

TESTING FREE ACCESS TO INFORMATION LAW 544/2001

R E P O R T

Revised version

**“A person’s right of acces to any
information of public interest
cannot be restricted.”**
Art. 31 (1), Romanian Constitution

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I. Introduction

The passing of the Law 544/2001 on free access to public interest information is considered to be one of the greatest accomplishments of the past years, in what concerns transparency of public institutions, control of the state institutions by the civil society and, implicitly, consolidation of democracy. The passing of this Law might have even created the premises for Article 31 of the Romanian Constitution on the right of citizens to access public information to actually be observed. Unfortunately, time has proven that the Law in itself is not sufficient in order to make things change in this respect.

Both reports published by NGOs working in the field of democracy and human rights (the Association for Protecting Human Rights- Helsinki Committee, the Academic Society in Romania, Transparency Romania, etc) and accounts of journalists in the local or central mass-media reveal the fact that things are not as they should be. The actual implementation of the Law is hindered by the fact that the provisions of the Law are not familiar to the public institutions. Due to this state of things, these institutions have serious management problems.

On the other hand, it is true that the number of requests for public interest information up until now is not an impressive one. This can lead us to the conclusion that, at least for the time being, the citizens do not represent a significant pressure factor meant to accelerate the true implementation of this Law. Surprisingly, central public institutions and authorities receive a larger number of information requests than the local or county institutions do. However, we consider that those who jump to the conclusion that the utility of the Law 544 is a limited one are wrong. Citizens do not address information requests to public institutions for two reasons: because the majority of the citizens never heard about the existence of this Law, on one hand and, also because even if they are familiar with it, they do not know how this Law can be useful to them or how they could use it to their own benefit, on the other hand. Under these circumstances, public institutions play a negative role if they do not enforce, for some reasons, this Law, even if they do receive a small amount of requests. This negative role that public institutions have may destroy the efforts to promote and explain the utility of the Law.

The above-mentioned reports and the journalists' accounts were mostly referring to specific situations. Also, the efforts of the NGOs to monitor the way this Law was implemented were centered on central institutions only. Taking this aspect into account, Asociația Pro Democrația and Iris Center associated in order to carry out a longer monitoring of both central and local public institutions. It should be mentioned that until the beginning of this project another NGO, Romanian Academic Society (SAR) monitored public authorities in a considerable number of counties and localities, but these activities were mostly based on questioning public servants, by special trained operators. This represents a totally different methodology than the one APD and Iris Center used.

The project "Testing Free Access to Information- Law 544/2001" contains, besides the monitoring component, another element that refers to the improvement of the way this Law is implemented. Thus, before the final report was made public APD organized 7 round tables (Bacau, Brasov, Cluj Napoca, Constanta, Craiova, Timisoara and Bucharest) during which we had discussions with representatives of monitored public institutions and authorities. Starting from the conclusions of the monitoring process, the participants tried to identify the problems public institution face while enforcing this Law.

This report is divided into chapters containing: the presentation of the provisions of the Law, the name of the public institutions and authorities that have been monitored and a presentation of the methodology used in the monitoring process. These chapters are followed by the data and conclusions resulted from this process carried out at national and regional level. The last chapter of the report contains the conclusions on the problems that have been determined by some terms of the Law, as well as proposals on how should the Law be modified. The report has Annexes with the evaluation terms for the requests and, also examples of answers to our requests that have been used to draw certain conclusions.

II. Provisions of the Law whose enforcement was monitored

II.1. Founding a Public Relations Bureau or appointing a person responsible to handle public interest information according to the Law 544/2001

The first and foremost task that public institutions and authorities should accomplish is stipulated in Article 4 of the Law 544/2001 and it refers to the obligation to “organize specialized information and public relations compartments or to assign persons responsible for this”. Both the Law and the norms for implementing it allow public authorities to decide whether the amount of requests that will be received may require a new department or, due to reasons of efficiency, to have just one person in charge.

Generally, in practice it can be noticed that central public institutions and authorities prefer to set up a new department, while on a local level they prefer to appoint a person responsible for answering the information requests.

One of the first aspects monitored was whether or not public authorities noticed this stipulation of the Law. The results of the monitoring of this particular aspect can be seen in Table 1- Chapter V.1

II.2. The manner in which public authorities answer public information requests according to their types

Normally, the information public institutions and authorities operate with can be classified in two categories:

•Public information

•Information with a limited access; this category may also be divided into:

- personal information
- classified information
- other secret information

One of the objectives of the monitoring process was to test the willingness of public institutions to answer requests concerning the first type of information- public information. However, it should be mentioned that usually when public authorities deny someone's right to certain information they motivate their answer by including the information into the limited access category.

Law 544/2001 makes a clear distinction between ex officio information and information available “by request”. The difference is made by the procedure through which they can be obtained and the time span for this to be done.

a. Ex officio public interest information

In the elaboration of the secondary legislation concerning public interest information, the legislator had to decide whether it is better to draw a large list with all types of public information or to allow public institutions to decide the type of information they administrate.

The answer to the previous question is necessarily related to the exact definition of the public institutions the Law refers to. In fact, from the attributions and the procedures these institutions have, the documents that will contain either public information or limited access information will devolve.

Article 2 of the Law 544/2001 offers a very large definition to the terms “authority” or “public institution”. Besides the traditional meaning of these terms, Article 2 also mentions “Autonomous Administrations”. The reason for including the latter into the sphere of the Law consists in the fact that, being controlled by the state and financed from public funds, these institutions are responsible in front of the public at large for the way allocated resources are being spent. Unfortunately the legislator did not apply the same reasoning to other entities that may use public funds (companies owned by the state or to which it holds the majority of shares or NGOs that use public money), although there are arguments that show these entities to be responsible in front of the citizens for the money they use.

Taking into account the flaws presented above, it is still important to mention that the definition includes a wide variety of institutions, such as: hospitals, City Halls, the Government, the Presidential Administration, etc. This variety of public institutions leads to an impressive number of types of public information that they administrate. Moreover the types of public information vary quite significantly from one institution to another. For example, there are very little similarities between public information administrated by a school and those administrated by the Ministry of Labor and Social Protection.

Considering all the above-mentioned elements, the solution chosen by the legislator was to make a list of categories for the ex officio public information that can be found in most of the public institutions and authorities and that are of great importance for the citizens. This list can be found in Article 5, paragraph 1 of the Law 544:

- Normative acts that regulate the organization and activity of the public institution or authority
- Organizational structure, the task of each department, working hours, the hours for the public of the public institution or authority
- The names and forenames of the persons who manage the public institution or authority and of the person in charge with the access to free information
- Contact co-ordinates of the public institution or authority, meaning: name of the institution, headquarter, telephone numbers, fax, e-mail address and web page.
- Financial resources, budget and accounting balance sheet
- Programs and strategies of the institution
- The list with public interest documents
- The list with the categories of information produced/administrated, according to the Law
- The means to dispute a decision of the public institution or authority in case a person considers itself harmed concerning the right to access public interest information

The main characteristic of ex officio public information is the fact that they should be available at public institutions even before a request for public information is received. This information should be available both in the Public Relation Department as well as in the informative bulletin of each institution. At least once a year public institutions and authorities must edit an activity report that will be published in the second section of the Official Monitor.

The main means of making public ex officio information are:

- a) to display it at the public institution or authority headquarters, by publishing it in the Official Monitor or through mass-media, their own publications as well as their own web page;
- b) possibility of consulting it at the public institution or authority headquarters, in special places destined for this purpose

It is important to underline the fact that public institutions should have the ex officio public information available to be consulted, even though it has already been made public through one of the means mentioned before. The methods enumerated in paragraph a) can be used alternatively.

b. Information by request

Besides the limited category of ex officio information the legislator recognizes the right of public authorities to determine, based on the rules established in the Law, which is the information that can be offered to the citizens on request. The majority of the information administrated by public institution will be included in the last category. Because the Romanian Law usually stipulates the public character of the information administrated by public institutions, the exceptions must be very well argued. The Law regarding the protection of personal information, the Law for classified information, as well as other regulations about the secret character of certain types of information must be analyzed in order to identify the elements that may constitute reasons to restrict the access to different types of information.

The basic rule is that any person can address information requests without having to motivate it. Despite this, the monitoring data showed that some public institutions and authorities conditioned the answer to the requests by the presentation of solid reasons that will justify the interest for the certain information.

Another important characteristic of the public interest information request is the fact that it can be addressed both in a written or verbal manner. By this stipulation the legislator tried to simplify the procedures through which the citizens can interact with public institutions.

The time limits during which public institutions and authorities must answer the information requests they receive are stated in Article 7 of Law 544/2001, as follows:

- maximum 5 working days, if the access to the certain information is denied, either because the institution does not administrate the solicited information or the access to that information is restricted
- maximum 10 working days, if the public institution administrates the information
- maximum 30 working days, if the information is administrated by the public institution but “the difficulty, the complexity and the volume of the documentary works” make it impossible for the request to be answered in 10 days. In this case the public institution has the obligation to announce the petitioner, within 10 working days from the registration of the request, about the delay concerning the request.

The Law establishes, as a principle, free access to public information for every person. Despite this, the solicitor must pay for the cost of the copying services, if he/she wishes to obtain copies of the solicited documents. The Law uses the term “costs”, and not “taxes”. In this context the legislator does not establish an upper limit, admitting that the costs will vary from one public institution or authority to another. Eventually every public authority or institution will have to evaluate the costs for copying the requested documents. This aspect is of paramount importance for the Law to be observed, considering that it is crucial for these costs to be reasonable, so that one can talk about free access to public information. An unjustified increase of these costs might lead to the exclusion of certain categories of citizens from the access to public information (unfortunately there is such a case: the Local Council in Selimbar village, county Sibiu, passed, the Mayor's proposal that the price for copying the solicited information be ROL 100 000/page; the decision was considered legal by the Court, who was informed by a series of NGOs, including APD).

A possible solution to this problem might be the transmission of this information in an electronic format. This method may be used if the solicitor states that he/she is willing to receive the information as such and if the public institution has the necessary logistic to do it. In a situation like this the data obtained from public institutions will be easier to analyze and the costs would be much lower.

As it is mentioned in the following chapters, there was a large number of cases in which public institutions and authorities refused to register the requests for public interest information. Related to this aspect it should be mentioned the fact that the Law does not stipulate the possibility that requests may be turned down. Thus, public institutions and authorities are obliged to register all the requests addressed by the citizens, no matter if they refer to ex officio information or to information by request.

III. Public Authorities and Institutions that were monitored

III.1. Public institutions and authorities where the enforcement of Article 4 of the Law 544 was tested

The first phase of the project was meant to monitor whether or not public institutions and authorities respect the stipulation in Article 4 that is to organize special information and public relations departments or to assign a person in charge with this. 884 public institutions and authorities were monitored¹:

- At central level (33 public institutions and authorities)
 - Romanian Presidential Administration
 - General Secretary of the two Chambers of Parliament
 - General Secretary of the Executive
 - Ministry of Public Administration
 - Ministry of Foreign Affairs
 - Ministry of Agriculture, Alimentation and Woods
 - Ministry of National Defense
 - Ministry of Waters and Environment Protection
 - Ministry of Development and Prognosis
 - Ministry of Education and Research
 - Ministry of Public Finances
 - Ministry of Industry and Resources
 - Ministry of Information and Technology
 - Ministry of Internal Affairs
 - Ministry of European Integration
 - Ministry of Transportation
 - Ministry of Justice
 - Ministry of Labor and Social Protection
 - Ministry of Health
 - Ministry of Youth and Sport
 - State Secretariat for Persons with Handicap
 - National Authority for Child Protection
 - The Authority for Privatization and Administration of State Participation
 - National House of Health Insurances
 - National Council for Studying State's Securitate's Archives
 - Constitutional Court
 - Court of Accounts
 - Supreme Court of Justice
 - Court of Accounts
 - Supreme Court of Justice
 - National Office for Cadastre
 - General Prosecutor's Office
 - Anticorruption National Prosecutor's Office
 - RADET Branch
- At the level of each county (378 public institutions and authorities in county Bacau, Barsova, Constanta, Cluj, Dolj, Timis and Bucharest Municipality)
 - National House of Health Insurances
 - Public Finances Office
 - Labor and Social Protection Office
 - Public Health Office
 - Education Inspectorate
 - Police Inspectorate
 - Courts of Law

¹ The name of the Ministries, county institutions and authorities is as used in the moment we started the monitoring process, before the governmental reorganization

- ▶ County Council (General of Bucharest Municipality)
- ▶ Prefecture
- At the level of Bucharest Municipality and other 164 localities, 4 in each county (469 public institutions and authorities)
 - ▶ local Councils (6 District Councils in Bucharest)
 - ▶ city Halls
 - ▶ courts of Law
 - ▶ heating companies

The 164 localities are the following:

- o development region no. 1
 - Bacau County - Bacau, Onesti, Dealu Morii, Podu Turcului
 - Botosani County - Botosani, Darabani, Corni, Lunca
 - Iasi County - Iasi, Harlau, Raducaneni, Trifesti
 - Neamt County - Piatra Neamt, Bicaș, Hangu, Borca
 - Suceava County - Suceava, Vatra Dornei, Frasin, Ostra
 - Vaslui County - Vaslui, Negresti, Murgeni, Bogdanesti
- o development region no. 2
 - Vrancea County - Focsani, Panciu, Lepsa, Nereju
 - Tulcea County - Tulcea, Macin, Cocos, Cerna
 - Braila County - Braila, Insuratei, Lacu Sarat, Tudor Vladimirescu
 - Buzau County - Buzau, Pogoanele, Berca, Ciuta
 - Galati County - Galati, Targu- Bujor, Costache Negri, Independenta
 - Constanta County - Constanta, Techerghiol, Costinesti, Valu lui Traian
- o development region no. 3
 - Arges County - Pitesti, Curtea de Arges, Merisani, Bascov
 - Calarasi County - Calarasi, Oltenita, Manastirea, Dragalina
 - Dambovita County - Targoviste, Titu, Matasaru, Tartasesti
 - Giurgiu County - Giurgiu, Bolintin Vale, Bolintin Deal, Ghimpat
 - Ialomita County - Slobozia, Urziceni, Brazi, Grivita
 - Prahova County - Ploiesti, Campina, Telega, Cornu, Breaza
 - Teleorman County - Alexandria, Zimnicea, Draganesti, Vlasca, Piatra
- o development region no. 4
 - Dolj County - Craiova, Calafat, Melinesti, Galicea Mare
 - Gorj County - Targu Jiu, Carbunesti, Hurezani, Stoina
 - Mehedinti County - Drobeta Turnu Severin, Orsova, Butoiesti, Simian
 - Valcea County - Ramnicu Valcea, Olanesti, Nicolae Balcescu, Vladesti
 - Olt County - Slatina, Caracal, Osica de Sus, Iancu Jianu
- o development region no. 5
 - Arad County - Arad, Ineu, Lipova, Gurahont
 - Caras- Severin County - Resita, Caransebes, Bozovici, Glimboca
 - Hunedoara County - Deva, Petrosani, Bosorod, Criscior
 - Timis County - Timisoara, Faget, Recas, Dudestii Vechi
- o development region no. 6
 - Cluj County - Cluj- Napoca, Campia Turzii, Agires, Alunis, Huedin
 - Salaj County - Zalau, Simleul Transilvaniei, Jibou, Marca
 - Satu-Mare County - Satu- Mare, Tasnad, Halmeu, Livada
 - Bihor County - Oradea, Beius, Cetariu, Hidiseul de Sus
 - Maramures County - Baia Mare, Viseul de Sus, Borsa, Sighetu Marmatiei
 - Bistrita-Nasaud County - Bistrita, Sangeorz-Bai, Prundu Bargaului, Lunca Ilvei
- o development region no. 7
 - Alba County - Alba Iulia, Sebes, campeni, Rosia Montana
 - Brasov County - Brasov, Zarnesti, Rupea, Feldioara
 - Covasna County - Sfantu Gheorghe, Targu Secuiesc, Intorsura Buzaului, Reci

- Harghita County - Miercurea Ciuc, Gheorgheni, Toplita, Praid
 - Mures County - Tarnaveni, Targu Mures, Reghin, Ibanesti
 - Sibiu County - Sibiu, Agnita, Saliste, Porumbacu de Jos
- o development region no. 8
- Bucharest Municipality
 - Ilfov County - Buftea, Chitila, Voluntari, Pantelimon

III.2. Public institutions and authorities where the promptness and the capacity to offer public interest information was tested

After testing the compliance with Article 4 of the Law 544/2001, the stage during which we monitored the way public institutions and authorities answer public interest information followed. The public institutions and authorities that were monitored are:

- At central level (18 public institutions and authorities)
 - › Romanian Presidency
 - › General Secretary of the two Chambers of Parliament
 - › General Secretary of the Government
 - › Ministry of Public Administration, Ministry of Foreign Affairs, Ministry of Education and Research, Ministry of Public Finances, Ministry of Information and Technology, Ministry of Internal Affairs, Ministry of Transportation, Ministry of Justice, Ministry of Health
 - › National House of Health Insurances
 - › Court of Accounts
 - › Supreme Court of Justice
 - › National Office for Cadastre
- At County level - Bacau, Brasov, Cluj, Constanta, Timis and Bucharest Municipality
 - › House of Health Insurances
 - › Labor and Social Protection Office
 - › Public Finances Office
 - › Education Inspectorate
 - › County Council (General of Bucharest Municipality)
 - › Prefecture
 - › Heat providing companies
- At locality level (25 localities):
 - › Local Council (District Councils for Bucharest Municipality)
 - › City Hall

The list of the localities that were monitored:

- o in development region no. 1: Bacau, Botosani, Iasi, Onesti, Piatra Neamt, Suceava, Vaslui
- o in development region no. 2: Braila, Constanta, Tulcea
- o in development region no. 3: Alexandria, Breaza, Ploiesti, Zimnicea
- o in development region no. 4: Caracal, Craiova, Ramnicu Valcea
- o in development region no. 5: Timisoara, Resita
- o in development region no. 6: Cluj Napoca, Oradea
- o in development region no. 7: Brasov, Miercurea Ciuc, Sibiu
- o Bucharest

IV. The methodology used in the monitoring process

The monitoring process was based on addressing requests to public institutions and authorities, according to the Law 544/2001, following the exact conditions stipulated there, and monitoring the way public institutions and authorities answered the requests.

IV.1. The methodology used for testing the enforcement of Article 4 of the Law

As it was shown before, the first request that was addressed was meant to test the degree in which public institutions and authorities abided by Article 4 of the Law. For each of the 884 public institutions and authorities monitored, the request was addressed to the management and requested the following information:

- a) name and forename of the head of the office for public relations and/or the name of the person responsible with this in the institution;
- b) contact co-ordinates of the public relations office and/or the name of the person in charge of ensuring free access to public interest information in the institution, meaning: name/function, office address, telephone numbers, fax, e-mail address and web page;
- c) the working program of the public relation office and/or of the person in charge of assuring free access to public interest information.

IV.2. The methodology used for testing the willingness and capability to offer public interest information according to Law 544/2001

In order to see how public institutions and authorities answer public information requests addressed according to the Law 544, 8 requests were sent to each of the 126 public institutions and authorities, during 4 months. The requests were related to different aspects of the activities of the public institution or authority, as follows:

1. a copy of the registry recording the public information requests addressed to the public institution since the enforcement of the Law up until present;
2. a copy of the latest realized budget;
3. a copy of all the terms of reference for all public tenders completed in April, May and June 2002;
4. a copy of all contracts awarded for completed public tenders in April, May and June 2002;
5. a copy of the lists of properties owned or administrated by the public institution;
6. a copy of the document that contains the expenditures of public money on activities of officials/public servants (ex.: ministers, state secretaries, prefects);
7. a copy of the document that contains the current strategic plan of the public institutions
8. a copy of the annual report of the institution for last year (2002).

In order to see how public institutions and authorities react to requests sent in different ways and by different solicitors, part of the requests were mailed and the other part was handed in directly. Also, part of the requests was sent by APD and the other part by ordinary citizens.

