

## **The Right of Access to Information in Cyprus** **Open Cyprus Project**

### **Draft Chapter VI for Public Consultation** **Monitoring of Public Bodies Report**

**Consultation Opens 24 February 2011**

**Consultation Closes 10 June April 2011**

**For more information, see: <http://www.accessinfocyprus.eu/>**

# VI. MONITORING OF PUBLIC BODIES

## 1. The Wall of Silence

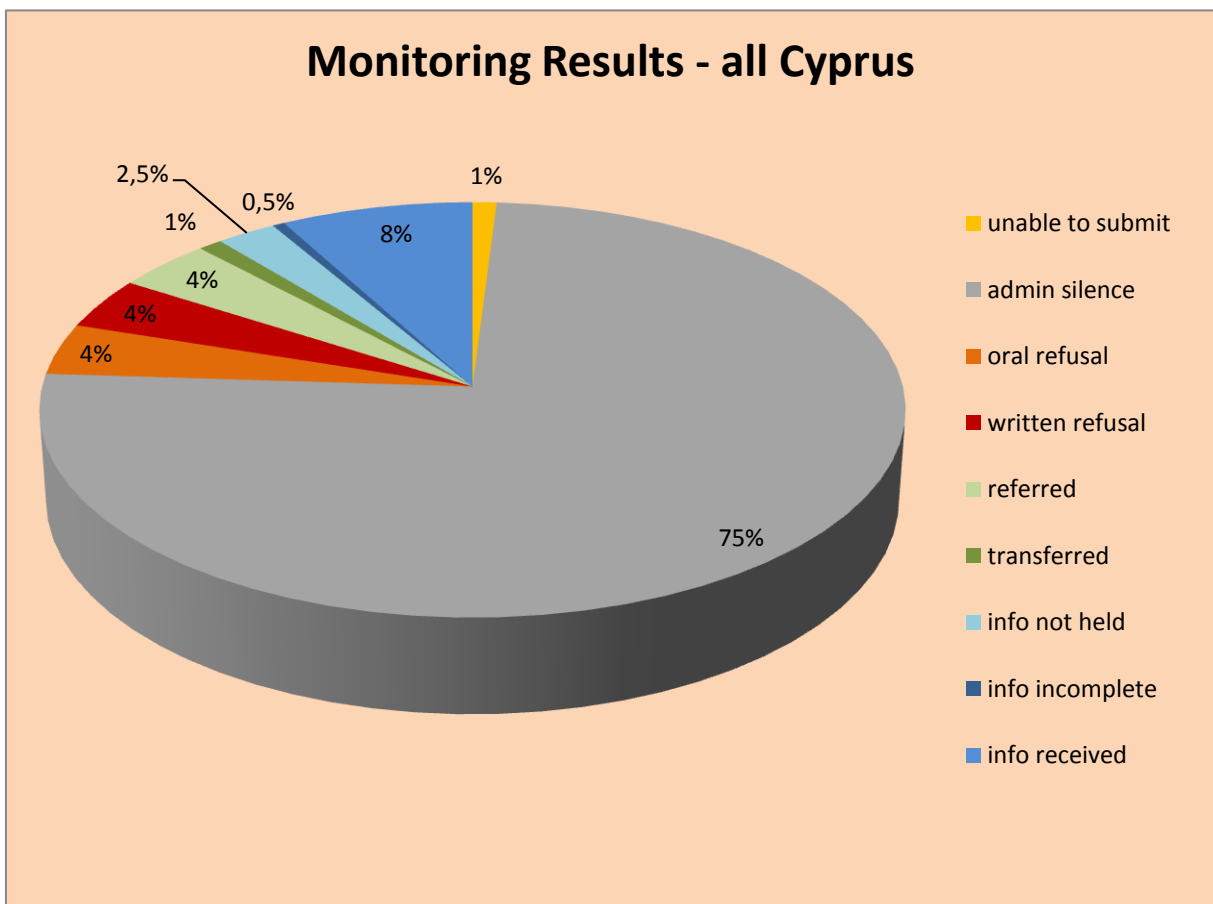
The Open Cyprus Project carried out an extensive monitoring of 20 public bodies in Cyprus with a total of 393 information requests submitted. The performance of the public bodies monitored was very poor with only 9% of information requests resulting in the release of any information at all.

Public bodies island-wide failed to respond at all to three quarters of all the requests submitted (75% administrative silence). One in four requests resulted in administrative silence even after the requests had been presented for a second time.

There was a minimal difference in performance between the two parts of the island: the level of administrative silence in the northern part of Cyprus was 78% whereas in the Republic of Cyprus it was 72%.

In terms of responses that fully answered the questions, the total for the Republic of Cyprus was just 7% whereas in the northern part of Cyprus 9% of responses provided complete information.

