



Transparency International Georgia presents its findings on access to information in Georgia

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Tbilisi - In order to test the transparency of various public institutions and citizens' access to public information, Transparency International (TI) Georgia undertook a series of field tests in February-May 2010. Fifty-two Freedom of Information (FOI) requests were sent to 10 public agencies by four different sets of volunteers.

The 10 public institutions tested included the Parliament (with requests to three different committees and to the Chief of Staff), Supreme Court, Ministry of Finance, Ministry of Defense, Ministry of Justice, Ministry of Internal Affairs, Office of the Prosecutor, Chamber of Control, Central Election Commission and Office of the Public Defender.

Requests were sent by four different types of requestors, in order to test whether access to information is available only to certain groups. Two representatives of each requestor type submitted written requests: journalists, NGOs, non-affiliated citizens and members of ethnic minority groups. Each requestor submitted a standard request (one that would be simple for the public agency to answer) and a difficult request (one that would require the public agency to gather information or extract it from a database before sending the response.)

Results

In 78.8 percent of cases, public agencies provided satisfactory responses, including providing full information or, correctly transferring the request to another institution. Satisfactory responses also include three cases where the public institution responded that it was unable to provide the full information due to the high workload required to gather the necessary information (two difficult requests to the Ombudsman's Office and one to the Ministry of Justice); and one instance where the requestor was unable to submit the request due to problems in the postal system.

Unsatisfactory outcomes (21.2 percent of all outcomes) included mute refusals (no response to the request at all), oral or written refusals without an acceptable reason, incorrect referrals and incomplete answers. Of the five requests sent to various institutions on bonuses of public officials, none received a satisfactory answer. Transparency International Georgia does not share the opinion that the information on bonuses of public officials is not public information and urges public institutions to make the information on bonuses public.

In 67.3 percent of all cases the requested information was received in full.



The most responsive institutions were the Chamber of Control, Central Election Commission and the Supreme Court (all of which responded fully to all requests submitted). The Parliament also did very well with only one unsatisfactory response out of 16 requests. By contrast, the Prosecutor’s Office was the least responsive, responding to only one request out of four. Low response rates were also observed at the Ministry of Defense (50 percent), Ministry of Internal Affairs (50 percent) and Ministry of Justice (25 percent).¹

TI Georgia also found that the type of requestor (NGO, journalist, minority citizen or unaffiliated citizen) had no significant impact on the chances of a receiving an adequate response.

Standard requests were slightly more likely to receive a satisfactory answer than difficult requests, but the difference observed (at the sample size collected) is not substantial enough to conclude with any certainty that public agencies are more likely to respond to “simple” rather than “complex” types of requests.

Other problems observed were the absence of databases in some cases (some agencies seem poorly equipped to track their own information) and violations of the maximum timeframes within which the information should be provided according to the law. In most cases, institutions failed to notify the requestor about his/her rights and the procedures for appeal. In one case, the requestor was (illegitimately) asked about the motives and the aims for requesting the specific information.

¹ The Ministry of Justice responded to all 4 requests but provided the actually requested information only in 1 case.