For each of the requests, the person that addressed it filled in and gave the project co-coordinator a form through which it offered a series of information. The form for each of the 8 requests is presented in the Annex. The processed information lead to the following statistics.

V. Information obtained and conclusions resulted from the monitoring process

V.1. Enforcement of Article 4 of the Law 544

In table no.1 the middle column shows that the majority (58,4%) of the 884 public institutions and authorities “tested” answered the request about contacts for the information and public relation department or the persons responsible for this. Although improvements can be made, we can say that this is an encouraging percent. Almost all public institutions and authorities treated the request fair, and registered it. The registration numbers that the requests received according to Article 7 of Law 544/2001 and Article 20, paragraph 4 of the methodological norms, show that most of the institutions are using a register for the requests, similar to Annex 5 of the methodological norms.

Table no. 1

	Average number of days for replying to a request	Percentage of Authorities that offered information in their answer	Percentage of Authorities that registered the requests
At national level	11.9	58.4%	90.7%
In region 1	13.0	49.6%	75.6%
In region 2	11.1	49.6%	100.0%
In region 3	12.9	56.6%	93.1%
In region 4	12.5	64.1%	72.8%
In region 5	12.0	57.5%	95.0%
In region 6	9.6	63.9%	98.3%
In region 7	12.0	61.8%	93.5%
In region 8	11.9	73.3%	100.0%

Still, we can see that, generally, public authorities are late in offering information (the medium time to answer this request was approximately 12 days, which can be considered to be too long, considering the character of the request). The result seems better if we eliminate public institutions and authorities that are different from the general note, and took 30 days to answer the request.

In table no.2 are presented dates about the answers received to this request, but this time they are divided into levels: central, county, local. The biggest differences refer to the number of public institutions and authorities that answered this request. It can be seen that the highest percentage is on county level, while local institutions and authorities registered the lowest percentage.

Table n0. 2

Level	Average number of days for replying to a request	Percentage of Authorities that offered information in their answer	Percentage of Authorities that registered the requests
Central	12.2	76.5%	100.0%
County	11.7	81.5%	90.1%
Local	12.0	40.0%	90.4%

Table no.3 emphasizes the differences between different types of monitored institutions/authorities. Thus, one can see that the **“elected” authorities, which usually have deliberative and decisional power, registered the lowest answer percentage to this request - 30%**. This could raise a lot of questions.

This low percentage can be explained, mainly, by the fact that elected authorities, unlike the executive ones, do not necessarily have the technical support in order to enforce a Law like 544/2001. Thus, it will be noticed from the

data presented in the following chapters that there is a rather large number of local councils that did not reply to any of the requests sent during this project. In many cases the solution was that the public information requests, addressed to the local council, be answered by the department or the person in the City Hall responsible for answering information requests received by the City Hall. Even if this situation is better than the one in which information requests sent to the local council are not answered at all, still we feel that this solution, partially imposed by the local administration structure in Romania, is not the best one. When we state this we are considering the fact that in many localities the Mayor is in conflict with the local council, so it would not be fair for civil servants subordinated to the Mayor to inform the citizen about the activity of the local council.

Table no. 3

Type of public authority/institution	Average number of days for replying to a request	Percentage of Authorities that offered information in their answer	Percentage of Authorities that registered the requests
Executive	11.8	66.3%	92.4%
Legislative	12.7	30.0%	88.3%
Juridical	11.1	69.9%	88.1%
Other (Autonomous adm.)	12.0	68.8%	91.7%

Table 4 reflects the way the requests were answered according to the way the request for information was delivered: personal, by e-mail, by fax. It is interesting to see the fact that while the requests personally delivered or sent by mail take less time to be answered, the ones delivered by fax take a much longer time. Still, the requests delivered by a person registered a considerable higher percentage than the ones sent by mail.

Table no. 4

Method of addressing the request	Average number of days for replying to a request	Percentage of Authorities that offered information in their answer	Percentage of Authorities that registered the requests
Personal	9.3	76.7%	90.8%
By fax	21.4	61.1%	100.0%
By mail	12.7	52.9%	93.1%

Further it is presented, for each developing region, the answering rate for the public information requests, according to the level to which the public institutions and authorities function and their types:

Region no. 1

Level	Reply rate (%)
County	77
Local	28
Region average	49

Type of public institution	Reply rate (%)
Executive authorities/institutions	57
Legislative authorities/institutions	16
Juridical authorities/institutions	60
Other public institutions	71

- 49,6% of the monitored public institutions in this region offered in their answers to the information requests contacts for the person in charge for answering public information requests
- monitored institutions in this region answered on an average within 13 days from the registration of the request

Region no. 2

Level	Reply rate (%)
County	80
Local	30
Region average	50

Type of public institution	Reply rate (%)
Executive authorities/institutions	63
Legislative authorities/institutions	17
Juridical authorities/institutions	64
Other public institutions	41

- 49,6% of the monitored public institutions in this region offered in their answers to the information requests contacts for the person in charge for answering public information requests
- monitored institutions in this region answered on an average within 11 days from the registration of the request

Region no. 3

Level	Reply rate (%)
County	78
Local	41
Region average	57

Type of public institution	Reply rate (%)
Executive authorities/institutions	65
Legislative authorities/institutions	23
Juridical authorities/institutions	82
Other public institutions	70

- 56,6% of the monitored public institutions in this region offered in their answers to the information requests contacts for the person in charge for answering public information requests
- monitored institutions in this region answered on an within 13 days from the registration of the request

Region no. 4

Level	Reply rate (%)
County	80
Local	51
Region average	64

Type of public institution	Reply rate (%)
Executive authorities/institutions	70
Legislative authorities/institutions	52
Juridical authorities/institutions	64
Other public institutions	64

- 64,1% of the monitored public institutions in this region offered in their answers to the information requests contacts for the person in charge for answering public information requests
- monitored institutions in this region answered on an average within 12,5 days from the registration of the request

Region no. 5

Level	Reply rate (%)
County	84
Local	38
Region average	57

Type of public institution	Reply rate (%)
Executive authorities/institutions	61
Legislative authorities/institutions	42
Juridical authorities/institutions	57
Other public institutions	75

- 57,5% of the monitored public institutions in this region offered in their answers to the information requests contacts for the person in charge for answering public information requests
- monitored institutions in this region answered on an average within 12 days from the registration of the request

Region no. 6

Level	Reply rate (%)
County	79
Local	11
Region average	63

Type of public institution	Reply rate (%)
Executive authorities/institutions	70
Legislative authorities/institutions	38
Juridical authorities/institutions	76
Other public institutions	81

- 63,9% of the monitored public institutions in this region offered in their answers to the information requests contacts for the person in charge for answering public information requests
- monitored institutions in this region answered on an average within 9 days from the registration of the request

Region no. 7

Level	Reply rate (%)
County	90
Local	39
Region average	62

Type of public institution	Reply rate (%)
Executive authorities/institutions	72
Legislative authorities/institutions	33
Juridical authorities/institutions	67

- 61,8% of the monitored public institutions in this region offered in their answers to the information requests contacts for the person in charge for answering public information requests
- monitored institutions in this region answered on an average within 12 days from the registration of the request

Region no. 8

Level	Reply rate (%)
County	87
Local	61
Region average	73

Type of public institution	Reply rate (%)
Executive authorities/institutions	76
Legislative authorities/institutions	22
Judicial authorities/institutions	86
Other public institutions	100

- 73,3% of the monitored public institutions in this region offered in their answers to the information requests contacts for the person in charge for answering public information requests
- monitored institutions in this region answered on an average within 11 days from the registration of the request

V.2. The promptness and the capacity of public institutions and authorities to offer public interest information according to the Law 544/2001- the situation at national level

One of the main objectives of this project was to verify if public institutions and authorities in Romania enforce and respect the Law 544/2001. The answer offered by the quantitative analysis of the results of the monitoring cannot be a simple “yes” or “no”. The results of the test show that public institutions and authorities sometimes offer the information they are obliged to offer, and sometimes they do not².

Out of the 957 requests addressed during this project, only 400 of them received a complete answer, which means 42%. This low percent suggests the fact that, in Romania, the access to public interest information is more likely a question of luck than a legally respected right.

If we look more carefully at the results we realize that some citizens are luckier than others; to put it in other words, certain categories of public institutions and authorities respect the Law more than others, assuring free access to public information for the citizens. One of the roles of this project was also to try to identify the differences between public institutions and authorities and their causes.

V.2.1. Differences according to geographical areas

The first difference concerning the answer rate to the requests can be noticed between different geographical areas. Thus, in Oltenia, Ardeal and Banat (development regions no.4,5 and 6), over 50% of the requests that were addressed received a complete answer, while in Muntenia, Moldova, Center and Bucharest (development regions 1, 3, 7 and 8) the percentage is below 40%.

V.2.2. Differences according to the type of request

Regarding the differences between the “reactions” to different types of requests, we can notice that the highest percentage of complete answers was registered in the case of the request for the most recent budgetary execution of the institution (request no.2)- 56,2%, while only 26,4% of the public institutions and authorities offered an answer to request no.7, about the strategic plan.

3 out of 8 requests for information correspond to the ex officio information category, according to the Law 544/2001, the other 5 being information by request. Taking into account that the main feature of ex officio information is that they should be available and accessible to the public before they are solicited for, we would expect a better percentage for the requests no. 2, 7 and 8, as well as a shorter time for answering.

The second request referred to the annual budget of the public institutions, the seventh was about the strategic plan of.

² During the monitoring process there were a few situations when some of the answers offered by public institutions did not reach APD or APD's volunteer, because of the Romanian Post Office.

the public institution and authority and the eighth was about the annual report. Over 55,6% of the requests regarding the expenses of the officials and civil servants in public institutions received an answer. This represents the second best score obtained for the eight requests

A rather low percentage was also registered for the answers to request no.8 that referred to the annual reports-35,8%. The fact that very few public authorities offered strategic plans and annual reports could be explained by the lack of capacity to produce such documents. Western governments and authorities use these as standard instruments in order to communicate with the citizens and in the decision-making process.

4 out of 5 solicitations for information "on request" referred to the use of public resources (the first request was an exception). Together with the requests about the budget, which is ex officio public information, these types of request demonstrate an important function of the norms regarding free access to public interest information and the Law 544/2001: these regulations facilitate the citizen to better monitor the financial decisions of public authorities, raising thus the probability for corruption acts to be discovered. The two requests that registered the best score for "good" answers were request no.2 for the latest budgetary execution and request no.6 regarding the expenses of high officials. The fact that a rather high percent of public authorities are willing to offer information about the expenses of high officials is a proof of the wish these institutions have to dispute the opinions that high officials abuse the privileges coming from their functions.

Although, the relatively low score registered for the reference terms (request no.3) and the awards about the winners of public auctions (request no.4) suggest the fact that it is necessary an improvement of the procedures for public auctions. Besides this, public institutions and authorities should be more willing for the citizens to know information about public property and its administration (request no.5).

V.2.3. Differences according to the level on which public institutions and authorities function

Trying to classify the answers of the institutions/authorities according to their level: central, county or local we can notice that the best situation is registered for county public authorities (53,7% complete answers), while central and local public institutions and authorities offered 41,3% and 33,6% complete answers.

The biggest difference between county institutions/authorities and the central ones was registered especially for the answers to the requests regarding the list of private and public real estates owned or administrated by the institution and the annual report for 2002:

Level	Request 1	Request 2	Request 3	Request 4	Request 5	Request 6	Request 7	Request 8
Central	17.6%	58.8%	70.6%	52.9%	29.4%	52.6%	17.6%	29.4%
County	30.2%	69.8%	62.8%	57.9%	65.1%	58.5%	36.4%	78.6%
Local	26.6%	45.9%	29.3%	38.3%	26.2%	54.4%	23.0%	26.7%
Total	26.6%	56.2%	47.5%	47.0%	40.5%	55.6%	26.4%	35.8%

V.2.4. Differences according to the categories of the public institutions/authorities

The table below shows the differences according to different categories of institutions, taking into account the complete answers received, calculated as percentage from the addressed requests:

Type of institution	Request 1	Request 2	Request 3	Request 4	Request 5	Request 6	Request 7	Request 8
Executive	28.6%	59.2%	56.5%	47.8%	48.6%	65.2%	28.6%	44.6%
Juridical	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
Legislative	21.1%	44.1%	21.2%	36.4%	23.5%	52.8%	14.3%	29.6%
Other	28.6%	71.4%	64.3%	72.7%	38.5%	15.4%	42.9%	33.3%
Total	26.6%	56.2%	47.5%	47.0%	40.5%	55.6%	26.4%	35.8%

Notă: Doar la nivel central au existat instituții de tip jurisdicțional.

It can be noticed the fact that percentages vary a lot from one request to another. But the obvious conclusion is that decisional/deliberative authorities (in which citizens elect their representatives, such as local council, county councils and the Parliament) register the lowest answer rates.

V.2.5. Differences according to all criteria

The next table shows the “performances” of the monitored public institutions and authorities according to the region, the level on which it functions, its type, the information solicited, the way the request was addressed.

Table with main conclusions											
	Number of requests submitted	Number of requests that have been registered with a number	Average response time	Number of answers received	Number of complete answers	Number of answers for which a fee has been requested	Various pretexts	Number of answers in the category "classified information/internal regulations restrict access"	Number of incorrect answers	Number of cases when the attitude was cooperative	Number of cases when clarifications have been requested
Grand total	957	860	(days)	667	400	40	111	58	83	342	37
Percentage		90%		70%	42%	4%	12%	6%	9%	35%	4%
In region 1 - North - East (Bacau)	151	99,3%	13,7	60,9%	33,1%	4,6%	12,6%	3,3%	11,3%	57,0%	0,7%
In region 7 - Center (Brasov)	86	70,9%	16,1	57,0%	38,4%	1,2%	10,5%	3,5%	4,7%	22,1%	3,5%
In region 8 - Bucharest	298	81,5%	10,7	63,4%	35,6%	0,7%	9,7%	8,1%	10,1%	26,0%	6,0%
In region 3 - South (Bucharest)	63	88,9%	10,1	65,1%	38,1%	14,3%	11,1%	11,1%	4,8%	22,2%	3,0%
In region 6 - North - West (Cluj)	83	96,4%	10,4	75,9%	51,8%	4,8%	10,8%	4,8%	7,2%	33,7%	2,4%
In region 2 - South - East (Constanta)	99	97,0%	13,1	80,8%	47,5%	1,0%	17,2%	6,1%	10,1%	69,7%	0,0%
In region 4 - South - West (Craiova)	96	100,0%	13,2	89,6%	56,3%	10,4%	14,6%	6,3%	5,2%	36,5%	4,2%
In region 5 - West (Timisoara)	81	96,3%	12,5	82,7%	53,1%	6,2%	9,9%	3,7%	9,9%	25,9%	0,0%
Variable processing according to the requested information											
Request recording registry	124	90,3%	9,7	74,2%	26,6%	0,8%	3,2%	21,0%	23,4%	35,5%	16,9%
Realized budget	121	88,4%	11,5	70,2%	56,2%	8,3%	6,6%	2,5%	4,1%	52,1%	5,0%
Terms of reference for all public tenders	118	92,4%	14,0	72,0%	47,5%	5,9%	8,5%	7,6%	5,1%	33,1%	0,8%
Contracts awarded for public tenders	115	93,9%	18,2	72,2%	47,0%	4,3%		7,0%	7,8%	32,2%	0,9%
Properties owned or administered by the authority	121	87,6%	9,8	71,1%	40,5%	5,8%	18,2%	3,3%	5,0%	33,1%	3,3%
Sums from public funds spent with elected officials	117	94,0%	14,9	75,2%	55,6%	0,0%	9,4%	4,3%	6,0%	35,9%	2,6%
Current strategic plan	121	87,6%	9,3	57,9%	26,4%	2,5%	22,3%	0,0%	7,4%	33,1%	0,8%
2002 Annual Report	120	85,0%	10,1	65,0%	35,8%	4,2%	18,3%	0,0%	10,0%	36,7%	0,0%
Variable processing according to the level of the institution											
Central	138	89,9%	12,3	73,2%	41,3%	0,0%	10,9%	8,7%	12,3%	29,7%	8,7%
County	337	92,3%	11,9	77,4%	53,7%	4,7%	8,9%	5,9%	7,4%	39,2%	2,4%
Local	482	88,2%	12,3	63,3%	33,6%	5,0%	13,9%	5,4%	8,5%	36,5%	3,5%
Variable processing according to the type of the institution											
Executive	559	94,1%	13,2	75,8%	47,0%	5,0%	11,4%	7,0%	9,1%	37,2%	4,3%
Judicial	16	75,0%	7,8	50,0%	37,5%	0,0%	12,5%	0,0%	0,0%	18,8%	0,0%
Legislative	277	82,7%	10,6	56,3%	30,0%	3,6%	12,3%	4,0%	7,2%	36,8%	3,6%
Other	105	88,6%	11,2	75,2%	45,7%	1,9%	11,4%	5,7%	11,4%	34,3%	2,9%
Variable processing according to the method of addressing the request											
personal	915	90,4%	12,1	70,9%	42,3%	4,4%	11,8%	6,2%	9,1%	37,7%	4,0%
by mail or e-mail	42	78,6%	18,5	40,5%	31,0%	0,0%	7,1%	2,4%	0,0%	9,5%	0,0%
Variable processing according to the solicitor											
Information requested by APD	367	92,9%	14,0	73,8%	49,0%	6,8%	11,7%	3,8%	7,1%	39,0%	1,1%
Information requested by a citizen	590	88,0%	10,9	66,9%	37,3%	2,5%	11,5%	7,5%	9,7%	34,9%	5,6%

V.2.6. The evolution of the monitored public institutions and authorities throughout the monitoring process according to the rate of complete answers

We can draw interesting conclusions about the evolution of public institutions and authorities through out the monitoring process. For example, the institutions in development region no. 5 and 6, which registered low percentages for the answers to request no.1, managed until the end of the project to register percentages over 50% for 5 out of 8 requests. Public institutions and authorities in developing region no.4 had a similar evolution. Development region no.2 comes next with 3 out of 8 requests that received over 50% of complete answers.

Complete answers, in percentage of the total of requests addressed to public institutions and authorities:

Region	Request 1	Request 2	Request 3	Request 4	Request 5	Request 6	Request 7	Request 8
Region 1	26.3%	55.6%	38.9%	10.5%	47.4%	50.0%	20.0%	20.0%
Region 2	53.8%	58.3%	33.3%	50.0%	30.8%	38.5%	50.0%	66.7%
Region 3	25.0%	50.0%	25.0%	37.0%	50.0%	75.0%	25.0%	12.5%
Region 4	25.0%	91.7%	50.0%	75.0%	25.0%	83.0%	41.7%	58.3%
Region 5	18.2%	63.6%	72.7%	66.7%	70.0%	44.4%	40.0%	50.0%
Region 6	9.1%	36.4%	70.0%	70.0%	60.0%	63.6%	60.0%	50.0%
Region 7	46.2%	66.7%	50.0%	37.5%	25.0%	50.0%	0.0%	36.4%
Region 8	18.9%	45.9%	45.9%	48.6%	35.1%	51.3%	13.5%	24.3%
Total	26.6%	56.2%	47.5%	47.0%	40.5%	55.6%	26.4%	35.8%

Unlike the cases presented above, development regions no. 1, 7 and Bucharest Municipality did not register any progress through out the monitoring process. Public institutions and authorities in these regions only one or two requests received complete answers.

V.2.7. The necessary time for answering the requests

The percentages registered for the time in which were received the answers for each of the requests for ex officio information respect the legal term of 10 days. The medium time for answering was, for the second request 12,3 days, for the seventh 11,7 days and for the eighth 13,5 days. These dates lead to the conclusion that public institutions and authorities are not yet prepared to apply the provisos of Article 5 of Law 544/2001.

In development regions no. 6 and 2 the answers were received in the shortest time, in a period of 11 and respective 11,8 days. The longest time for answering the requests was registered in development region no.7, with a medium period of 20 days. Other results: development region no.1- 15,3 days, development region no. 8-14,2 days, development region no. 4- 13, 5 days and development region no. 5- 13,2 days. Since we are talking about medium answering periods, they are legal, so we cannot say that public institutions and authorities did not comply with the Law. But there are a few public institutions and authorities that outdated the average time for answering requests. In the cases when public institution refused the requests, it took almost 10 days for them to answer, although the Law requires this to happen in 5 working days.