Overall, the monitoring survey found that across the island the right of access to information is being breached and public bodies are failing to comply with Council of Europe standards on access to information.



These findings of the monitoring study indicate that public authorities in Cyprus disregard the right of members of the public to access to information in two principle ways. First, information requests are ignored in a systemic manner. This is a violation of the obligation to respond to any request for information received within a reasonable period of time.

This situation in Cyprus runs counter to the innovative policies that most Council of Europe and OECD member states are currently implementing in order to advance transparency, increase the accountability of public authorities, and improve citizen participation in decision-making.

Not only is this a serious failure by the Cypriot authorities to respect the fundamental right of access to information, but it is likely to have a serious knock-on effect in other areas of democratic development: open and transparent government increases the trust of the general public in their elected authorities, improves the internal efficiency of administrations, and strengthens the ability of governments to focus their policy and decision-making power to address the real needs of society.

## 2. Methodology

In the monitoring, a total of 393 requests for information based on 52 questions were submitted to 20 public bodies by 23 monitors (10 from the Republic of Cyprus, 10 from the northern part of Cyprus and 3 international requesters).

Of these requests 393 were presented according to a standardised methodology (Sections 3-6 of the analysis) and 22 were individual requests submitted by the monitors which are analysed in Section 7.

The monitors were trained before the monitoring exercise started and given a protocol to follow when making requests to ensure standardised behaviour of each monitor and therefore comparable results.

Being a bi-communal project, it was essential to test the reaction of public bodies to requests coming from all parts of Cyprus. Consequently, all public bodies received four questions (the "Generic Questions" – see below) twice: once from a monitor in the Republic of Cyprus and once from a monitor in the northern part of Cyprus. In addition, three questions were submitted by requesters from abroad.

### 2.1 The Requests

The core of the monitoring consisted of a total of **393 requests** based on **64 questions** submitted to **20 public bodies** in Cyprus.

The monitoring questions were designed by Access Info Europe, KAB and IKME with input from the monitors. Some additional questions were also suggested and submitted by the monitors.

The questions were simple and, in principle, of public interest so that the information requested would not fall under one of the 11 legitimate exceptions of the Council of Europe Convention on Access to Official Documents. The full list of questions can be downloaded at [www.accessinfocyprus.eu](http://www.accessinfocyprus.eu).

## The questions were grouped as follows:

◆ **Generic Questions (four questions):** to be submitted to all public bodies. These included questions such as:

*Please send me a description of your organisational structure, giving the names of the heads of all departments.*

The Generic Questions were submitted twice to each public body, once by a monitor from the Republic of Cyprus and once by a monitor from the northern part of Cyprus.

◆ **Specific Questions (45 questions):** these were submitted to the relevant public body depending on the issue raised by the question (between 3 and 6 questions depending on the public body). These included questions such as:

*How many people sought citizenship in 2009?  
In 2009 what was the spending on education per student?*

◆ **Questions from abroad (3 questions),** submitted from Spain and from the United Kingdom to all 20 public bodies to test the reaction of public bodies to requests coming from abroad. For example:

*Please provide me with a list of the projects financed by EU funds and the total value of each project.*

## 2.2 The Monitored Public Bodies

A total of 20 public bodies were monitored. They were selected as a representative range of central, regional and local government bodies or “ministries. The Council of Europe Convention on Access to Official Documents requires that a public body at all levels of government respect the right to access information.

<b>Republic of Cyprus</b>	<b>Northern part of Cyprus</b>
Ministry of Interior (Interior)	“Ministry of Interior and Local Administrations” (“Interior”)
Ministry of Commerce, Industry & Tourism (Commerce)	“Ministry of Economy and Energy” (“Economy”)
Ministry of Labour and Social Insurance (Labour)	“Ministry of Labour and Social Security” (“Labour”)
Ministry of Education and Culture (Education)	“Ministry of Education, Youth and Sports” (“Education”)
Ministry of Agriculture, Natural Resources and Environment (Environment)	“Ministry of Tourism, Environment and Culture” (“Environment”)
Ministry of Health (Health)	“Ministry of Health” (“Health”)
Nicosia District (Nicosia Dis.)	“Nicosia District” (“Nicosia Dis.”)

Nicosia Municipality (Nicosia Muni)	"Nicosia Municipality" ("Nicosia Muni")
Limassol District (Limassol Dis)	"Famagusta District" ("Famagusta Dis")
Limassol Municipality (Limassol Muni)	"Famagusta Municipality" ("Famagusta Muni")

In the Republic of Cyprus public bodies received an average of 20.7 requests, with a range of 15-27 requests per public body. In the northern part of Cyprus the public bodies received an average of 18.6 requests, with a range of 15-29 requests per public body.

