information (LUPSI)¹³ covers the area of open data and the obligations of public institutions to publish such data. This law regulates the obligations of the institutions in section 2 which has seven articles i.e. from article 5 to article 11.

According to LUPSI, the public institutions have a general obligation to publish the data they produce within the frames of their work (article 5 section 1) and the data, in addition to being in a readable format, should be published as raw data in a computer-processable format and be available in an open format together with their metadata at their lowest level of detail, and the format and metadata should conform to formal open standards to ensure software interoperability (article 5 section 4). The institutions from the public sector are obliged to update the data in accordance with the dynamics that they determine themselves, ensuring the accuracy of the data, while stating in a prominent place the date of the last update (article 5 section 6). The minimum technical capabilities of the bodies and institutions from the public sector to publish data, as well as the technical norms for the format of the data and the way of publishing them, are determined by the Minister of Information Society and Administration (MISA) (article 5 section 7).

The MISA has an obligation to update the national open data portal <https://vlada.mk/data.gov.mk>, which is active and contains open data sets. Also, a special national portal is created for public finance matters which reads "Open Finance" (<https://open.finance.gov.mk/mk/home>).

According to the LUPIS, the public institutions have an obligation to submit to the MISA in electronic form a catalog of the data that they create in the exercise of their competences that they publish for use, including the date of publication of the data (by data sets) for their use, dynamics of their updating (daily, weekly, monthly and quarterly) and an individual link, that is, a website to the place where the public sector authority or institution

¹³ Law on the use of public sector information (Official Gazette no. 27 from 05.02.2014) https://mioa.gov.mk/sites/default/files/pbl_files/documents/legislation/zakon_za_koristenje_na_podatocite_od_javniot_sektor.pdf

publishes the data, within three months of the publication of the data for use (article 7 section 2). The institutions are also obliged to appoint a contact person which will be in charge of technical adjustment and publication of the data for their use, their publication on the website of the body and for the obligations for updating the catalog of data at www.otvorenipodatoci.gov.mk, as well as uninterrupted performance of the obligations from the Law (article 7 section 4).

The MISA must regularly update the central catalog of data from the public sector published for use (article 8 section 1). In addition, every authority or institution from the public sector is obliged to notify the MISA regularly, and at least quarterly, about the publication of new usage data for them to be linked and published on the central catalog of public sector data (article 8 section 2).

For not fulfilling the obligations from the mentioned provisions, the LUPIS also provides misdemeanor penalties proscribed in section 3 that has 8 articles i.e. from article 14 to article 21.

The MISA has adopted a bylaw (derived from article 5 section 7 of the LUPIS, as mentioned above) i.e. a Rulebook on the minimum technical capabilities of the public sector bodies and institutions to publish data and the technical norms for the data format and the method of publishing (Rulebook for open data)¹⁴.

According to this Rulebook, the data is to be published in the following formats:

- XLS (Microsoft Office Excel),
- XLSX, - CSV (Comma Separated Values),
- XML (Extensible Markup Language),
- JSON (JavaScript Object Notation)
- Web services - API (Application Programming Interface).

In addition to the specified formats, the authorities and institutions from the public sector can establish direct access to download data from the following types of databases:

- MS SQL Server,
- MySQL and
- Oracle DB.

On the national open data portal <https://vlada.mk/data.gov.mk> the MSPYD (still referred as MLSP15) has total of 22 data sets published, out of which 1 is last updated in 2021, 5 were last updated in 2019 and 16 were updated in 2018. The 22 data sets published are the following:

1. The yearly budget plan for the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 11th January 2021.
2. The yearly public procurement plan for the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 09th January 2019.
3. Reports on the realization of the project free baths for pensioners from Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 25th December 2018.
4. List of certified sign language interpreters generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 22nd November 2018.
5. Records of foster families generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 20th December 2018.
6. Records of day care centers for children with special needs generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 11th December 2018.