For the solicitations regarding information by request the Law stipulates that an answer should be received within 10 working days or 30 working days, if the answer is more complex. In this study we measured the terms in calendar days, not in working days. In these conditions the term 10 working days should be interpreted as 14 calendar days. Two of the solicitations for information by request received an answer in a shorter time than ex officio information requests did. So, the solicitation for a copy of the register of the received information requests was answered in a medium time of 8 days and the solicitation for the list of properties in 11,4 days. The copies of the documents referring to public acquisitions took the longest time (21 days), followed by the situation of high officials expenses (16 days).

V.2.8. The attitude of the public servants that receive the information requests in the public institutions and authorities they work for

During the monitoring process we also asked the volunteers that addressed these requests to appreciate the attitude of the civil servants they delivered the requests to. The next table shows, in percents, to what degree the attitude of the public servants was a "willing" one, for each of the requests in every development region, as well as on a national level.

Region	Request 1	Request 2	Request 3	Request 4	Request 5	Request 6	Request 7	Request 8
Reg. 1	31.6	50.0	44.4	63.2	70.0	83.3	60.0	50.0
Reg. 2	71.4	50.0	71.4	42.9	76.9	66.7	61.5	61.5
Reg. 3	25.0	25.0	25.0	25.0	12.5	0	12.5	50.0
Reg. 4	33.3	83.3	33.3	41.7	25.0	16.7	16.7	41.7
Reg. 5	45.5	63.6	18.2	33.3	10.0	10.0	0	20.0
Reg. 6	0	36.4	63.6	45.5	54.6	18.2	18.2	18.2
Reg. 7	38.5	61.5	20.0	0	0	10.0	0	25.0
Reg. 8	33.3	44.4	10.8	10.8	13.5	28.2	40.5	27.0
Total	35.5	51.2	32.2	31.6	32.4	34.4	32.3	35.8

An interesting comparison can be made between this table and the one about the complete answers received for the requests. Development region no. 1 represents a special case that does not have a good rate of complete answers, but in which public servants were very willing. As opposed to this one, public institutions and authorities in development region no. 7 registered low rates about how complete were the answers and how willing were the civil servants.

V.3. The results of the monitoring of central public institutions and authorities

As we mentioned in Chapter III.2 of this report, 17 central public institutions and authorities were monitored. The total number of the requests addressed to these institutions through out the entire monitoring process was 138. The main conclusion we can draw regarding the evolution of these institutions are about the incapability of many of them to offer complete answers to the requests and about the unfriendly attitude of the civil servants.

V.3.1. The capacity and willingness of central public institutions and authorities to offer public interest information

Out of 138 requests for information 73,2% were answered, but only 41,3% of the answers were evaluated as complete.

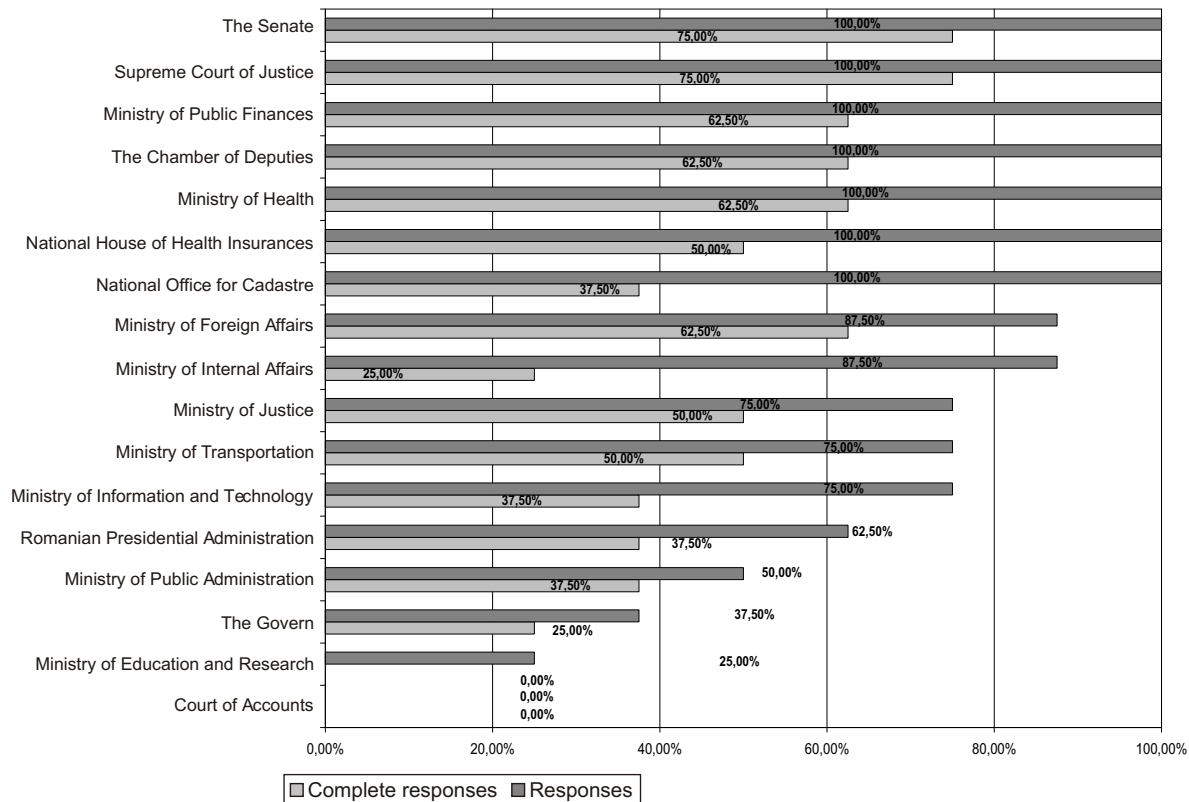
As the diagram/graph below - representing a classification of central public institutions and authorities according to the answers they offered and how complete they were - shows, the Supreme Court of Justice and the Senate are at the top. These institutions responded to all 8 requests, providing complete answers to 75% of them. Other institutions that have maximum response rate are the Ministry of Public Finance, Chamber of Deputies, Minister of Health, National House of Health Insurances and National Office for Cadastre, although they achieved lower scores for the complete answers.

Instituțiile care au furnizat un număr și mai mic de răspunsuri complete au fost Ministerul de Interne și Guvernul cu doar 12,50% răspunsuri complete.

The institutions that offered an even lower percent of complete answers were the Ministry of Internal Affairs and the Govern with only 12,50% of complete answers.

On the bottom of the list there are: the Ministry of Education and Research, with only 2 answers to the requests and the Court of Accounts, with no answer (although this institution registered the requests addressed by APD).

³ With the remark that by the decision adopted by the Permanent Bureau in 2003, decision that does not consider information about the way money are being spent public information, the Chamber of deputies became one of the less transparent public institutions in the country.



A problem we encountered in relation to central public institutions and authorities during this project was the fact that many of the answers received to the requests about the expenses of elected representatives or high officials make reference to a series of settlements (Government Ordinances, Governmental Decisions, etc.) that established the amount for this. By proceeding like this, public institutions force the citizens to spend some more days looking for that necessary information.

One of the most important conclusions resulted from the discussion during the round tables is that, **in the majority of cases, the incapacity of central public institutions and authorities to offer complete information is the effect of a weak relation/communication between different departments in the institutions and/or between the institutions.**

V.3.2. The Chamber of Deputies- an institution that is not willing to comply with the Law it just recently passed

A particular situation that should be emphasized is represented by the Chamber of Deputies, which was solicited for information about *“the expenses during the year 2002, for each deputy on:*

- *mobile phone from the institution*
- *the car from the institution*
- *wage or indemnity*
- *trips in the country or outside the country”*

The answer offered by the Chamber of Deputies makes reference to the Decision of the Permanent Bureau of the Chamber of Deputies no. 4 on 14.04.2003, which does not include this information in the category of public information.

By the adopted decision, in total contradiction not only with not only with the spirit, but also with the letter of the Law 544/2001 the Permanent Bureau of the Chamber of Deputies annulled citizens legal right to know how his/her money are being spent by this public institution for which he/she elects representatives and has a considerable annual budget.

Unlike the Chamber of Deputies, the Senate did not classify the information about its expenses and answered the request we addressed it. Although it should be mentioned that the answer was unsatisfying, because it did not mention what the expenses were for each senator, and mentioned only total expenses on: trips in the country and outside the country, mobile phones, wages and indemnity, car expenses.

V.3.3. The attitude of the civil servants in central public institutions

As regard to the attitude of the civil servants, in most of the cases (70%) the solicitors were asked by the civil servants to present reasons for their requests.

Article 6 (3) of the Law 544/2001 stipulates very clear what are the compulsory elements of a request for information:

- a) the public institution or authority to which the request is addressed
- b) the information requested, so that it would allow the public institution or authority to identify the public interest information
- c) name, forename and the signature of the solicitor, as well as the address to which the answer should be sent

The lack of any reference to the obligation to motivate the requests addressed by the citizens, both in the Law as well as in Annex 1 of the methodological norms, leads to the conclusion that the requests should not be motivated. During the elaboration of this Law and of the methodological norms there were discussions about whether it should be introduced or not the motivation as an additional condition for offering the information to the citizens. The opinion that prevailed to that moment was not to introduce this new condition, in order to avoid the risk of reduce the access to information on reasons related to an unsuitable motivation for the request.

In these conditions, in the implementation of this Law, public institutions and authorities are obliged to answer information requests addressed by the citizens, without having the right to ask the solicitor for a motivation. That is why the attitude of the Ministry of Health, to ask the solicitor to explain what the motivation for the request is, is totally unjustified (request no.5 answered on 26.05.2003- see Annex 2).

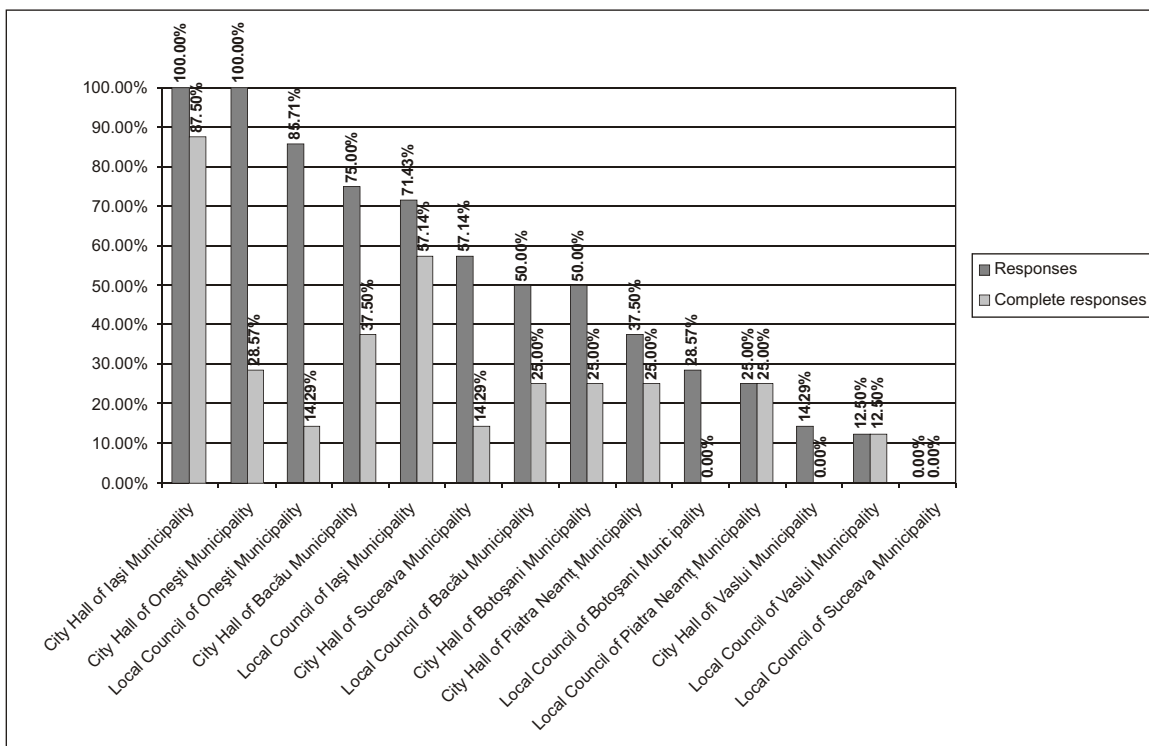
During this monitoring many public servants realized that the institutions they are working for were being monitored by an NGO, so their attitude towards the solicitor was respectful. But there have been exceptions, as it can easily be seen in the answers received from the Presidential Administration (see Annex 3 that contains the answers from the Presidential Administration on 07.05.2003 and 26.05.2003).

V.4. The results of the monitoring of institutions and authorities in development region no. 1 (North- East)

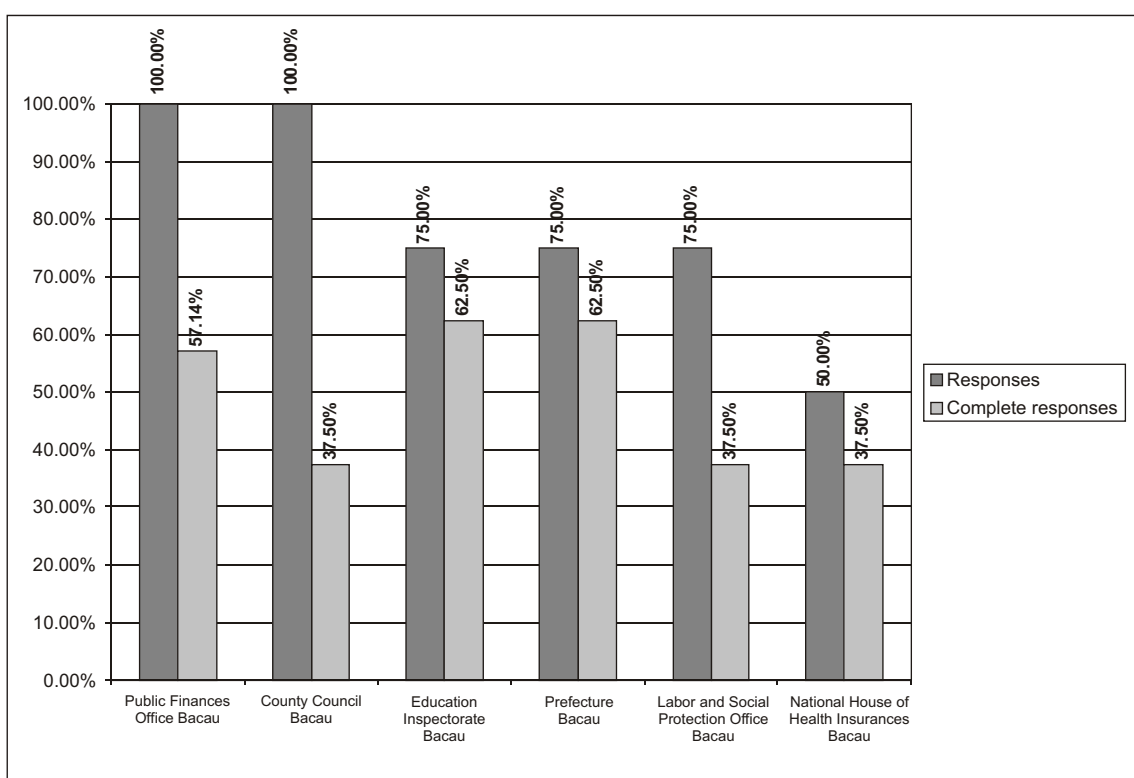
20 public institutions and authorities were monitored in this region, and through out the project 151 requests for public interest information were addressed.

V.4.1. Data and graphs/diagrams resulted from the monitoring process

The graph/diagram below presents the situation according to the answering rate and the percent of complete answers received from local public authorities (mayors and local councils) in certain localities in the region. From this graph/diagram it can be concluded that the best situation can be found for local public authorities in Iasi County, followed by the ones in Bacau County. The percentage of answers received from the City Hall and the Local Council in Onesti Municipality are also very high (100% and 85,7%), but in this case the percent of complete answers is rather low. At the opposite pole are the local public authorities in Vaslui Municipality, the local council in Suceava Municipality and the ones in Botosani Municipality.



The graph/diagram below presents the situation according to the answering rate and the percent of complete answers received from local public authorities (mayors and local councils) in certain localities in the region. From this graph/diagram it can be concluded that the best situation can be found for local public authorities in Iași County, followed by the ones in Bacău County. The percentage of answers received from the City Hall and the Local Council in Onești Municipality are also very high (100% and 85,7%), but in this case the percent of complete answers is rather low. At the opposite pole are the local public authorities in Vaslui Municipality, the local council in Suceava Municipality and the one in Botoșani Municipality.



V.4.2. Comments on the answers received from some of the public institutions and authorities in this region

After filing the second request, about the public auction organized by the institution and the one about the documents through which the winner of the auctions were announced, the City Hall of Bacau Municipality only offered one answer to the two requests. In this answer was mentioned the fact that the solicited documents may be consulted for free or it can be "bought in the same conditions as the other solicitors did- according to the explanatory note in the add". We mention that according to the Ordinance 60/2001, amended by the Law 212/2002 and by the Norms for the implementation of the Law 212/2002 concerning the process of public acquisition, the documents become public after the process of public acquisition has ended. In this context the only costs that the solicitors have to pay are those for copying the solicited documents, as stipulated in Article 18 of the methodological norms for implementing the Law 544/2001 (the answer of the City hall of Bacau County on 14.05.2003 for request no.4 is presented in Annex 4).

Another answer that needs no further comments is the one received also from the City Hall in Bacau County to the request for the annual report of the institution, presented in Annex 5.

V.4.3. Difficulties encountered in the relation with public institutions and authorities monitored in development region no.1

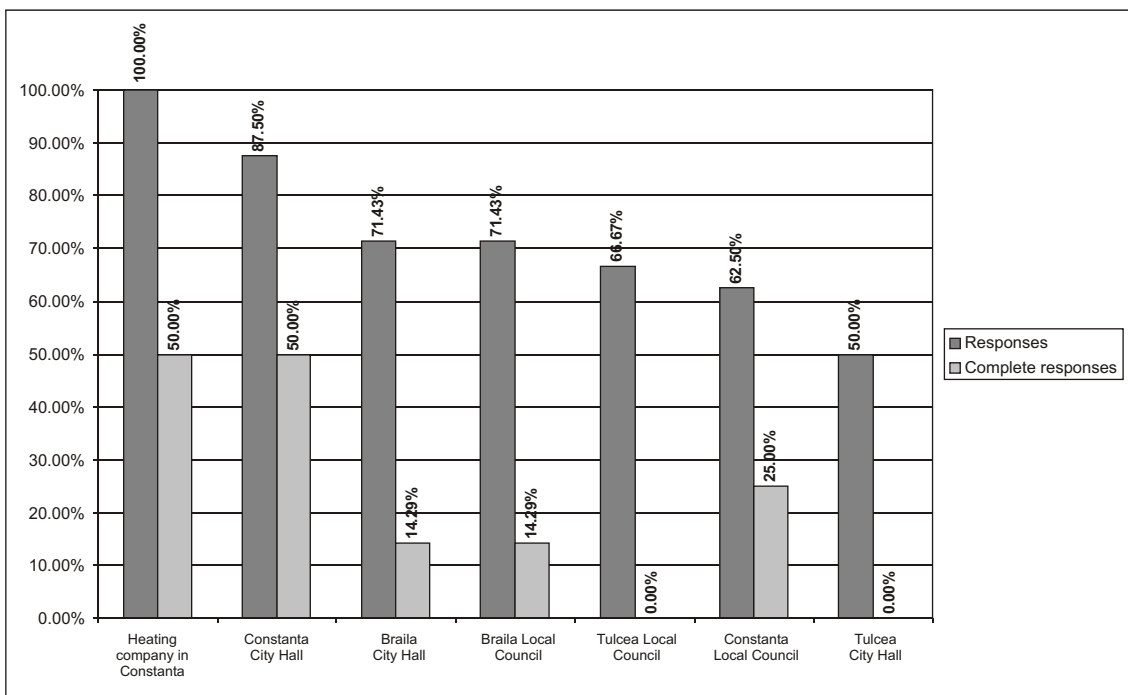
- Bacau Court of Law returned to the solicitor the first request (about contact coordinates of the institution) because his identity was not clear, the request being signed by "Topala Costica, Club APD Bacau (and than the address)". In the answer the institution pretended that, if the petitioner was APD Club, the request should have a registration number from the APD Club. The request was sent back, bent no answer was received to it.
- The president of the "Judecatoria" in the village Podu Turcului refused to give any kind of information over the phone, about the person responsible with free access to public interest information, pretending that the solicitor should personally come to the institution. The institution neither replied in written to this request.
- The majority of the local councils and City Halls monitored in the 6 counties, except the City Hall in the village Raducaneni, Iasi County, did not reply to the first request.
- At the Direction for Public Health in Bacau the person that addressed the request for APD has to wait until the person responsible for the access to public interest information went to the director of the institution in order to obtain the approval to register request 0. This demonstrates the fact that there is still public servants responsible for free access to public information that does not know their assignments yet.