First, each body received four Generic Questions. As noted above, the monitoring was designed so that each public body received the four Generic Questions twice: once from monitors living in the Republic of Cyprus and once from monitors in the northern part of Cyprus.

Then, each public body received a set of specific questions (between three and six) requesting information about issues that would arguably fall under the mandates of the public body.

In addition to that, all public bodies received requests from abroad.

As an example, following are the specific questions submitted to the Ministry of Health of the Republic of Cyprus and the "Ministry of Health" in the northern part of Cyprus:

*Q29. How many people work in night clubs?*

*Q30. Please provide me with the total number of abortions and C-sections that were carried out in 2009?*

*Q31. In 2009, how many people died in (a) public and (b) private hospitals, and what were the five leading causes of death?*

*Q32. Please provide me with the number of people that tested positive for STDs in 2009.*

### 2.3 The Monitoring Process

A total of **20 monitors** participated, all of whom work in or are associated with civil society organisations. The monitors came from both sides of the island, ten being residents of the northern part of Cyprus and the other ten residents of the Republic of Cyprus. In addition Access Info Europe staff members submitted requests from abroad.

All monitors submitted between ten and 20 requests. The monitoring exercise ran over a period of several months, from **May to August**, so that the submitting of requests and tracking them would not become a burden for the daily professional activities of the monitors. This also meant that not all requests were presented to all public bodies at the same time.

In April 2010 the monitors were trained on the **Request Protocol**, which was designed to include clear and easy-to-follow rules, as well as a description of the possible outcomes, so that the data collected by each monitor would be fully comparable with the results obtained by the other monitors.

This monitoring was designed on the basis of a maximum of **two attempts** per request. In other words, the monitor could file each request a second time if the response to the first request did not provide information or if there was no response to the first requests.

A **time-limit of 20 working days** was selected for this monitoring. It is noted that this is above the average timeframe in the European Economic Area, which is 15 working days. In practice, this meant that a given monitor submitted a request with a given public body and waited 20 working days for a response. If the monitor got no response (administrative silence) then the request was resubmitted to the same public body and the monitor waited another 20 working days. After this, any response received or the fact of administrative silence were recorded as the final outcomes.

The protocol contained step-by-step guidance on what to do depending on the responses from the public bodies. For example, if a monitor received an answer referring him/her to another public body to get the information, then the monitor would follow the protocol and would submit the question to that body. This would be recorded as a second attempt for that request.

After the training the monitors were provided with a personalised **Monitoring Chart** which included the precise request(s) he/she had to file, where this should be done (public body contact point), when (dates) and by which medium (either e-mail, post, by hand, web-form or by phone).

Results were recorded on a **Master Sheet** where the data from each monitor was compiled by the project coordinators. The results presented in this report have been extracted from the Master Sheet.

## 2.4 Classification of the Responses

Access Info Europe carries out regular comparative studies on access to information. The table below shows the responses classification that is standard for access to information research at the international level.

<b>Table 2: OUTCOMES</b>		
<b>OUTCOME</b>	<b>DESCRIPTION</b>	<b>RESPONSE TYPE</b>
Unable to Submit	Not possible to file the request	Non-compliant
Refusal to Accept	Public official refuses to receive the request	Non-compliant
Excessive Fees	Fees charged for filing the request are unreasonable or higher than permitted by law.	Non-compliant
Administrative Silence	No response at all – administrative silence	Non-compliant
Oral Refusal	Public official verbally refuses to answer the request	Non-compliant
Referred	The public body with which the request was filed directs the requester to another public body	Compliant* (if permitted by national law)
Transferred	The public body with which the request was filed sends it to another public body for consideration	Compliant
Written Refusal	The public body refuses in writing to answer the request	Compliant*
Partial Access	Access to part of the information is provided and part denied on the basis of exceptions to the right of access.	Compliant*
Information Not Held	The public body claims that they do not hold the requested information	Compliant*
Information Incomplete	Only part of the requested information is provided	Compliant
Information Received	The information requested was provided in full to the requester	Compliant

\* For the purposes of this monitoring exercise, it has been assumed that these responses are a true reflection of the situation and that information is not being illegally withheld.

### 3. The Outcomes of the Requests

The overall performance of the public bodies monitored was very poor with a mere 8.5% of requests receiving any information and a full 75% resulting in administrative silence, with no response whatsoever provided to the requester.