¹⁴ Rulebook on the minimum technical capabilities of the public sector bodies and institutions to publish data and the technical norms for the data format and the method of publishing https://mioa.gov.mk/sites/default/files/pbl_files/documents/legislation/pravilnik_za_otvoreni_podatoci_za_objavuvanje_sl_vesnik.pdf

7. The Register of Employers' Associations generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 25th December 2018.
8. The Register of Trade Unions generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 25th December 2018.
9. Summary report - children by type of institution and municipality generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 25th March 2019.
10. Summary report - children by institution category produced by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 25th March 2019.
11. The Domestic violence report produced by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 09th January 2019.
12. The register of associations of citizens in the field of social protection generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 09th January 2019.
13. The Register of Temporary Employment Agencies generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 20th December 2018.
14. List of national kitchens generated by the Ministry of Labor and Social Policy, found on the website [data.gov.mk](https://vlada.mk/data.gov.mk), was last updated on 20th December 2018.
15. The register of institutions for social protection generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 20th December 2018.
16. List of organizations financially supported by MLSP generated by the Ministry of Labor and Social Policy, found on the website [data.gov.mk](https://vlada.mk/data.gov.mk), was last updated on 20th December 2018.
17. List of consent given to associations for providing services in the field of social protection generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 20th December 2018.
18. List of employment mediation agencies in the country and abroad with payment generated by the Ministry of Labor and Social Policy, found on the website [data.gov.mk](https://vlada.mk/data.gov.mk), was last updated on 21st December 2018.
19. Register for registering collective agreements – private sector generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 24th December 2018.
20. The register for registering collective agreements - public sector generated by the Ministry of Labor and Social Policy, found on the website [data.gov.mk](https://vlada.mk/data.gov.mk), was last updated on 24th December 2018.
21. The register of persons engaged with a volunteering contract generated by the Ministry of Labor and Social Policy, found on the website <https://vlada.mk/data.gov.mk>, was last updated on 24th December 2018.
22. Children by nationality, gender and age group in kindergartens and centers for early childhood development generated by the Ministry of Labor and Social Policy, found on the website [data.gov.mk](https://vlada.mk/data.gov.mk), was last updated on 25th December 2018.

The analysis of the ministry's website showed that the MSPDY also doesn't have a practice of publishing data in open formats. To be precise, the MSPDY's website has a total of 8 tabs and each of them has more than 4 sub-tabs. Each of these sub-tabs contain detailed information on a specific area of the MSPDY's competences and those information's are mainly narrative with few exemptions where there is concrete data. On the tab that reads "Regulations" there are four sub tabs which read "Laws", "Bylaws", "Documents" and "Draft Laws and Documents", and they contain links to specific documents in pdf formats which content can be used (copied). The sub-tab "Documents" contains materials with concrete data as are the Financial Reports of the MSPDY and Narrative Reports of the results achieved from the adopted Strategic plans and programs, but unfortunately, these data are not published in an open format, they are published as a scanned official document.

Furthermore, the tab “Rights and Services” has eight sub-tabs, of which some contain data in partially open formats. Precisely, there are published reports on the activities in the field of gender equality, which are in pdf files and the data through the documents is not consistently showcased, where some are attached pictures from data that is produced by other institutions and others are tables with raw data that can be easily used.

Within the tab “Labor market” there are 6 sub-tabs that have differentiated ways of publishing data. Within the sub-tab “social partnership” there is a link that reads “Electronic register of collective agreements” that leads to a pdf document with a table of data that can be easily used, but not every field in the table is filled. The sub-tab “Living costs” leads to a section that has published links for the monthly living costs for the years from 2021 till 2024, which lead to a scanned official document (administrative act) that states the monthly living cost. The tab “Security and health in the workplace” has links that lead to different lists and registries which lead to pdf documents with tables and their data can be easily usable.

Since the MSPDY has not published any dataset within the monitoring period, this requirement can be considered as not met.

Also, it should be noted that the banner for promoting the national open data portal is not placed on a visible place on the MSPDY’s website. Also, an additional analysis of the website of the Ministry for Information Society and Administration¹⁵ shows that the MISA has not also sufficiently promoted the national open data portal. Promoting the national open data portal is of great importance to stimulate the public to use the information produced by the public institutions and to enhance transparency and accountability.