V.5. The results of the monitoring of institutions and authorities in development region no. 2 (South- East)

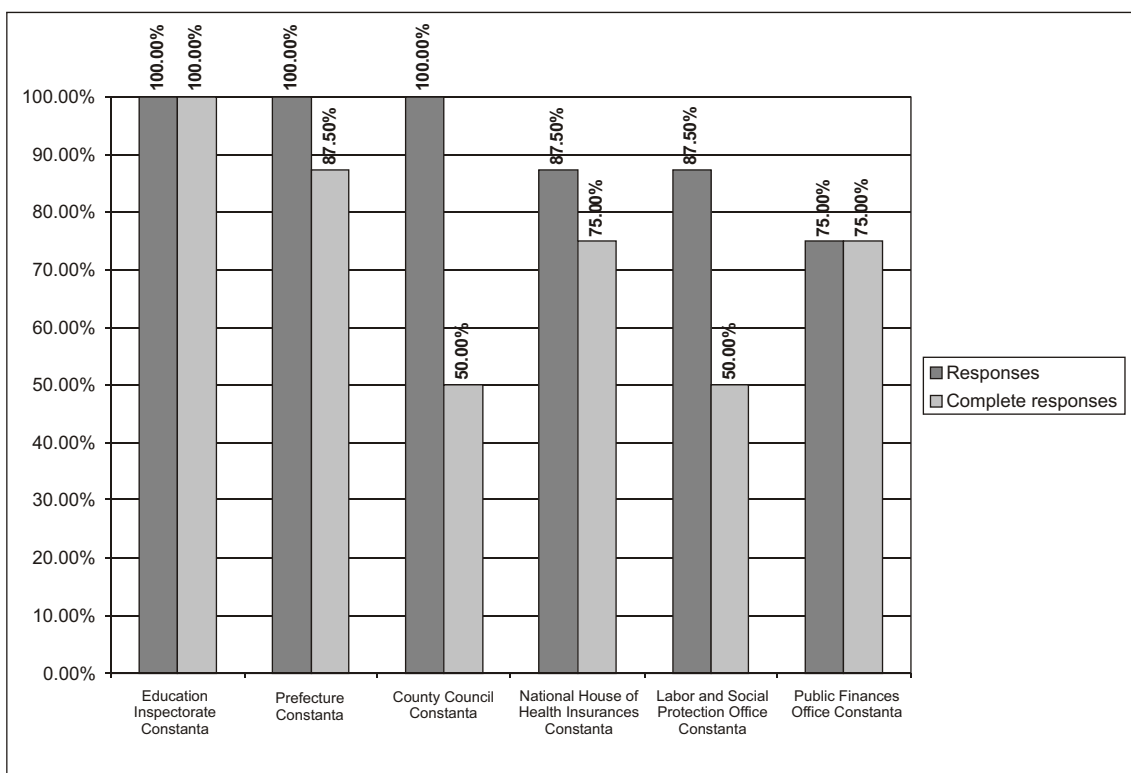
13 public institutions and authorities were monitored in this region and through out the entire monitoring process 99 requests for public interest information were addressed.

V.5.1. Dates and graphs/diagrams resulted from the monitoring process

The graph/diagram below shows on a local level, the biggest answering rates were registered by: the Heating Administration Constanta, the City Hall of Constanta Municipality, and the City Hall and the Local Council in Braila. As regard to the percentage of complete answers, public authorities in Braila registered rather low results (14,29%), coming up next after local public institutions and authorities in Constanta. The worst situation about the way requests are answered is registered by local public authorities in Tulcea. The answering rate for Tulcea Municipality could be considered satisfactory, but the percent of complete answers is the worse possible: 0%.



It was encouraging to see that public institutions and authorities on county level that were monitored in Constanta registered a high answering rate as well as a high percent of complete answers. The top of these institutions/authorities is lead by County Education Inspectorate, with an answering rate of 100% and 100% complete answers, followed by the Prefecture with the same answering rate but only 87,5% complete answers and County Council with the sane answering rate but only 50% complete answers.



V.5.2. Comments on the answers received from some of the public institutions and authorities monitored in this region

Many public institutions and authorities refused to make a copy of the register for the public interest information requests, because it contains data that are not public (identity of the solicitors). The refuse is unjustified, and this is also demonstrated by the fact that some institutions found a solution by covering the column that contained the name of the solicitors before making the copy (ex.: the answer to request no.1, on 24.03.2003 received from General Direction of Labor and Social Solidarity Constanta- Annex 6).

In the answer received from the City Hall of Constanta Municipality to the requests about the expenses of elected representatives and high officials, there is an obvious contradiction between paragraphs. Thus, in the first paragraph it is said that the indemnity of the local councilors is not information that can be offered, as stipulated in the Labor Code, the last paragraph mentions, "councilors are not employees" (see Annex 7). It is true that local counselors are not employees, but they receive an indemnity for their activity, an indemnity that is not regulated by the Labor Code, but by the Law 215/2001 concerning local public administration. There is no normative act that establishes the fact that this indemnity is not public interest information.

V.5.3. Difficulties met in the relation with public institutions and authorities monitored in development region no.2

Among the difficulties met during the monitoring was the fact that the Direction for Public Finances Constanta refused to register the request no.1 because:

- the request should not be addressed to a certain person, but to the institution in general;
- the request for public information should not have the title "Request";
- the request for public information is concordance with the Law;
- the internal regulations of the institutions do not allow the possibility to answer such requests.

The General Direction of Labor and Social Solidarity also refused to register request no.3 because the civil servant that was responsible for the registration of the requests was on holiday.

- o In the localities of this region a significant number of civil servants responsible for the access to public interest information addressed several questions to APD's volunteers that delivered the requests, like: "What do you need this kind of information for?", "Don't you have anything else to do?". "Do you use this information?"
- o The APD volunteer that addressed request 0 to the Tribunal of Constanta was sent from one office to another until someone finally decided to register it. The reason this happen was that no one knew who is in charge with enforcing Law 544.
- o At the Prefecture in Constanta the person in charged with the enforcement of the Law 544 did not know about the existence of this Law. The APD volunteer had to wait until the civil servant found out about it from a colleague.
- o The APD volunteer that addressed the request to the Direction for Labor and Social Protection in Constanta had to walk through the entire instituti0on in order to find the person responsible with the enforcement of the Law 544/2001.

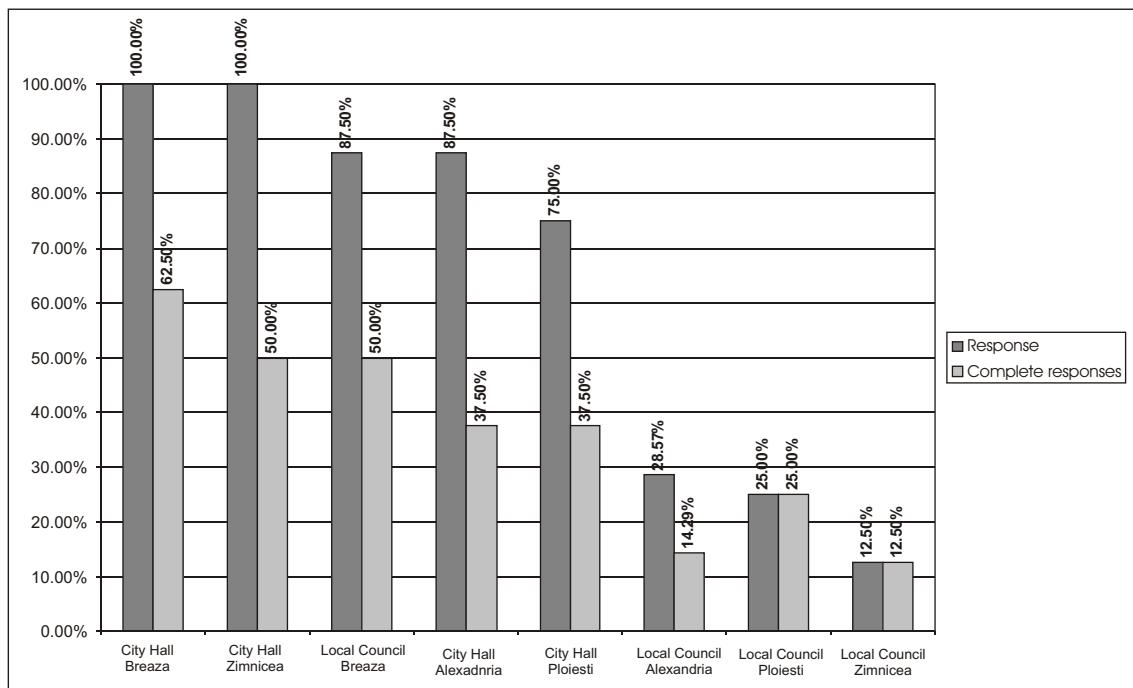
V.6. The results of the monitoring of institutions and authorities in development region no. 3 (South)

In this region 8 public institutions were monitored and 64 requests for public information were sent.

V.6.1. Dates and graphs/diagrams resulted from the monitoring process

The graph/diagram below shows that, generally, the City Halls monitored in this region answered to most of the requests that they were addressed (100% of them for the City Hall in Breaza and Zimnicea, 87,5% the City Hall in Alexandria and 75% the City Hall in Ploiesti). But the percents of complete answers were lower- between 62,5% for the City hall in Breaza and 37,5% for the City hall in Ploiesti.

It seems though that the civil servants or the departments in the City Halls that are responsible for the access to public information did not pay the same attention to the requests addressed to the Local Councils, taking into account the low percentages registered by these authorities.



V.6.2. Comments on the answers received from some of the public institutions and authorities monitored in this region

According to Article 7, paragraph 1, public institutions and authorities have the obligation to answer in writing to the requests for public interest information in 10 working days or in maximum 30 working days from the registration, if the answer is a complex one. Although this stipulation is very clear, the City Hall in Alexandria answered after 95 calendar days (see Annex 8 with the copy of the request and the answer on 16.09.2003, received from the City Hall in Alexandria to the request no.6).

V.6.3. Difficulties met in the relation with public institutions and authorities monitored in the development region no.3

- Similar to the case of other localities in different region, APD volunteers from Zimnicea and Alexandria were asked what is the reason for their requests;
- While creating the database with contact information for the monitored public institutions there were several cases in which public servants did not know if they have a public relations office and who is in charge of the department that should answer public interest requests.
- It was noticed that a large part of the tribunals and Courts of Law did not have offices that would provide citizens with information and were very suspicious about the requests of APD. For example, the president of the Tribunal in Pitesti refused to offer any information by phone, saying that a request should be addressed in order to obtain such information. Another president, from a law court, said to the APD volunteer, over the phone, that the law court is not a public institution, so the Law 544 does not refer to it.
- The City Hall in Slobozia refused to communicate over the phone the name of the person responsible for answering public information requests in the institution, asking for a written request.

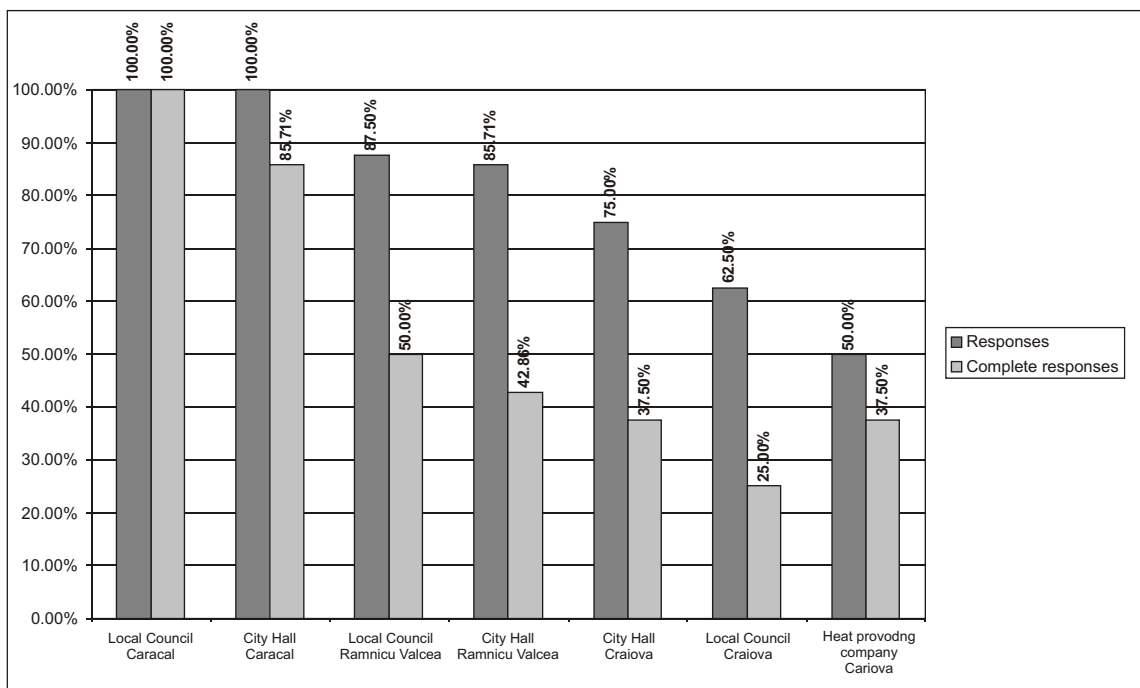
- The Mayor of the village Pantelimon that did not answer request 0 and only found out about the Law 544 during a discussion over the phone with the APD volunteer, mentioned that the budget of the institution is an internal document and it should not be seen by the citizens
- Many of the monitored public institutions in this region, especially the City Halls have several headquarters, so there were problems identifying the one where the office that offers public interest information to the citizens was.
- It was also noticed that many county directions in the region do not have offices that offer public interest information to the citizens
- In this region there were cases in which the persons nominated as responsible for enforcing the Law 544, did not even heard of its existence
- A positive aspect of this project is that after receiving request 0 many public institutions and authorities set up departments and/or appointed someone to offer public interest information. It can be mentioned here the County Tribunal in Calarasi and the City Hall in Chitila, that sent APD a copy of decision to appoint a person responsible to enforce the Law 544, 4 days after they received our request.

V.7. The results of the monitoring of institutions and authorities in development region no. 4 (South-West)

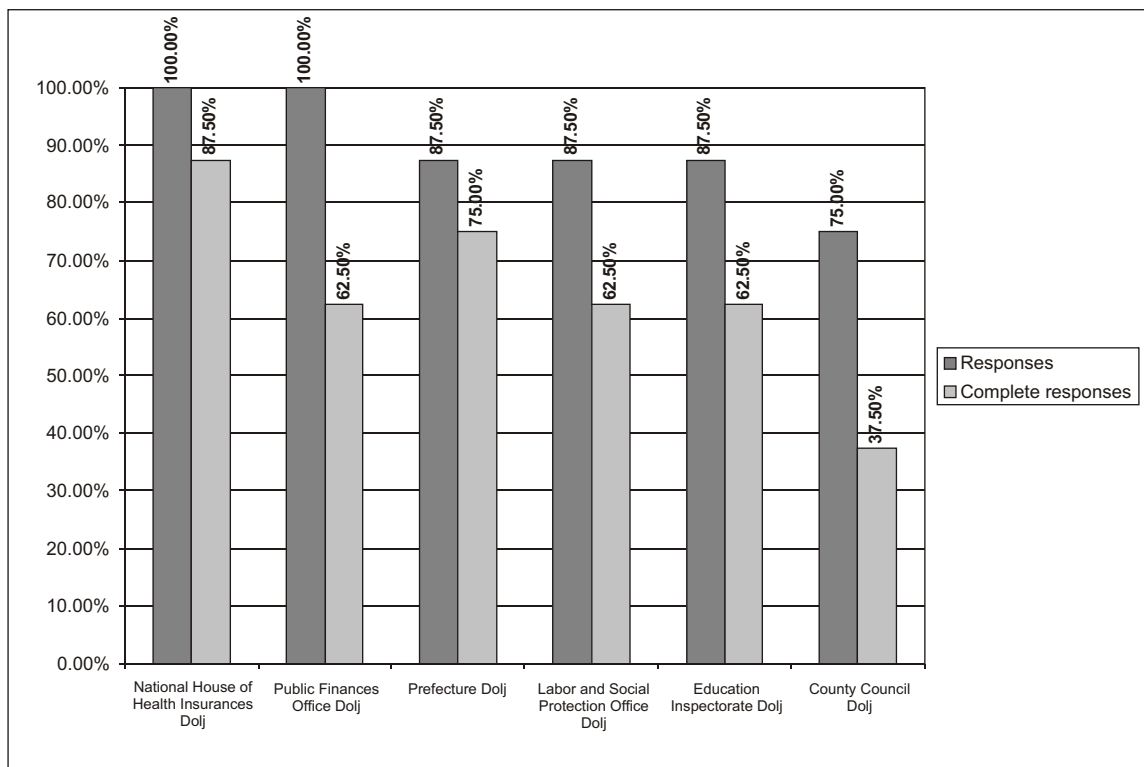
In this region were monitored 13 public institutions and authorities and through out the project were addressed 96 requests for public interest information.

V.7.1 Dates and graphs/diagrams resulted form the monitoring process

With regard to this region it can be noticed the maximum answering rate in the case of the City Hall in Caracal, as well as a high percentage of complete answers (85,71%), comparing to the significantly lower ones for the public institutions and authorities in Craiova Municipality. It should be mentioned that the percentage registered by the Local Council in Caracal (100%) is due to the fact that only one requests was addressed to it- the one about the expenses of the local counselors.



Public institutions and authorities at county level in Dolj, similar to other county institutions, registered higher percents than the public institutions and authorities at local level. It can be noticed in the graph/diagram that the highest percentages were registered by the House of Health Insurances (an answering rate of 100% and 87,5% complete answers), while the Local Council In Dolj registered the lowest percent of complete answers (37,5%).



V.7.2. Comments on the answers received from some of the public institutions and authorities

UA useful instrument in the communication with the citizens that also proves the transparency of the institution is the annual report of the institution. Article 10, paragraph 3 or the Law 544/2001 stipulates that public authorities should make public a periodical report of their activities, but not all institutions comply with it. To this regard we attached in Annex 9 the answer received from the part of the City Hall in Craiova, on 14.07.2003, which mentions that “for the year 2002 the annual report of the institution has not yet been elaborated...”

This kind of answers leads to the conclusion that it is possible that public institutions do not have the capacity to produce documents that Western governments and authorities consider to be standard methods for communicating with the citizens.

Similar to other regions, a problem that was identified by the participants to the round table organized in Craiova Municipality refers to the difficult flow of information in the public institutions and authorities. This affects their capacity to enforce the Law 544/2001. This reality generates delays in offering answers to public interest information requests, and delays contributes to a negative image of the person the requested information refers to. The delays are perceived by the citizens as a conscientious attempt of the administration to tergiversate the settlement of certain problems.

One of the conclusions was that it is necessary that each public servant that works in a public institution or authority be conscious of the tasks that the institution/authority has as regard to the Law 544/2001, as well as his/her own role and responsibilities in accomplishing this tasks.

V.7.3. The difficulties met in the relation with public institutions and authorities monitored in development region no.4

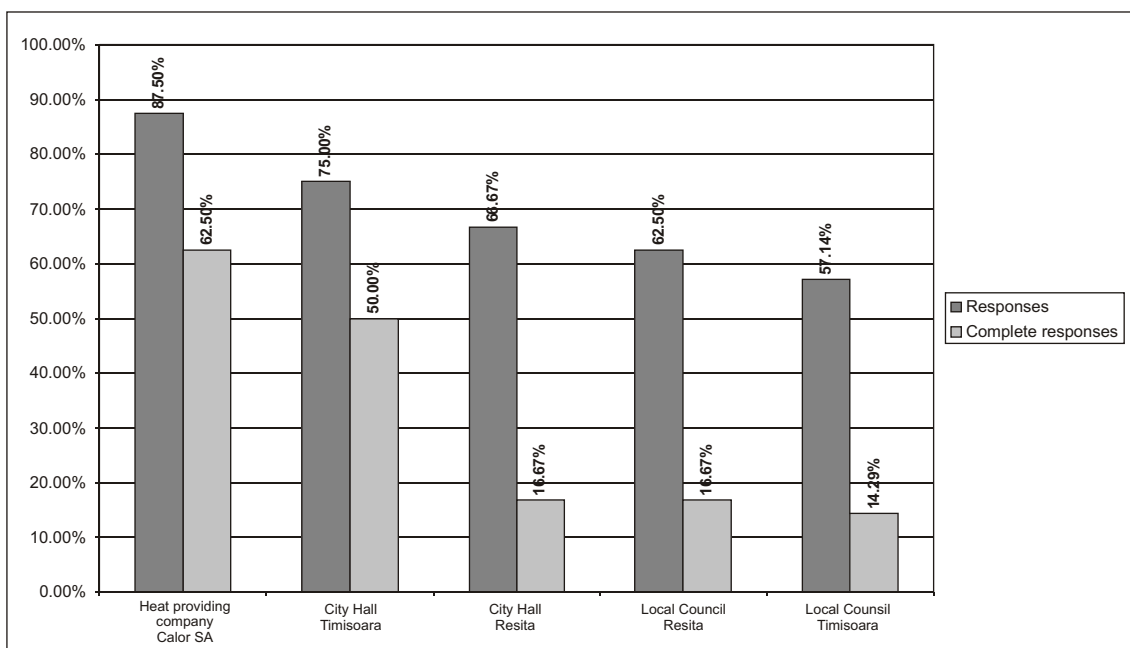
Similar to the other regions, APD volunteers faced difficulties in addressing the requests because they were asked by the public servants to motivate their action.

V.8. The results of the monitoring of institutions and authorities in development region no. 5 (West)

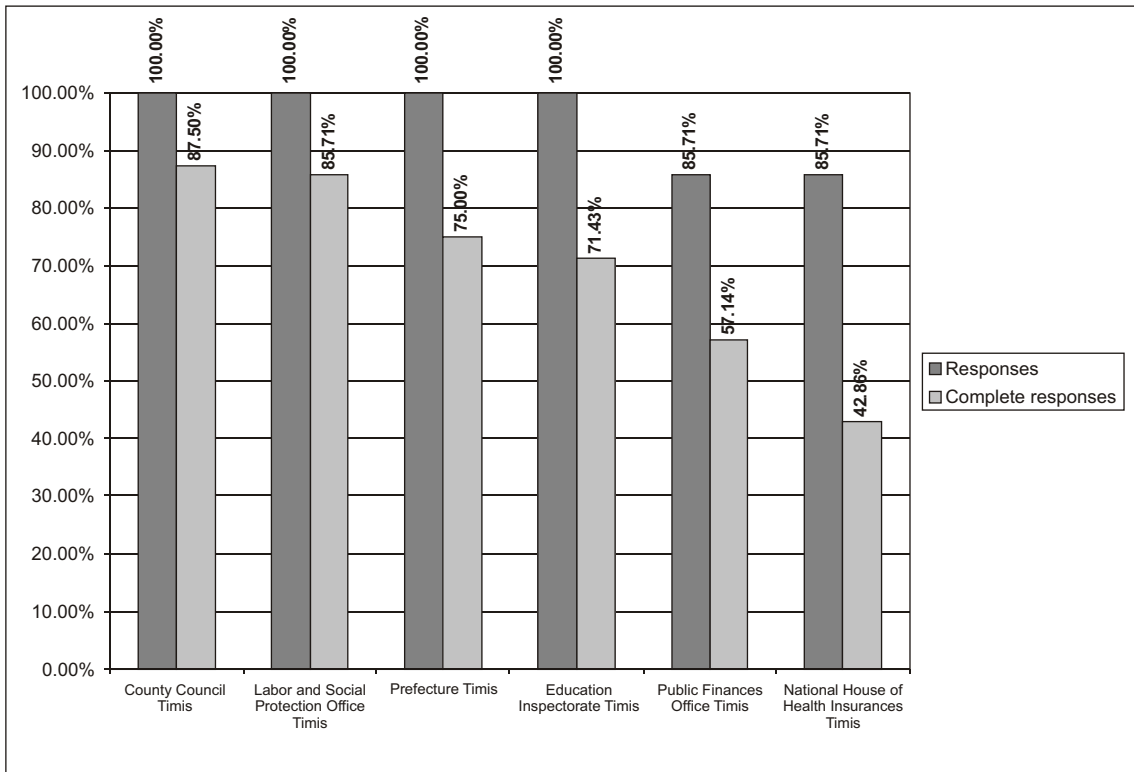
11 public institutions and authorities were monitored in this region and the total number of requests sent during the monitoring process was 81.

V.8.1. Datas and graphs/diagrams resulted from the monitoring process

At local level were monitored public institutions and authorities in Resita and Timisoara. It can be seen in the graph/diagram below that the percentages registered by the two localities are relatively close- 75% in Timisoara and 66,7% in Resita. As regard to the percentage for complete answers the differences are bigger- 50% in Timisoara and only 16,67% in Resita.



At county level in Timis County were registered high percentages, the County Council Timis and the Direction for Labor and Social Solidarity (100% answering rate and 85,7% complete answers) being on top, followed closely by the Prefecture in Timis (100% answering rate and 42,86% complete answers). On the last position we find the National House of Health Insurances Timis, with 85,71% response rate and 42,86% complete answers.



V.8.2. Comments on the answers received from some of the public institutions and authorities monitored

The points of view of the representatives from the monitored public institutions and authorities present to the round table, organized in Timisoara Municipality, could be synthesized in the statement that: *“on the one hand we still have to work on the mentality of the public servant, but on the one of the citizen too, and one the other hand, a low knowledge of the provisions of the Law 544/2001 was noticed both by the public servants and the final beneficiaries of the law, which are the citizens”*.

A disputed aspect of the Law that was discussed during the round table is Article 2, paragraph a) that refers to public institutions and authorities that the Law refers to. There are a series of Autonomous Administration that became private companies, and their representatives consider that the Law does not refer to them. But, as the representative of S.C. Calor S.A. Timisoara underlined, in many of the cases, the private companies receive budgetary allocations and perform some of the activities on public money, which means that they do have to answer to the requests that refer to the activities performed with public resources.

Starting from the example above, the conclusion was drawn that economic agents that sign contracts with public institutions and authorities should also obey to the provisions of the Law 544, since they are paid from public money.

V.8.3. Difficulties met in relation with public institutions and authorities monitored in development region no.5

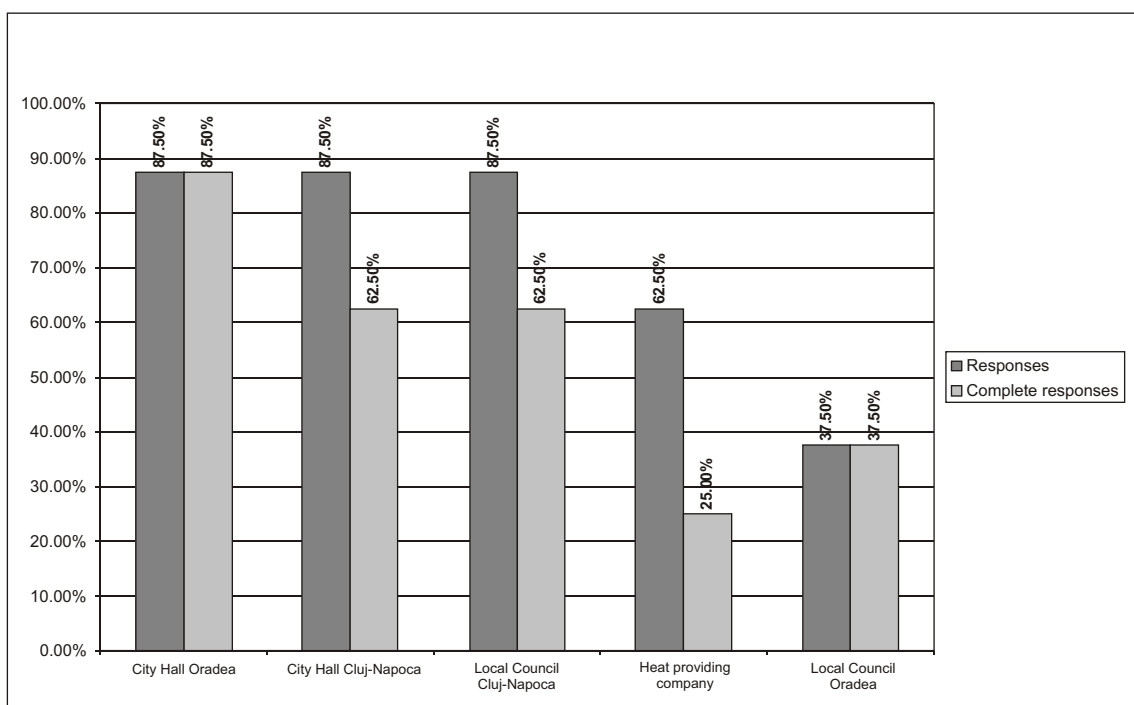
There were situations in which, although the request was addressed by APD to the person responsible for offering public interest information, that person recommended the solicitor to address the request to the institution or to its manager.

V.9. The results of the monitoring of institutions and authorities in development region no. 6 (North- West)

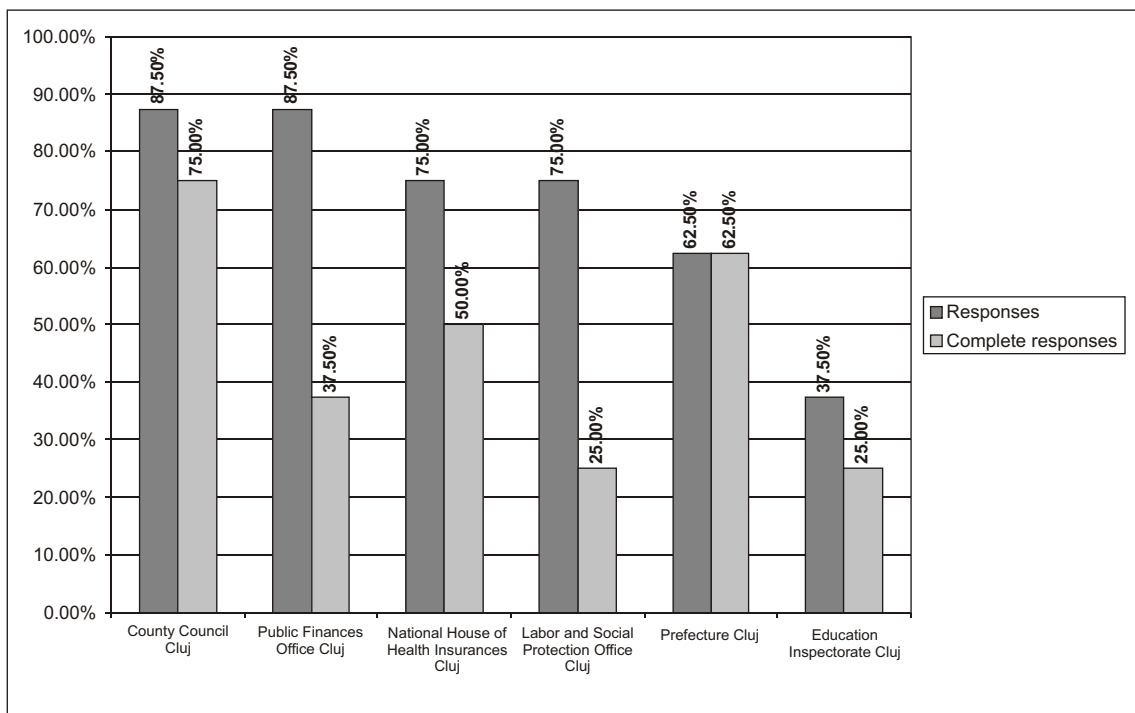
As in the case of development region no.5, in this region 11 public institutions and authorities were monitored, and the total number of information requests addressed during the monitoring was 83.

V.9.1. Datas and graphs/diagrams resulted from the monitoring process

The graph below presents a top of the institutions, according to the answers they offered and to how complete they were. So, on the first place is the City Hall in Cluj-Napoca Municipality, the City Hall in Oradea Municipality and the Local Council in Cluj- Napoca. These institutions answered the most requests, having an answering rate of 87,50%. Taking into account the information offered in the answers received form these three institutions we noticed that the City Hall in Oradea Municipality registered the highest percentage of complete answers-87, 5%, while the City Hall and the Local Council in Cluj- Napoca reached 62,55%.



Regarding the public institutions and authorities monitored at a county level in Cluj, it can be remarked the low percentages registered in the case of the Education Inspectorate in Cluj, as well as the low percent of complete answers offered by the General Direction of Labor and Social Solidarity in Cluj and the Education Inspectorate in Cluj.



V.9.2. Comments on the answers received from some of the public institutions and authorities

The General Direction for Public Finances in Cluj County answered the request through which we solicited the latest budgetary execution that this document is excepted from the free access of the citizens, according to the Governmental Ordinance no.61 on 29.08.2002. But, according to Article 5, paragraph 1, e) of the Law 544/2001 regarding free access to public interest information "*financial resources, the budget and the balance sheet*" are information that "*every public institution and authority has the obligation to communicate ex officio*" (see Annex 10 that contains the answer of the General Direction for Public Finances in Cluj- no.11101 on 04.04.2003).

A particular situation met in this region refers to low percentage of answers (only 4) received to the request no.1 that solicited a copy of the register for public information requests. Besides that, none of the answers contained a copy of the register, but references about the number of requests addressed or the refusal to offer this information because it is not public interest information, since it contains the addressed of the solicitors.

From the discussions on this issue during the round table, was reached the conclusion that many of the public institutions and authorities include the address of the solicitors in this register, making a public information become one that is not public, although according to the methodological norms of the Law, the address of the solicitor should not be in the register.

If we generalize this discussion it reaches a sensible spot of the Law, which is the difference between document and information. The Law mentions citizen's free access to public information, not to public documents. In many of the cases a document may contain both public information as well as classified information. Supposing a citizen will request a public information contained in such a document, the public institution or authority has the obligation to establish a procedure that will assure a true balance between the right of the citizens to be informed and the necessity to restrict the access to certain types of information. A possible solution to this problem is to copy the document after covering the parts that contain information that do not have a public character. The resulted document can be offered as such to the solicitor because it contains only public interest information.

A general problem related to the enforcement of the Law refers to the impossibility, according to the legislation that regulates the statute and activity, of some institutions and authorities to charge money for the copying services. Such an example was the House of Health Insurances Cluj that asked the amount of ROL 15 000 to offer the information about the winners of the public auctions in April, May and June 2002. When the solicitor wanted to pay for that service they found out is not possible because the institution cannot register any income.

V.9.3. Difficulties met in the relation with public institutions and authorities monitored in development region no.6

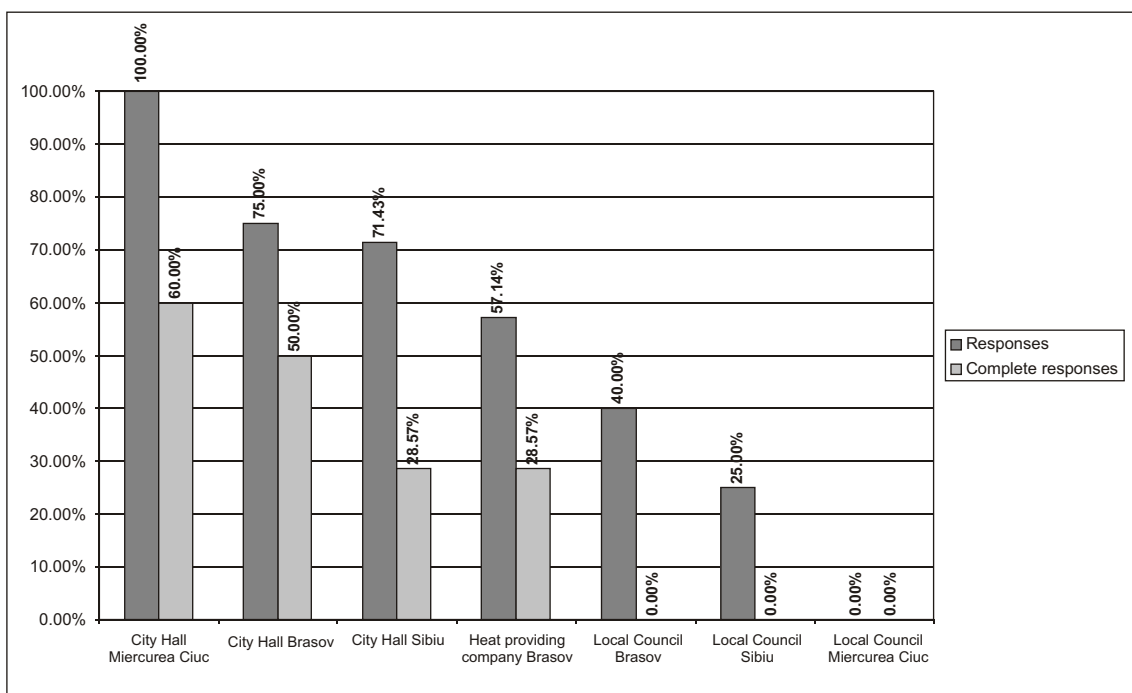
- o In region 6 almost every time they addressed public information requests, APD volunteers were asked what do they need the information for and actually sent them. There was a situation in which the civil servant responsible for offering public interest information communicated to the APD volunteer that he knows he is sent with that request “by an organization that has nothing better to do than to monitor all the laws that appear in Romania”
- o At the Direction for Labor and Social Solidarity in Cluj the APD volunteer that requested a copy of the latest budgetary execution was called and asked to go to the institution to receive the information. When he reaches there he waited a rather long time until the public servant rudely communicated him that the requested information is not public.