Final assessment of the requirements

Requirement	Final assessment
Requirement 1 - Responsible institution submits information within the respected deadlines	Fully met
Requirement 2 - Responsible institution submits information that was requested	Fully met
Requirement 3 - Responsible institution as a rule does not charge for providing responses to FOI request	Fully met
Requirement 4 - Responsible institution publishes online an accessible, useful, and citizen-friendly section on free access to public information	Fully met
Requirement 5 - Responsible institution makes available information on the contact person for FOI easily accessible online	Fully met
Requirement 6 - Responsible institution proactively publishes online basic information on their work	Fully met
Requirement 7 - Responsible institution publishes data in open formats	Not met

¹⁵ Website of the Ministry for Information Society and Administration <https://mioa.gov.mk/>

III. Recommendations for improvements

As we have stated in the report summary, as well as throughout the analysis, the MSPDY is transparent and open, however, there is a space for improvement.

Regarding the first requirement, the MSPDY does submit requested information within the legal deadlines, however it should notify the petitioner on the eventual extension of the general deadline (20 days) for additional 10 days. This relates to the general practice of the MSPDY, so, it should start notifying the petitioners whether it will need additional 10 days to answer the FOI requests.

Regarding the second requirement, the MSPDY submits the requested information to the petitioners, however it should improve the formats in which it answers FOI requests i.e. the form of an official administrative act (prescribed by the LGAP) should be used, rather than a simple word document or an e-mail.

Regarding the fourth requirement, the MSPDY promotes free access to public information in accordance with the LFAPI and makes the special section on its website visible through a fixed banner and the section itself is user-friendly and has all the needed information for a person to get introduced with the procedure for obtaining public information. Further, the MSPDY could take a proactive approach and design a more creative section and enhance its citizen-friendly aspect. Also, the MSPDY could incorporate a chatbot on its website that can enhance the interaction between the citizens and the MSPDY, which on the one hand can minimize the administrative workload of the officials for answering FOI requests and on the other the citizens will request information in a simpler manner and can receive the requested information faster.

Regarding the sixth requirement, the MSPDY proactively publishes information and documents related to its work and competences. However, the MSPDY could make its website more efficient by minimizing the number of sub-tabs and publishing information on several main tabs which through interactive mechanisms can showcase all the necessary information in a user-friendly manner. The current situation offers all the necessary information, but they are dispersed in different tabs and sub-tabs, which hinders the citizens to find them in less than three clicks.

Regarding the seventh requirement, the MSPDY should update the existing data in open formats on the national open data portal (<https://vlada.mk/data.gov.mk>) and should start publishing them on its website. Additionally, the MSPDY should improve the promotion of the banner for the national open data portal by making it more visible on its website.

Appendices

Free access to information requests

Institution	Date of sending	Date of receipt
Ministry for Social Policy, Youth and Demography	06.06.2024	25.06.2024
Ministry for Social Policy, Youth and Demography	06.06.2024	25.06.2024

Interviews

Institution/Organisation	Position	Date	Place
/	/	/	/
/	/	/	/
/	/	/	/

Other sources

1. Law on Organization and Operation of State Administrative Bodies (Official Gazette no. 121 from 10.06.2024)
2. Law on General Administrative Procedure (Official Gazette no. 124 from 23.07.2015)
3. Law on Free Access to Public Information (Official Gazette no. 101 from 22.05.2019)
4. Law on Social Protection (Official Gazette no. 104 from 23.05.2019)
5. Law on the use of public sector information (Official Gazette no. 27 from 05.02.2014) https://miao.gov.mk/sites/default/files/pbl_files/documents/legislation/zakon_za_koristenje_na_podatocite_od_javni_ot_sektor.pdf
6. Rulebook for job systematization in the Ministry for Labor and Social Policy (now MSPDY) from December 2023 https://www.mtsp.gov.mk/content/pdf/sistematizacija/2023/sistematizacija_web.pdf
7. Rulebook on the minimum technical capabilities of the public sector bodies and institutions to publish data and the technical norms for the data format and the method of publishing https://miao.gov.mk/sites/default/files/pbl_files/documents/legislation/pravilnik_za_otvoreni_podatoci_za_objavuvanje_sl_vesnik.pdf
8. Website of the MSPDY for Social Policy, Youth and Demography <https://www.mtsp.gov.mk/pocetna.nspix>
9. National open data portal www.https://vlada.mk/data.gov.mk
10. National open finance portal www.openfinance.gov.mk
11. Website of the Ministry for Information Society and Administration <https://miao.gov.mk/>