V.10. The results of the monitoring of institutions and authorities in development region no. 7 (Center)

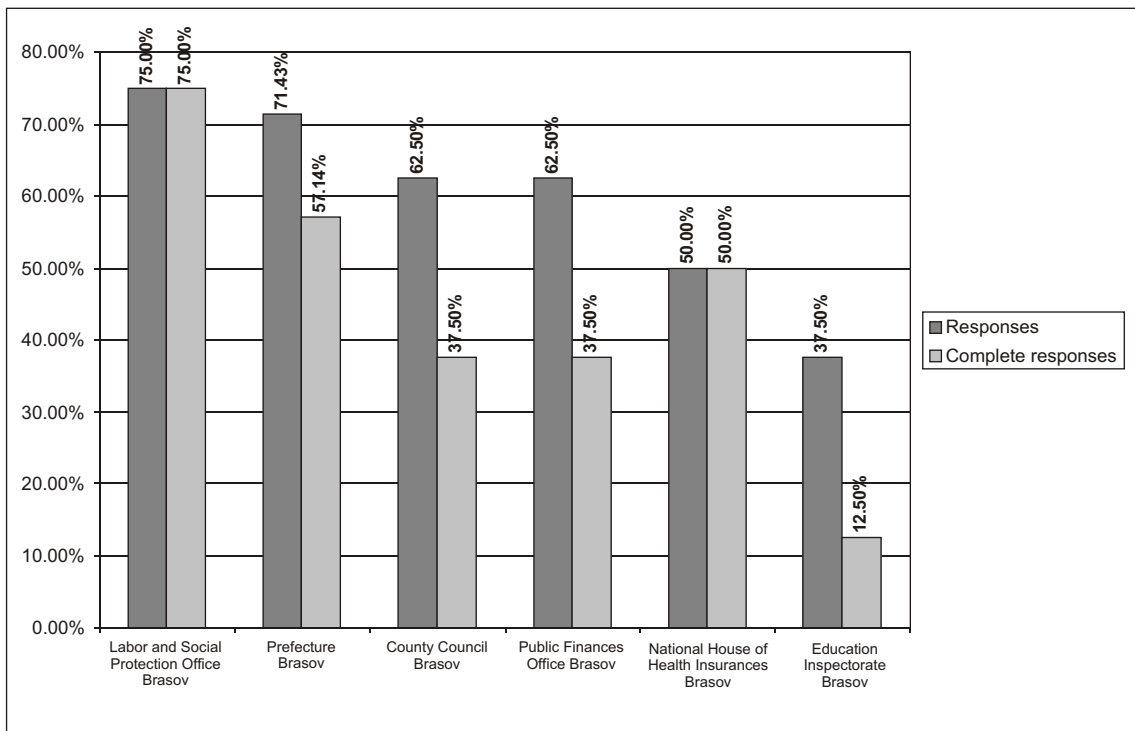
In this region 13 public institutions and authorities were monitored and 86 requests for public information were addressed.

V.10.1. Dates and graphs/diagrams resulted form the monitoring

As the graph/diagram below shows, the situation of the local public institutions and authorities is not very bright. Except the City Hall in Miercurea Ciuc that answered all requests, but had only 60% complete answers, the other cases were either satisfying, like the City Hall in Brasov (an answering rate of 75% and 50% complete answers) or totally unsatisfying, like the Local Councils.



As regard to the public institution and authorities monitored in Brasov County the situation is much better than the one of the local public authorities in this region. In the graph/diagram below can be noticed the percentages registered by the Direction for Dialogue, Family as the highest. At the opposite pole is the Education Inspectorate in Brasov.



V.10.2. Comments on the attitude of some of the public institutions and authorities

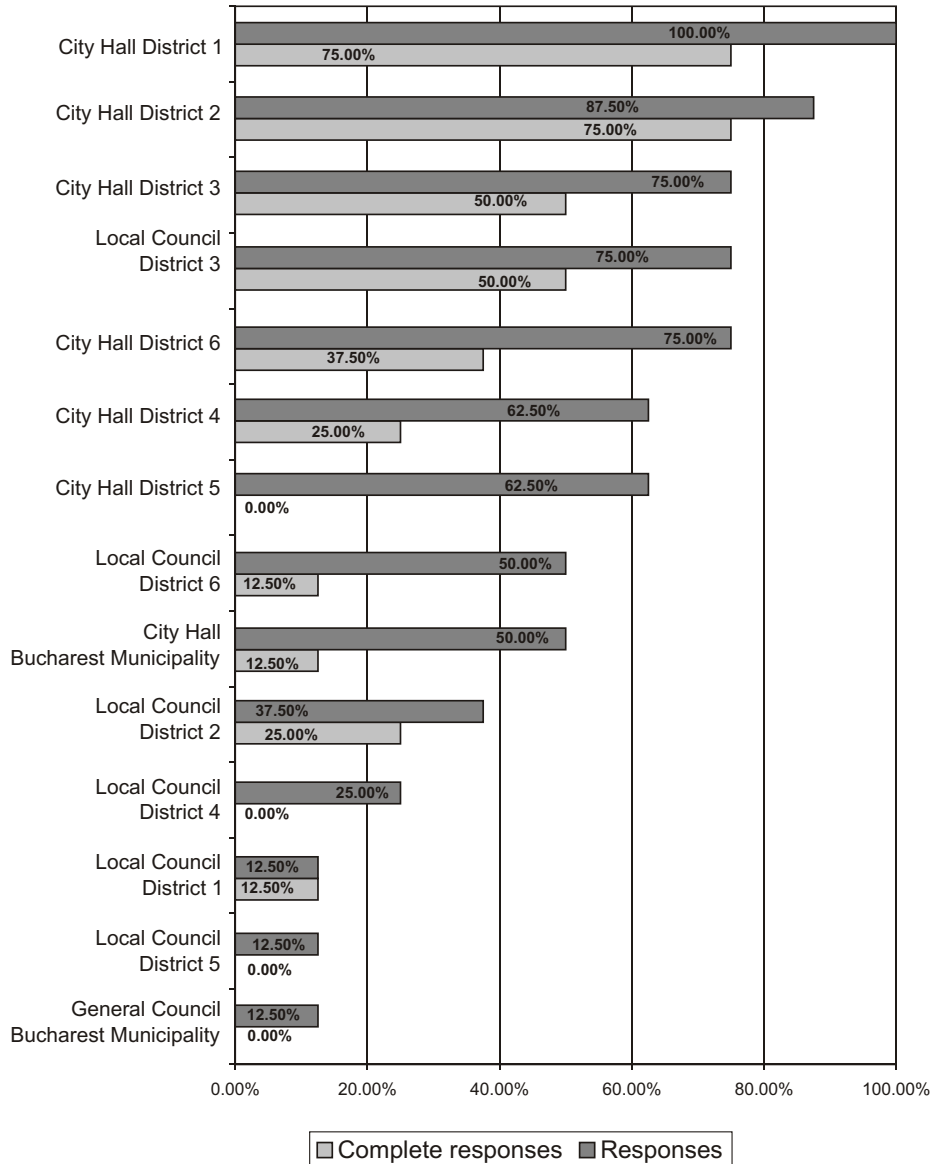
An element that blocks the implementation of this Law, underlined during the round table organized in Brasov Municipality, is related to the fact that the Law refers to special functions, but public institutions and authorities do not create these new departments and the supplementary tasks are passed to the existent personnel. More over there are institutions, such as the Direction for Dialogue, Family and Social Solidarity in Brasov, that are confronted with a situation in which the position that the responsible for offering public interest information should occupy is blocked. This fact only underlines the deficiencies of the decentralized system.

V.11. The results of the monitoring of institutions and authorities in development region no. 8 (Ilfov County and Bucharest Municipality)

V.11.1. Dates and graphs/diagrams resulted form the monitoring process

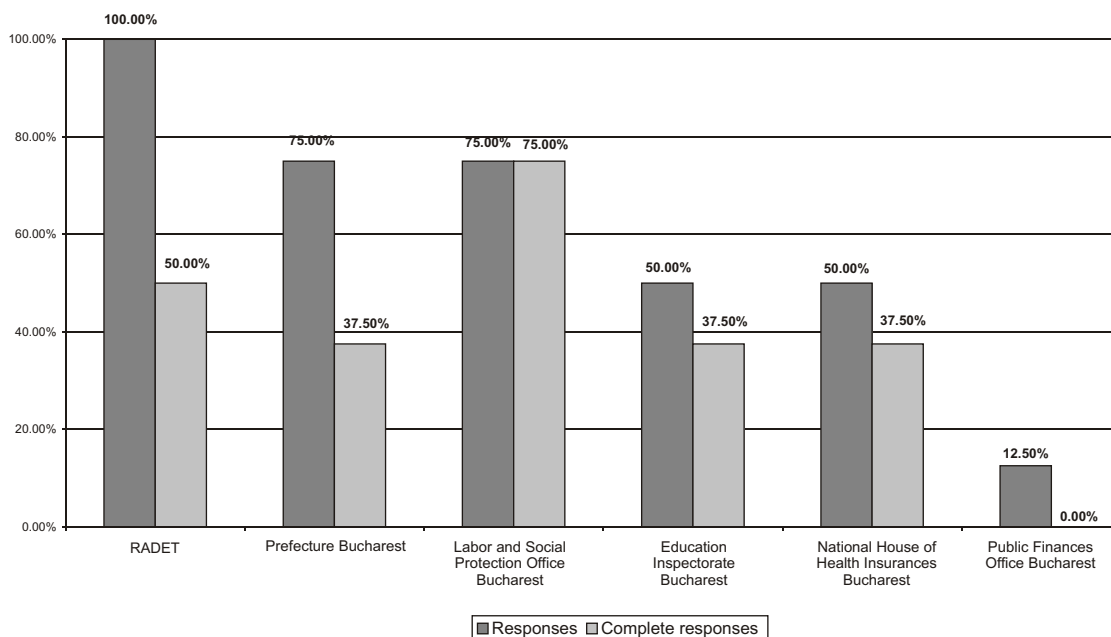
In Bucharest Municipality, the results of the monitoring show that the number of requests answered by the General City Hall was lower than all of the other District City Halls (50%). At the same time it can be noticed the fact that the lowest percentage of complete answers was registered for the City Hall in District 5.

As regard to the local councils, the percentages registered are much lower than the one of the City Halls, both of the General City Hall and District City Hall, except District 3.



It can be noticed in the graph/diagram below that the Autonomous Administration for the Distribution of Thermal Energy in Bucharest answered all the requests, but only 50% of the answers were complete. On the opposite side is the Direction for Public Finances in Bucharest that registered an answering rate of 12,50%, without offering any complete information.

It should be mentioned the fact that through out the entire monitoring process public institutions and authorities in Bucharest did not request any money to cover the expenses for the copies.



V.11.2. Comments on the answers received from some of the public institutions and authorities monitored in this region

From the answer received by the City Hall in District 4 to the request about the expenses of elected representatives and high officials, results that this information is not public. The answer also mentions the reason why this information is not public: according to the Law 544/2001 and the Mayor's Disposal no.52/16.01.2003 the lists of public documents contains the Decisions of the Local Council, the Disposals of the Mayor in District 4, the accounting balance sheet and regulations for different activities. We mention that these are documents that public institutions and authorities should make public ex officio, but this does not mean that they should limit themselves to them (see Annex 11 with the answer of the City Hall in District 4, on 16.06.2003).

The City Hall in District 6 sustains the fact that the budgetary execution is not public interest information and we feel that any other commentary is not necessary (see the Annex with the answer of the City Hall in District 6 to the request no. 12).

In the answer received from the General Direction of Public Finances in Bucharest (see Annex 13) to the request that solicited a copy of the register for public interest information requests, the institution refers to Article 12 of the Law 544 as a reason for not offering the document. Moreover the answer shows that there is not a special register for this kind of requests in the institution. We underline that fact that the register for public interest information is a public document. As we have shown before, according to Annex 5 of the methodological norms for implementing the Law 544/2001 the register for public interest information requests does not include personal dates. The columns of the register should only contain: that name and forename of the solicitor, the requested information, the number and the date of the answer.

From the answer received form the Autonomous Administration for the Distribution of Thermal Energy in Bucharest to the request concerning public and private real estates owned or administrated by the institution, it results the fact that this institution considers public interest information only those information that the institution has to make public ex officio, according to the Law 544/2001 (see Annex 14 that contains a copy of the answer received from the Autonomous Administration for the Distribution of Thermal Energy in Bucharest, to request no.5, on 23.05.2003). We mention that the Law 544/2001 makes a clear distinction between ex officio public information and information by request and we consider that public institutions must be conscientious of this in order to be able to properly enforce the Law.

V.11.3. Difficulties met in the relation with public institutions and authorities monitored in development region no.8 (Ilfov county and Bucharest Municipality)

The APD volunteers that addressed request no.1 were asked where from did they know the name of the person the request was addressed to and what is the reason for such a request. The argument was that *"usually, the requested information is not of direct interest to the citizens"*

VI. Conclusions about the problems identified that are determined by the wording of the Law

We mention that we do not have a special chapter for the conclusions on the way the Law is enforced, because they are mentioned in the other chapters of the report and we tried to avoid any general assessments and to allow each reader of this report to draw its own conclusions from the information presented.

Still, we considered that it is worth mentioning in a separate chapter a series of problems that were identified and are considered to be derived from the way the articles of the Law are formulated and some solutions contained in it.

VI.1. Documents versus information

In enforcing the provisions of the Law 544/2001, public institutions need to make the difference between “documents” and “information”. The Law refers to the access of the citizens to public information, not to public documents. In many cases a document may contain both public interest information and personal data, classified information or other types of secret information.

Supposing a citizen will request a general interest information contained in such a document, the public institution will have to establish a procedure that will assure a fair balance between the citizens right to public information and the necessity to restrict the access to certain types of information. A possible solution to this problem consists, for example, in copying the document after the parts that contain secret information have been covered. The resulted document can then be offered to the solicitor without any problems because the document only contains public information.

The clear mention of these aspects in the Law we contribute to avoid the circumstances in which the public servant decided himself/herself whether or not the information should be offered.

VI.2. Public institutions and authorities the Law refers to

A problem that both the people that carried out the monitoring for this report refers to and other organizations or persons were confronted with is generated by the fact there are many entities -especially private companies that work for public money and autonomous administrations, and even public institutions-that consider they are not subject to the provisions of this particular law.

Considering this, the Law should be more precise regarding this aspect. A proposed solution, including in one of the round tables, is that any public institution and authority, autonomous administration or private company should be forced to offer information about its activity. If the activity is paid for from public money than the information does not enter under the incidence of other Laws.

VI.3. The cost for the copying services

Article 9 of the Law 544/2001 stipulates that in the case in which the citizen requests copies of the documents owned by the public institution, he/she can be asked to pay for the copying services. The Law does not mention a general cost for this service because they differ from one institution to another. It should be mentioned that these costs do not refer to other services like, for example, the search for the requested documents.

A first problem that can be mentioned about this Article in the Law refers to the impossibility, resulted from normative acts, of certain public institutions and authorities to receive money. These public institutions and authorities are forced to allocate a part of the annual budget to cover the expenses necessary to offer public interest information. As we mentioned previous in this report the most famous case is the one of the Local Council in Selimbar, Sibiu County to adopt the Mayor's decision to charge ROL 100 000/page for copying the requested documents. The Prosecutor's Office of Sibiu Tribunal created a very dangerous precedent by not starting any penal action procedure after it was announced by some NGOs, encouraging thus such initiatives.

Taking into account the existence of such cases, this aspect of the Law should be modified by imposing, for example, an upper limit for the costs that can be charged by public institutions and authorities.

VI.4. Complaints to the solicitor's office, compulsory preceded or not, by an administrative complaint

Article 21 of the Law stipulates that : "...against the refusal mentioned in paragraph 1 a complaint may be submitted to the management of the public institution or authority within 30 days...". This complaint must be answered in 15 working days. Moreover, Article 22 stipulates the possibility that a person who feels his/her right have been violated to file a complaint to the solicitor's office where he/she lives or where the public institution or authority is located.

Although this does not results form the actual text of the Law, that before submitting a complaint to the solicitor's office, the citizen first has to file an administrative complaint, there are Courts that interpret the Law as such. On the other hand, if the person submits the administrative complaint in 20 days and this is answered in 15 days, than the legal term for filing a complaint to the solicitor's office would have expired.

As a result this aspect of the Law should also be modified and made more explicit, by including the mention that the complaint to the solicitor's office must not necessarily be preceded by an administrative complaint.

Annex 1 - A**Variable list for activity #1**

Request for identifying the compartments specialized in public relations and information and/or the persons with attribution in acces to public information
Request 0

1. a) National level

- a. Legislative authorities (Parliament/the two Chambers)
- b. Executive authorities (Govern- General Secretariat and the Ministries), Presidency)
- c. Jurisdictional authorities (Constitutional Court, Supreme Court of Justice, Court of Accounts, General Prosecutors' Office, Anticorruption National Prosecutor Office)
- d. Other public institutions (National Authority for Child Protections, The Authority for Privatization and Administration of State Participation , National House of Health Insurances, National Council for Studding (disclosure) State's Securitate's Archives, National Office for Cadastre)

b) County level

- a. Legislative authorities (County Council - General of Bucharest Municipality)
- b. Executive authorities (Public Finances Office, Labor and Social Protection Office, Public Health Office, Education Inspectorate, Police Inspectorate, Prefecture)
- c. Jurisdictional authorities (Tribunals)
- d. Other public institutions (National House of Health Insurances)

c) Local level

- a. Legislative authorities (Local councils of Bucharest's districts, Local councils)
- b. Executive authorities (Town halls of Bucharest's districts, Town halls)
- c. Jurisdictional authorities (Districts "judecatorii", "Judecatorii")
- d. Other public institutions (Heating Company)

2. On what date did you start looking for the contact information of public institution?

_____ (day/month/year, for example 23/03/03)

3. On what date did you find contact information of this public institution?

_____ (day/month/year, for example 23/03/03)

4. Where or how did you find the information?

- a) on the internet
 - b) in the phone book
 - c) at the offices of the public institution
 - d) by phone call
 - e) in an official publication put out by the institution
- (check all that apply)

5. Were you able to find complete information? Check off all that you obtained.

- a) name of the office for the public relations
- b) name of the head of the office for public relations
- c) office address
- d) phone number
- e) email address

6. Did APD later doublecheck the accuracy of this information?

- a) Yes
- b) No

7. If so, was it accurate?

- a) Yes
- b) No

8. Did you or APD submit an official “request for information” as described in law 544 for this particular public institution?

- a) Yes
- b) No

If yes to 8, please continue. If no, you should stop here and not answer the remaining questions.

9. On what date was this request initiated or filed?

_____ (day/month/year, for example 23/03/03)

10. What was the means by which this request was delivered?

- a) Personal
- b) By fax
- c) By poștă
- d) By e-mail

11. Was this request made by “an ordinary citizen” or “on behalf of APD”?

- a) on behalf APD
- b) an ordinary citizen

12. Did you receive a registered number for this specific request?

- a) Yes
- b) No

13. If yes to 9, what was the number? _____

14. Did the public institution respond?

- a) Yes
- b) No

15. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

16. How much did you paid for the response to this request?

Annex 1 - B**Variable list for activity # 2**
- Request of public information -
Request #1

1. **Location of APD office:**
 - a) Bacau
 - b) Brasov
 - c) Bucharest
 - d) Cluj
 - e) Constanta
 - f) Craiova
 - g) Timis
2. **Which type of information does this request cover?**
 - a) **Copy of registry recording the public information requests addressed to the public institutions since the enforcement of the law till present.**
 - b) Copy of realized budget for most recent year available
 - c) Copy of the terms of reference for all public tenders completed in April, May and June of 2002
 - d) Copy of all contracts awarded for completed public tenders in April, May, and June of 2002
 - e) Lists of public and private property administered
 - f) Expenditures during 2002 of public money on activities of officials/public servants
 - g) Current strategic plan
 - h) Last year's (2002) annual report
3. **To which level of institution is the request addressed?**
 - a) Central
 - b) County
 - c) Local
4. **To which branch of government is the request addressed?**
 - a) executive
 - b) legislative
 - c) juridical
 - d) other
5. **On what date was this request initiated or filed?**

_____ (day/month/year, for example 23/03/03)
6. **In what format did you ask to receive the information?**
 - a) Paper copy
 - b) Electronic file
7. **What was the means by which this request was delivered?**
 - a) in person
 - b) by fax
 - c) by mail
 - d) by e-mail
8. **Was this request made by "an ordinary citizen" or "on behalf of APD"?**
 - a) on behalf of APD
 - b) an ordinary citizen
9. **Did you receive a registered number for this specific request?**
 - a) Yes
 - b) No

10. If yes to 9, what was the number? _____

11. Did the public institution respond to the request?

- a) Yes
 - b) No
 - c) The request was rejected
- (IF B or C no, then stop here you don't have to fill out remainder of form!)

12. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

13. Does the response match your request?

- a) Yes, the information generally fits the category of information that was requested.
- b) No, the information provided is different than what was requested.
- c) "info not available at this time"
- d) "info not available to the public or "state secret""
- e) "not available in the requested format"
- f) "fee must be paid before information provided", then payment made, info provided
- g) "fee must be paid before information provided" but APD chose not to pay
- h) "not available" - no reason given
- i) no response received at all

(If a or f, then continue with question 14 and all subsequent questions. If b, c, d, e or h, skip to 18. If g, then answer 15 and 18. If i, stop here.)

14. Was the response made in the format you requested?

- a) Yes
- b) No

15. If payment was required to obtain the requested information,

(A what was the amount? _____ (zero if no payment required and skip to 16.)

(B) the payment was for

- a) cost of photocopies
- b) cost of diskette
- c) any other "official" charge
- d) not sure why a fee (payment) was required.

(C) Did you receive a receipt for the payment?

- a) Yes
- b) No

16. 1. How many facts about each information request does the registry record? (For example, if it records *the name of the requestor, the number given to the request, the document or information requested, and when the request was answered*, then the registry records 4 facts.)

_____ (The one filling out the questionnaire would write down a number.)

17. Does the registry record the dates on which the request was received and the dates on which it was answered?

- a) only the date on which the request was received
- b) only date on which a response was given
- c) both dates are recorded
- d) no dates at all recorded

18. 1. What is your assessment of the attitude of the official who handled the request?

- a) helpful and willing
- b) minimally cooperative
- c) ill-informed
- d) indifferent
- e) suspicious
- f) openly unfriendly and uncooperative

19. Did the public institution ask more than three times for clarification about exactly what information was being requested?

- a) Yes
- b) No

If 19 was a) Yes, then please answer 20.

20. What kind of clarification did public institution ask for about this request? (OPEN QUESTION the one who fills in the question writes out a description of what the public institutions said.)

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Annex 1 - C

Variable list for activity #2
- Request of public information -
Request #2

1. Location of APD office:

- a) Bacau
- b) Brasov
- c) Bucharest
- d) Cluj
- e) Constanta
- f) Craiova
- g) Timis

2. Which type of information does this request cover?

- a) Copy of registry recording the public information requests addressed to the public institutions since the enforcement of the law till present.
- b) Copy of realized budget for most recent year available**
- c) Copy of the terms of reference for all public tenders completed in April, May and June of 2002
- d) Copy of all contracts awarded for completed public tenders in April, May, and June of 2002
- e) Lists of public and private property administered
- f) Expenditures during 2002 of public money on activities of officials/public servants
- g) Current strategic plan
- h) Last year's (2002) annual report

3. To which level of institution is the request addressed?

- a) Central
- b) County
- c) Local

4. To which branch of government is the request addressed?

- a) executive
- b) legislative
- c) juridical
- d) other

5. On what date was this request initiated or filed?

_____ (day/month/year, for example 23/03/03)

6. In what format did you ask to receive the information?

- a) Paper copy
- b) Electronic file

7. What was the means by which this request was delivered?

- a) in person
- b) by fax
- c) by mail
- d) by e-mail

8. Was this request made by "an ordinary citizen" or "on behalf of APD"?

- a) on behalf of APD
- b) an ordinary citizen

9. Did you receive a registered number for this specific request?

- a) Yes
- b) No

10. If yes to 9, what was the number? _____

11. Did the public institution respond to the request?

- a) Yes
 - b) No
 - c) The request was rejected
- (If B or C no, then stop here you don't have to fill out remainder of form!)

12. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

13. Does the response match your request?

- a) Yes, the information generally fits the category of information that was requested.
- b) No, the information provided is different than what was requested.
- c) "info not available at this time"
- d) "info not available to the public or "state secret""
- e) "not available in the requested format"
- f) "fee must be paid before information provided", then payment made, info provided
- g) "fee must be paid before information provided" but APD chose not to pay
- h) "not available" - no reason given
- i) no response received at all
- j) the response was "your request is not legally valid we can't respond because the law or our internal operating regulations say we can't"
- k) the response was "go away! We refuse to provide the information"
- l) _____ Please write any other response you received that doesn't fit with the options given in a through k.

(If a or f, then continue with question 14 and all subsequent questions. If b, c, d, e h, j, k or l skip to 18. If g, then answer 15 and 18. If i, stop here.)

14. Was the response made in the format you requested?

- a) Yes
- b) No

15. If payment was required to obtain the requested information,

(A what was the amount? _____ (zero if no payment required and skip to 16.)

(B) the payment was for

- a) cost of photocopies
- b) cost of diskette
- c) any other "official" charge
- d) not sure why a fee (payment) was required.

(C) Did you receive a receipt for the payment?

- a) Yes
- b) No

16.

A. The budget sent by the institution is the

- a) "realized budget"
- b) the "budget approved to be spent" in that year

B. For what time period does the budget cover?

_____ (For example, it could be 2001 or 2002, or it be a split fiscal year, like 2001-2002.)

17. How many categories of spending does the budget present?

(For example, it might list spending on wages and salaries for city employees, on road repair, on parks and recreation, etc. please add up all the different categories and write down that number. If there are rows of numbers that are not labeled, then don't count those as categories.)

18. **What is your assessment of the attitude of the official who handled the request? (One or two answers can be selected.)**

- a) helpful and willing
- b) minimally cooperative
- c) ill-informed
- d) indifferent
- e) suspicious
- f) openly unfriendly and uncooperative

19. **Did the public institution ask more than three times for clarification about exactly what information was being requested?**

- a) Yes
- b) No

If 19 was a) Yes, then please answer 20.

20. **What kind of clarification did public institution ask for about this request? (OPEN QUESTION the one who fills in the question writes out a description of what the public institutions said.)**

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Annex 1 - D**Variable list for activity #2**
- Request of public information -
Request #3

1. **Location of APD office:**
 - a) Bacau
 - b) Brasov
 - c) Bucharest
 - d) Cluj
 - e) Constanta
 - f) Craiova
 - g) Timis
2. **Which type of information does this request cover?**
 - a) Copy of registry recording the public information requests addressed to the public institutions since the enforcement of the law till present.
 - b) Copy of realized budget for most recent year available
 - c) Copy of the terms of reference for all public tenders completed in April, May and June of 2002**
 - d) Copy of all contracts awarded for completed public tenders in April, May, and June of 2002
 - e) Lists of public and private property administered
 - f) Expenditures during 2002 of public money on activities of officials/public servants
 - g) Current strategic plan
 - h) Last year's (2002) annual report
3. **To which level of institution is the request addressed?**
 - a) Central
 - b) County
 - c) Local
4. **To which branch of government is the request addressed?**
 - a) executive
 - b) legislative
 - c) juridical
 - d) other
5. **On what date was this request initiated or filed?**

_____ (day/month/year, for example 23/03/03)
6. **In what format did you ask to receive the information?**
 - a) Paper copy
 - b) Electronic file
7. **What was the means by which this request was delivered?**
 - a) in person
 - b) by fax
 - c) by mail
 - d) by e-mail
8. **Was this request made by "an ordinary citizen" or "on behalf of APD"?**
 - a) on behalf of APD
 - b) an ordinary citizen
9. **Did you receive a registered number for this specific request?**
 - a) Yes
 - b) No

10. If yes to 9, what was the number? _____

11. Did the public institution respond to the request?

- a) Yes
- b) No
- c) The request was rejected
(If B or C no, then stop here you don't have to fill out remainder of form!)

12. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

13. Does the response match your request?

- a) Yes, the information generally fits the category of information that was requested.
- b) No, the information provided is different than what was requested.
- c) "info not available at this time"
- d) "info not available to the public or "state secret""
- e) "not available in the requested format"
- f) "fee must be paid before information provided", then payment made, info provided
- g) "fee must be paid before information provided" but APD chose not to pay
- h) "not available" - no reason given
- i) no response received at all
- j) the response was "your request is not legally valid we can't respond because the law or our internal operating regulations say we can't"
- k) the response was "go away! We refuse to provide the information"
- l) _____ Please write any other response you received that doesn't fit with the options given in a through k.

(If a or f, then continue with question 14 and all subsequent questions. If b, c, d, e h, j, k or l skip to 18. If g, then answer 15 and 18. If i, stop here.)

14. Was the response made in the format you requested?

- a) Yes
- b) No

15. If payment was required to obtain the requested information,

(A what was the amount? _____ (zero if no payment required and skip to 16.)

(B) the payment was for

- a) cost of photocopies
- b) cost of diskette
- c) any other "official" charge
- d) not sure why a fee (payment) was required.

(C) Did you receive a receipt for the payment?

- a) Yes
- b) No

16. How many different tenders did the public institution provide in response to the request?

Pick **any one** of the tenders and answer the following two questions about it (and not for the others tenders you might have received.)

17.

A. What types of guarantees are requested from applicants?

- a) Personal guarantees
- b) security interests in movable property
- c) pledge
- d) clean fiscal record
- e) _____

B. The public tender is:

- a) Closed offer
- b) Open offer

C. What is the object of this tender? (what is the public institution asking to procure?)

18. What is your assessment of the attitude of the official who handled the request? (One or two answers can be selected.)

- a) helpful and willing
- b) minimally cooperative
- c) ill-informed
- d) indifferent
- e) suspicious
- f) openly unfriendly and uncooperative

19. Did the public institution ask more than three times for clarification about exactly what information was being requested?

- a) Yes
- b) No

If 19 was a) Yes, then please answer 20.

20. What kind of clarification did public institution ask for about this request? (OPEN QUESTION the one who fills in the question writes out a description of what the public institutions said.)

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21. Please describe the difficulties encountered in addressing this request for public information

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Annex 1 - E

Variable list for activity #2 - Request of public information - Request #4

1. Location of APD office:

- a) Bacau
- b) Brasov
- c) Bucharest
- d) Cluj
- e) Constanta
- f) Craiova
- g) Timis

2. Which type of information does this request cover?

- a) Copy of registry recording the public information requests addressed to the public institutions since the enforcement of the law till present.
- b) Copy of realized budget for most recent year available
- c) Copy of the terms of reference for all public tenders completed in April, May and June of 2002
- d) Copy of all contracts awarded for completed public tenders in April, May, and June of 2002**
- e) Lists of public and private property administered
- f) Expenditures during 2002 of public money on activities of officials/public servants
- g) Current strategic plan
- h) Last year's (2002) annual report

3. To which level of institution is the request addressed?

- a) Central
- b) County
- c) Local

4. To which branch of government is the request addressed?

- a) executive
- b) legislative
- c) juridical
- d) other

5. On what date was this request initiated or filed?

_____ (day/month/year, for example 23/03/03)

6. In what format did you ask to receive the information?

- a) Paper copy
- b) Electronic file

7. What was the means by which this request was delivered?

- a) in person
- b) by fax
- c) by mail
- d) by e-mail

8. Was this request made by "an ordinary citizen" or "on behalf of APD"?

- a) on behalf of APD
- b) an ordinary citizen

9. Did you receive a registered number for this specific request?

- a) Yes
- b) No

10. If yes to 9, what was the number? _____

11. Did the public institution respond to the request?

- a) Yes
- b) No
- c) The request was rejected
(If B or C no, then stop here you don't have to fill out remainder of form!)

12. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

13. Does the response match your request?

- a) Yes, the information generally fits the category of information that was requested.
- b) No, the information provided is different than what was requested.
- c) "info not available at this time"
- d) "info not available to the public or "state secret""
- e) "not available in the requested format"
- f) "fee must be paid before information provided", then payment made, info provided
- g) "fee must be paid before information provided" but APD chose not to pay
- h) "not available" - no reason given
- i) no response received at all
- j) the response was "your request is not legally valid we can't respond because the law or our internal operating regulations say we can't"
- k) the response was "go away! We refuse to provide the information"
- l) _____ Please write any other response you received that doesn't fit with the options given in a through k.

(If a or f, then continue with question 14 and all subsequent questions. If b, c, d, e h, j, k or l skip to 18. If g, then answer 15 and 18. If i, stop here.)

14. Was the response made in the format you requested?

- a) Yes
- b) No

15. If payment was required to obtain the requested information,

(A what was the amount? _____ (zero if no payment required and skip to 16.)

(B) the payment was for

- a) cost of photocopies
- b) cost of diskette
- c) any other "official" charge
- d) not sure why a fee (payment) was required.

(C) Did you receive a receipt for the payment?

- a) Yes
- b) No

16. How many awarding documents for the public tenders are included in the public institution's response?

Please pick one of the awarding document of the public tenders and answer the following questions:

17. A. What is the amount of money stipulated to be paid to the contractor (write 0 if such amount is not stipulated)

B. What will provide the contractor in exchange of the amount of money that will receive (what are the services or the goods that the public institution acquires)?

C. What period of time it is stipulated in the awarding document regarding the services that are to be provided? (for example the contractor won a contract to provide a service for a year).

18. What is your assessment of the attitude of the official who handled the request? (One or two answers can be selected.)

- a) helpful and willing
- b) minimally cooperative
- c) ill-informed
- d) indifferent
- e) suspicious
- f) openly unfriendly and uncooperative

19. Did the public institution ask more than three times for clarification about exactly what information was being requested?

- a) Yes
- b) No

If 19 was a) Yes, then please answer 20.

20. What kind of clarification did public institution ask for about this request? (OPEN QUESTION the one who fills in the question writes out a description of what the public institutions said.)

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21. Please describe the difficulties encountered in addressing this request for public information

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Annex 1 - F**Variable list for activity #2**
- Request of public information -
Request #5

1. **Location of APD office:**
 - a) Bacau
 - b) Brasov
 - c) Bucharest
 - d) Cluj
 - e) Constanta
 - f) Craiova
 - g) Timis
2. **Which type of information does this request cover?**
 - a) Copy of registry recording the public information requests addressed to the public institutions since the enforcement of the law till present.
 - b) Copy of realized budget for most recent year available
 - c) Copy of the terms of reference for all public tenders completed in April, May and June of 2002
 - d) Copy of all contracts awarded for completed public tenders in April, May, and June of 2002
 - e) Lists of public and private property administered**
 - f) Expenditures during 2002 of public money on activities of officials/public servants
 - g) Current strategic plan
 - h) Last year's (2002) annual report
3. **To which level of institution is the request addressed?**
 - a) Central
 - b) County
 - c) Local
4. **To which branch of government is the request addressed?**
 - a) executive
 - b) legislative
 - c) juridical
 - d) other
5. **On what date was this request initiated or filed?**

_____ (day/month/year, for example 23/03/03)
6. **In what format did you ask to receive the information?**
 - a) Paper copy
 - b) Electronic file
7. **What was the means by which this request was delivered?**
 - a) in person
 - b) by fax
 - c) by mail
 - d) by e-mail
8. **Was this request made by "an ordinary citizen" or "on behalf of APD"?**
 - a) on behalf of APD
 - b) an ordinary citizen
9. **Did you receive a registered number for this specific request?**
 - a) Yes
 - b) No

10. If yes to 9, what was the number? _____

11. Did the public institution respond to the request?

- a) Yes
- b) No
- c) The request was rejected
(If B or C no, then stop here you don't have to fill out remainder of form!)

12. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

13. Does the response match your request?

- a) Yes, the information generally fits the category of information that was requested.
- b) No, the information provided is different than what was requested.
- c) "info not available at this time"
- d) "info not available to the public or "state secret""
- e) "not available in the requested format"
- f) "fee must be paid before information provided", then payment made, info provided
- g) "fee must be paid before information provided" but APD chose not to pay
- h) "not available" - no reason given
- i) no response received at all
- j) the response was "your request is not legally valid we can't respond because the law or our internal operating regulations say we can't"
- k) the response was "go away! We refuse to provide the information"
- l) _____ Please write any other response you received that doesn't fit with the options given in a through k.

(If a or f, then continue with question 14 and all subsequent questions. If b, c, d, e h, j, k or l skip to 18. If g, then answer 15 and 18. If i, stop here.)

14. Was the response made in the format you requested?

- a) Yes
- b) No

15. If payment was required to obtain the requested information,

(A what was the amount? _____ (zero if no payment required and skip to 16.)

(B) the payment was for

- a) cost of photocopies
- b) cost of diskette
- c) any other "official" charge
- d) not sure why a fee (payment) was required.

(C) Did you receive a receipt for the payment?

- a) Yes
- b) No

16. The public institution sent you:

- a) Copy of the list of the public properties
- b) Copy of the list of the private
- c) Both

17. How many properties are listed in the response of the public institution?

- a) Public properties _____
- b) Private properties _____

18. How does the list identify the properties:

- a) by street address prin adresa străzii
- b) by neighbourhoods
- c) by cadastre number
- d) by district on the urban plan
- e)
- f)
- g)

19. What is your assessment of the attitude of the official who handled the request? (One or two answers can be selected.)

- a) helpful and willing
- b) minimally cooperative
- c) ill-informed
- d) indifferent
- e) suspicious
- f) openly unfriendly and uncooperative

20. Did the public institution ask more than three times for clarification about exactly what information was being requested?

- a) Yes
- b) No

If 20 was a) Yes, then please answer 20.

21. What kind of clarification did public institution ask for about this request? (OPEN QUESTION the one who fills in the question writes out a description of what the public institutions said.). (Please list here any other relevant incident)

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Annex 1 - G

Variable list for activity #2 - Request of public information - Request #6

1. Location of APD office:

- a) Bacau
- b) Brasov
- c) Bucharest
- d) Cluj
- e) Constanta
- f) Craiova
- g) Timis

2. Which type of information does this request cover?

- a) Copy of registry recording the public information requests addressed to the public institutions since the enforcement of the law till present.
- b) Copy of realized budget for most recent year available
- c) Copy of the terms of reference for all public tenders completed in April, May and June of 2002
- d) Copy of all contracts awarded for completed public tenders in April, May, and June of 2002
- e) Lists of public and private property administered
- f) Expenditures during 2002 of public money on activities of officials/public servants**
- g) Current strategic plan
- h) Last year's (2002) annual report

3. To which level of institution is the request addressed?

- a) Central
- b) County
- c) Local

4. To which branch of government is the request addressed?

- a) executive
- b) legislative
- c) juridical
- d) other

5. On what date was this request initiated or filed?

_____ (day/month/year, for example 23/03/03)

6. In what format did you ask to receive the information?

- a) Paper copy
- b) Electronic file

7. What was the means by which this request was delivered?

- a) in person
- b) by fax
- c) by mail
- d) by e-mail

8. Was this request made by "an ordinary citizen" or "on behalf of APD"?

- a) on behalf of APD
- b) an ordinary citizen

9. Did you receive a registered number for this specific request?

- a) Yes
- b) No

10. If yes to 9, what was the number? _____

11. Did the public institution respond to the request?

- a) Yes
- b) No
- c) The request was rejected
(If B or C, no then stop here you don't have to fill out remainder of form!)

12. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

13. Does the response match your request?

- a) Yes, the information generally fits the category of information that was requested.
- b) No, the information provided is different than what was requested.
- c) "info not available at this time"
- d) "info not available to the public or "state secret""
- e) "not available in the requested format"
- f) "fee must be paid before information provided", then payment made, info provided
- g) "fee must be paid before information provided" but APD chose not to pay
- h) "not available" - no reason given
- i) no response received at all
- j) the response was "your request is not legally valid we can't respond because the law or our internal operating regulations say we can't"
- k) the response was "go away! We refuse to provide the information"
- l) the response was "we cannot give the information because our institution do not organize the financial data in this way".
- m) _____ Please write any other response you received that doesn't fit with the options given in a through k.

(If a or f, then continue with question 14 and all subsequent questions. If b, c, d, e h, j, k, l or m skip to 18. If g, then answer 15 and 18. If i, stop here.)

14. Was the response made in the format you requested?

- a) Yes
- b) No

15. If payment was required to obtain the requested information,

(A) what was the amount? _____ (zero if no payment required and skip to 16.)

(B) the payment was for

- a) cost of photocopies
- b) cost of diskette
- c) any other "official" charge
- d) not sure why a fee (payment) was required.

(C) Did you receive a receipt for the payment?

- a) Yes
- b) No

16. What is the total monetary amount spent on each of the categories of expenses included in the response? (enter NA if the information was not included in the response.):

- a) _____ ROL for wage or indemnization
- b) _____ ROL for trips within the country and abroad
- c) _____ ROL for the car put at the official's disposal by the public institution
- d) _____ ROL for the mobile phone put at the official's disposal by the public institution.

17. Does the response from the public institution include detail about the expenditures (such as how much per month, or per specific trips) or is it just aggregate figures?
- a) Details
 - b) Just aggregate figures

18. What is your assessment of the attitude of the official who handled the request? (One or two answers can be selected.)
- a) helpful and willing
 - b) minimally cooperative
 - c) ill-informed
 - d) indifferent
 - e) suspicious
 - f) openly unfriendly and uncooperative

19. Did the public institution ask more than three times for clarification about exactly what information was being requested?
- a) Yes
 - b) No

If 19 was a) Yes, then please answer 20.

20. What kind of clarification did public institution ask for about this request? (OPEN QUESTION the one who fills in the question writes out a description of what the public institutions said.). (Please list here any other relevant incident)

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Annex 1 - H**Variable list for activity # 2**
- Request of public information -
Request #7

1. **Location of APD office:**
 - a) Bacau
 - b) Brasov
 - c) Bucharest
 - d) Cluj
 - e) Constanta
 - f) Craiova
 - g) Timis
2. **Which type of information does this request cover?**
 - a) Copy of registry recording the public information requests addressed to the public institutions since the enforcement of the law till present.
 - b) Copy of realized budget for most recent year available
 - c) Copy of the terms of reference for all public tenders completed in April, May and June of 2002
 - d) Copy of all contracts awarded for completed public tenders in April, May, and June of 2002
 - e) Lists of public and private property administered
 - f) Expenditures during 2002 of public money on activities of officials/public servants
 - g) **Current strategic plan**
 - h) Last year's (2002) annual report
3. **To which level of institution is the request addressed?**
 - a) Central
 - b) County
 - c) Local
4. **To which branch of government is the request addressed?**
 - a) executive
 - b) legislative
 - c) juridical
 - d) other
5. **On what date was this request initiated or filed?**

_____ (day/month/year, for example 23/03/03)
6. **In what format did you ask to receive the information?**
 - a) Paper copy
 - b) Electronic file
7. **What was the means by which this request was delivered?**
 - a) in person
 - b) by fax
 - c) by mail
 - d) by e-mail
8. **Was this request made by "an ordinary citizen" or "on behalf of APD"?**
 - a) on behalf of APD
 - b) an ordinary citizen
9. **Did you receive a registered number for this specific request?**
 - a) Yes
 - b) No

10. If yes to 9, what was the number? _____

11. Did the public institution respond to the request?

- a) Yes
 - b) No
 - c) The request was rejected
- (If B or C no, then stop here you don't have to fill out remainder of form!)

12. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

13. Does the response match your request?

- a) Yes, the information generally fits the category of information that was requested.
- b) No, the information provided is different than what was requested.
- c) "info not available at this time"
- d) "info not available to the public or "state secret""
- e) "not available in the requested format"
- f) "fee must be paid before information provided", then payment made, info provided
- g) "fee must be paid before information provided" but APD chose not to pay
- h) "not available" - no reason given
- i) no response received at all
- j) the response was "your request is not legally valid we can't respond because the law or our internal operating regulations say we can't"
- k) the response was "go away! We refuse to provide the information"
- l) the response was "we cannot give the information because our institution do not organize the financial data in this way".
- m) _____ Please write any other response you received that doesn't fit with the options given in a through k.

(If a or f, then continue with question 14 and all subsequent questions. If b, c, d, e h, j, k, l or m skip to 18. If g, then answer 15 and 18. If i, stop here.)

14. Was the response made in the format you requested?

- a) Yes
- b) No

15. If payment was required to obtain the requested information,

(A what was the amount? _____ (zero if no payment required and skip to 16.)

(B) the payment was for

- a) cost of photocopies
- b) cost of diskette
- c) any other "official" charge
- d) not sure why a fee (payment) was required.

(C) Did you receive a receipt for the payment?

- a) Yes
- b) No

16. How many pages have the document containing the current strategic plan of the public institution?

17. How many chapters has the current strategic plan of the institution?

18. What is your assessment of the attitude of the official who handled the request? (One or two answers can be selected.)

- a) helpful and willing
- b) minimally cooperative
- c) ill-informed
- d) indifferent
- e) suspicious
- f) openly unfriendly and uncooperative

19. Did the public institution ask more than three times for clarification about exactly what information was being requested?

- a) Yes
- b) No

If 19 was a) Yes, then please answer 20.

20. What kind of clarification did public institution ask for about this request? (OPEN QUESTION the one who fills in the question writes out a description of what the public institutions said.). (Please list here any other relevant incident)

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Annex 1 - I

Variable list for activity # 2 - Request of public information - Request #8

1. Location of APD office:

- a) Bacau
- b) Brasov
- c) Bucharest
- d) Cluj
- e) Constanta
- f) Craiova
- g) Timis

2. Which type of information does this request cover?

- a) Copy of registry recording the public information requests addressed to the public institutions since the enforcement of the law till present.
- b) Copy of realized budget for most recent year available
- c) Copy of the terms of reference for all public tenders completed in April, May and June of 2002
- d) Copy of all contracts awarded for completed public tenders in April, May, and June of 2002
- e) Lists of public and private property administered
- f) Expenditures during 2002 of public money on activities of officials/public servants
- g) Current strategic plan
- h) **Last year's (2002) annual report**

3. To which level of institution is the request addressed?

- a) Central
- b) County
- c) Local

4. To which branch of government is the request addressed?

- a) executive
- b) legislative
- c) juridical
- d) other

5. On what date was this request initiated or filed?

_____ (day/month/year, for example 23/03/03)

6. In what format did you ask to receive the information?

- a) Paper copy
- b) Electronic file

7. What was the means by which this request was delivered?

- a) in person
- b) by fax
- c) by mail
- d) by e-mail

8. Was this request made by "an ordinary citizen" or "on behalf of APD"?

- a) on behalf of APD
- b) an ordinary citizen

9. Did you receive a registered number for this specific request?

- a) Yes
- b) No

10. If yes to 9, what was the number? _____

11. Did the public institution respond to the request?

- a) Yes
- b) No
- c) The request was rejected
(If B or C no, then stop here you don't have to fill out remainder of form!)

12. On what date did you receive the response to this request?

_____ (day/month/year, for example 23/03/03)

13. Does the response match your request?

- a) Yes, the information generally fits the category of information that was requested.
- b) No, the information provided is different than what was requested.
- c) "info not available at this time"
- d) "info not available to the public or "state secret""
- e) "not available in the requested format"
- f) "fee must be paid before information provided", then payment made, info provided
- g) "fee must be paid before information provided" but APD chose not to pay
- h) "not available" - no reason given
- i) no response received at all
- j) the response was "your request is not legally valid we can't respond because the law or our internal operating regulations say we can't"
- k) the response was "go away! We refuse to provide the information"
- l) the response was "we cannot give the information because our institution do not organize the financial data in this way".
- m) _____ Please write any other response you received that doesn't fit with the options given in a through k.

(If a or f, then continue with question 14 and all subsequent questions. If b, c, d, e, h, j, k, l or m skip to 18. If g, then answer 15 and 18. If i, stop here.)

14. Was the response made in the format you requested?

- a) Yes
- b) No

15. If payment was required to obtain the requested information,

(A what was the amount? _____ (zero if no payment required and skip to 16.)

(B) the payment was for

- a) cost of photocopies
- b) cost of diskette
- c) any other "official" charge
- d) not sure why a fee (payment) was required.

(C) Did you receive a receipt for the payment?

- a) Yes
- b) No

16. How many pages have the 2002 annual rapport of the public institution?

17. Does the report includes the following information:

- a) the mission of the public authority/public institution
- b) objective to be achieved in the reporting period
- c) performance indicators and the average of their fulfilment
- d) brief presentation of the implemented programs
- e) financial expences on programs

- f) unfulfillments
- g) solutions to overpass encountered difficulties

18. Does the 2002 annual rapport of the institution includes also a financial rapport?

- a) Yes
- b) No

19. What is your assessment of the attitude of the official who handled the request? (One or two answers can be selected.)

- a) helpful and willing
- b) minimally cooperative
- c) ill-informed
- d) indifferent
- e) suspicious
- f) openly unfriendly and uncooperative

20. Did the public institution ask more than three times for clarification about exactly what information was being requested?

- a) Yes
- b) No

If 19 was a) Yes, then please answer 20.

21. What kind of clarification did public institution ask for about this request? (OPEN QUESTION the one who fills in the question writes out a description of what the public institutions said.). (Please list here any other relevant incident)

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Annex 6

ROMANIA
Județul Bacău
Primăria Municipality Bacău
NR.1842/23 din 29.07.2003

CITY HALL IN BACAU MUNICIPALITY

TO MRS.

0-441

Luând în considerare cererea nr. 1842/23 din 29.07.2003, prin care solicitată a copie a "raportului anual pentru anul 2002" al instituției publice din cadrul Municipality Bacău, în conformitate cu prevederile Legii nr. 544/2001, a administrației publice locale, prin care s-a stabilit că aceasta nu este instituție publică. Astfel s-a stabilit că aceasta nu are activitate permanentă.

Regarding your request, registered at the City Hall in Bacau Municipality as no. 1842/23 on 29.07.2003, for a copy of the "annual report for 2002" of the City Hall in Bacau Municipality, we inform you:

În conformitate cu prevederile Legii nr. 544/2001, a administrației publice locale, prin care s-a stabilit că aceasta nu este instituție publică. Astfel s-a stabilit că aceasta nu are activitate permanentă.

According to the stipulations of the Law 215/2001 for the local public administration, the City Hall of a village or town is not a public institution. It is a functional structure with permanent activity.

Că urmare și în baza prevederilor Legii nr. 544/2001, prin care s-a stabilit că aceasta nu este instituție publică, nu prezintă raportul anual.

As a result of this the City Hall- a functional structure does not present annual reports.



DIRECȚIA EXECUTIVĂ,
LĂZĂRIȚA TÂMBULEA
ȘEF SERVICIU,
TAMBA RODICA

Mayor, Executive Director, Chief of Service,
Dumitru Sechelariu Lazarica Ionel Tamba Rodica

nr. 2

Annex 7

GENERAL DIRECTION OF LABOR AND SOCIAL SOLIDARITY
CONSTANTA

0-441

TO
====
MRS

ROMANIA
Județul Constanta
Directia Generala de Muncă si Solidaritate Sociala
nr. 1842/23 din 19.03.2003

Dear Mrs.

Regarding your request no.2 on 19.03.2003 by which you solicited, according to the Law 544/2001 for free access to public information, for a copy of the registry for public information requests since the enforcement of the Law until present, we inform you that the solicited information does not belong to the category of the public information, being excepted from the free access of the citizens.

În conformitate cu prevederile Legii nr. 544/2001, a administrației publice locale, prin care s-a stabilit că aceasta nu este instituție publică. Astfel s-a stabilit că aceasta nu are activitate permanentă.

Moreover, we mention that, your request for a copy of the registry for public interest requests, that contain a personal character, are against the Law 677/2001 for the protection of persons regarding personal data and the free circulation of these data.



General Director,
Ing. Constantin Bragaru

MINISTRY OF PUBLIC FINANCES
 GENERAL DIRECTION FOR PUBLIC FINANCES IN CLUJ
 THE BUREAU FOR INFORMATION AND PUBLIC RELATIONS

To Mrs.

To your request registered at our institution with the number 11.101 on 28. 04.2003, we inform you that the information you solicited are not public interest information, being excepted from the free access of the citizens, based on the following legislation:

ORDINANCE No. 61, on 29 August 2002

Regarding the collecting of budgetary debts

EMITENT: THE GOVERN

PUBLISHED IN: THE OFFICIAL MONITOR No. 644 on 30 August 2002

Article 163- (1)

Public servants in the Ministry of Public Finances, Ministry of Labor and Social Solidarity, National House of Insurances and similar institutions, the organs of the local and public administration and their subordinated organs, including the persons that no longer detain this function, are obliged to maintain the secrecy of the information they have from exercising their functions.

(2) Information regarding taxes and other budgetary obligations of the payers can only be transmitted:

- a) to other public authorities having financial duties, with the purpose of realizing some obligations that derive from the Law
- b) to public authority in the field of labor and social protection that makes payments for social insurances or other similar payments
- c) to the fiscal authorities in other countries, based on a convention for avoiding double taxation;
- d) competent judiciary authorities

(3) The organ or the authority that receives fiscal information is obliged to keep the secrecy of this information

(4) Information related to payers can also be transmitted to some organs and authorities, other than the ones mentioned in paragraph 2, but only with the written consent of the payer.

(5) Disobeying the obligation to maintain the fiscal secret will draw a punishment according to the Law.

General Director,
 Mihai Costin

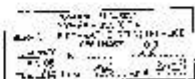
Chief of Bureau,
 Gligor Gravis

Annex 12



MUNICIPALITATEA BUCUREȘTI, Primăria Sectorului 4
 B-ful George Cosbuc nr. 6-16 Tel- 401-335.92.30
 Fax- 401-337.07.90

DIRECȚIA ECONOMICĂ
 Nr. 1914/23/12.06.2003



BUCUREȘTI MUNICIPALITY
 The City Hall of the 4th District
 ECONOMIC DIRECTION

To,

Către,

Că răspuns la cererile dumneavoastră înregistrate la Primăria Sectorului 4 sub nr. 22/11.06.2003 și nr. 23/11.06.2003 prin care ne solicitați informații cu privire la sumele cheltuite în anul 2002 pentru soluțiile sau indemnizațiile, deplasările în țară și în străinătate, autoturismele și telefoanele mobile puse la dispoziția Primarului, Viceprimarilor și membrilor Consiliului Local, vă comunicăm că cele solicitați de dumneavoastră nu sunt informații de interes public.

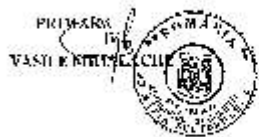
Având în vedere prevederile Legii nr. 544/2001 privind liberul acces la informațiile de interes public și în conformanță cu art. 20 alin (2) din Dispoziția Primarului Sectorului 4 nr. 52/16.01.2003, lista documentelor de interes public cuprinde:

- Hotărârile Consiliului Local;
- Dispozițiile Primarului Sectorului 4 cu caracter normativ;
- Bugetul local;
- Proiectele și actele de lege Sectorului 4;
- Bilanțul local;
- Regulațiile pentru organizarea și efectuarea diverselor lucrări;

As an answer to your requests registered at the City Hall in District 4 with the no. 22/11.06.2003 and 23/11.06.2003 for information related to the expenditures in 2002 for the wages and indemnities, trips in and out the country, cars and mobile phones at the disposal of the Mayor, Vice- Mayors and members of the Local Council, we inform you that the information you solicited is not public interest information.

Taking into account the provisions of the Law no.544/2001 for free access to public interest information and according to Article 20, paragraph (2) in the Disposal of the Mayor of District 4 no. 52/16.01.2003, the list of public interest documents includes:

- Local Council Decisions
- Disposals of the Mayor of District 4 with a normative character
- the local budget
- the programs and strategies of District 4
- the accounting balance sheet
- regulations for the organization and performance of certain works.



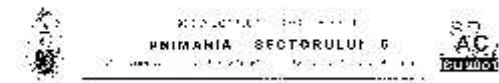
DIRECTOR ECONOMIC
 GABRIELA DINIURESCU

Mayor,
 Vasile Mihalache

Economic Director,
 Gabriela Dumitrescu

Annex 13

BUCURESTI MUNICIPALITY
The City Hall of the 6th District
DIRECTION OF COMMUNICATION



DIRECTIA COMUNICARE
SERVICIU ADMINISTRATIV
SOLICITATI, SFERSIZARI
Nr. 15/2003 din 04.04.2003

To:

Care:

Dear Mrs,

Scritoare doamna,

Urmas la solicitarea dumneavoastra cu nr. 41351/03.04.2003 pentru, conform prevederilor Legii 544/2001 privind liberul acces la informatiile de interes public, subiectul cuprins in documentul care va este mai prezenta, ca toate actiunile Primariei Bucuresti au fost examinate si informatiile solicitate nu sunt incluse in lista documentelor care pot fi accesibile public.

As a result of your request with no. 41351/03.04.2003, by which you solicited, according to the Law 544/2001 for free access to public interest information, a copy of the document for the latest budgetary execution of the City hall in District 6, we inform you that the solicited information is not included in the list of public documents.

Written by,
Referent Ricu Razvan

Referent: ap. Ricu Razvan

Annex 14

BUCURESTI MUNICIPALITY
GENERAL DIRECTION OF PUBLIC FINANCES



Dear Mr.

As an answer to your request registered at the General Direction of Public Finances in Bucuresti Municipality with the no. 6430/18.03.2003, by which you solicited a copy of the registry of the requests for information of public interest addressed to out institutions we inform you:

Scritoare domnule

Ca urmare la cererea dumneavoastra inregistrata la Directia Generala a Finantelor Publice a Municipiului Bucuresti sub nr. 6430/18.03.2003, prin care solicitati o copie a registrelor de solicitari de interes public adresate la institutiile din subordinea dumneavoastra, va comunicam urmatoarele:

In conformitatea cu prevederile Legii nr. 544/2001 privind liberul acces la informatiile de interes public, orice persoana are dreptul sa solicite si sa obtina din institutiile de interes public, in conditiile prevazute in Legea, informatiile de interes public. Prin informatiile de interes public se intelege orice informatie care poate fi furnizata sau rezultata din activitatea unei institutii publice, indiferent de importanta sau forma sau de nivelul de responsabilitate in care este furnizata.

Pe prezenta sa, registruul unic de inregistrare al tuturor cererilor adresate D.G.F.P.- M.B., contine totalitatea solicitarilor scrise ale diverselor agenti economici, persoane fizice sau juridice sau ale institutiilor publice.

Pe baza inregistrarii cererilor se va prezenta copia informatiilor de interes public care sunt necesare, avandu-se in vedere ca scopul de informare si nu de obtinere a actelor de interes public este cel al Legii nr. 544/2001, in vederea realizarii actelor de interes public. De asemenea, este de asemenea importanta informatiile care pot fi necesare, astfel incat sa se realizeze lista tuturor informatiilor de interes public.

According to the provisions of the Law 544/2001 for free access to public information, "any person has the right to request and to obtain from the public institutions and authorities, under the conditions of the Law, public interest information. Through public interest information we understand any information that regards the activities or derives from the activities of a public authority, regardless of the support or the form on which the information is expressed.

We mention that, the unique registry of the requests addressed to D.G.F.P.- M.B., contains all the written solicitations from economic agents, natural or legal persons or other public institutions.

Since you do not mention in your request the exact public information you are interested in, involving a large amount of information, and taking into account the provisions of Article 12, paragraph 1 in the Law 544/2001, in order to solve it, we ask that your solicitation specifies the exact information you need, so we can identify the public interest information.

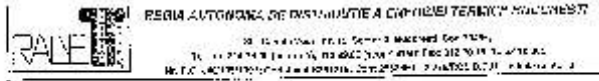
DIRIGINTA GENERALA
CARMEN BALASOIU

SEF SERVICIU
RUXANDRA POP

General Director,
Carmen Balasoiu

Chief of Service,
Ruxandra Pop

Annex 15



nr. 24032
Destinatari:
Adresa:
In calitate de DIRECTOR
Data: 23.05.2003

THE AUTONOMOUS ADMINISTRATION FOR THE DISTRIBUTION OF HEALTH IN BUCURESTI

No. 24032

Subiectul solicitării este înregistrat în baza de date a RADET. Informațiile solicitate sunt disponibile în baza de date a RADET. Informațiile solicitate sunt disponibile în baza de date a RADET. Informațiile solicitate sunt disponibile în baza de date a RADET.

Subject: Answer request
Date: 23.05.2003



As a result of your request for a copy of the list of private and public properties owned or administrated by R.A.D.E.T. Bucuresti, registered under no.24032/20.05.2003, we inform you that the information you solicited is not stipulated in Article 5 of the Law 544/2001 for free access to public interest information.

General Director,
Virgil Ramba