The level of formal refusals to provide information was only 4% (in response to just 16 requests).

	unable to submit	admin silence	oral refusal	written refusal	referred	transferred	info not held	info incomplete	info received
Rep. Cyprus	1.5 %	72 %	1 %	7 %	5 %	1.5%	4 %	0.5 %	7 %
Northern part	1 %	78 %	8 %	1 %	2 %	0 %	0.5 %	0.5 %	9 %
TOTAL	1 %	75 %	4 %	4 %	4 %	1 %	2.5 %	0.5 %	8 %

The overall results of this monitoring, with a total of 393 requests across the island, indicate that the fundamental human right of access to information is not granted practically and as a general rule, either in the northern part or in the Republic of Cyprus. In addition, the behaviour of all public bodies tested on the island demonstrates that the administrative procedures and legal measures related to access to information are extremely inefficient.

Overall there were no significant differences between the public authorities in the different parts of the island:

- In the Republic of Cyprus, only 8% of a total of 220 requests received a complete answer, whereas 73% of the requests resulted in administrative silence.
- In the northern part of Cyprus, only 7% of a total of 195 requests received a complete answer, and 78% of request resulted in administrative silence.

**Finding:** Island-wide in Cyprus silence is the rule and access to information the exception.

**Recommendation:** The public authorities in Cyprus should approve the necessary laws and administrative rules so that the fundamental human right of access to information is fully developed in the legal framework and therefore can be complied with in practice.



### 3.1 Compliance with the Right to Know

In addition to the high level of administrative silence, the study also found a very high level of “non-compliant” responses, at 80%. A non-compliant response is one that is treated in a way that is in breach of international standards for implementation of the right of access to information.

For the purposes of this study, a compliant response to an information request is one of the following; *information received, information incomplete, information not held, referred, transferred, or a written refusal*. Compliance to information requests by public bodies means that the public authority responded to the requester and either provided information, informed them that the body did not hold it, directed them to where it might be found, or explained why it would not be provided.

The questions for this monitoring were intentionally designed to avoid requesting sensitive information and it has been assumed, for the purpose of this monitoring exercise, that the responses reflected the true situation and that information is not being illegally withheld.

<b>Table 4: Compliance vs. Non-compliance</b>		
<b>Outcome</b>	<b>Nº of requests</b>	<b>percentage</b>
compliant responses	76	19 %
non-compliant responses	317	81 %
total requests	393	100 %

Whilst the majority of the non-compliant responses are accounted for by administrative silence, there were also 5 unable to submit outcomes, 1 refusal to accept outcome, 15 oral refusals and 2 attempts to charge excessive fees.

There was some difference in levels of non-compliance with the Republic of Cyprus having a 75% non-compliance level and the north having 87% non-compliance. Aside from administrative silence, the biggest single problem was oral refusals of which there were 3 in the Republic of Cyprus and 13 in the northern part of Cyprus. See sections 4 and 5 below for more details.

<b>Table 3: COMPLIANCE</b>					
	<b>OUTCOME</b>	<b>Republic of Cyprus</b>	<b>northern part of Cyprus</b>	<b>TOTAL</b>	
<b>Non-Compliant</b>	Unable to Submit	1 %	1 %	1 %	79.5%
	Refusal to Accept	0 %	0 %	0.5 %	
	Administrative Silence	73 %	78 %	75 %	
	Oral Refusal	1 %	8 %	4 %	
<b>Compliant</b>	Referred	5 %	2 %	3 %	19.5%
	Transferred	1 %	0 %	0.5 %	

	Written Refusal	6%	1%	4%	
	Partial Access	0%	0%	0%	
	Information Not Held	5%	0.5%	3%	
	Information Incomplete	1%	0.5%	1%	
	Information Received	7%	9%	8%	

The high level of non-compliance is a particular concern and underlines the serious efforts that need to be made by the public authorities in Cyprus to ensure that they do not violate the public's right to know.

**Finding:** Public bodies treated the access to information requests presented in this monitoring in a way that is compliant with the right of access to information in response to just 1 in 5 requests (20%), while in 4 in 5 instances (80%) public bodies island-wide did not uphold the fundamental right of access to information of members of the public.

**Recommendation 2:** All public officials dealing with information requests should be trained in how to justify refusals to release information only on the basis of the legitimate limitations set out in the Access Convention.

### 3.2 Response Times

Where public bodies did respond to requests for information in ways that are compliant with the right to know, the response times were largely in line with the international standards.

The table below shows the average response time for public bodies in the Republic of Cyprus and the northern part of Cyprus in working days:

<b>Table 5: Response Times</b>		
<b>Working Days</b>	<b>Republic of Cyprus</b>	<b>Northern part of Cyprus</b>
(Oral Refusal – non-compliant )	(9)	(20)
Referred	21	
Transferred	14	
Written Refusal	14	22
Information Not Held	12	
Information Incomplete	10	
Information Received	7	14
<b>AVERAGE FOR COMPLIANT</b>	<b>13 working days</b>	<b>18 working days</b>

The average time mandated for responding to information requests in the laws of the countries in the European Economic Area is 15 working days. This is the same time limit which the European Union has established for its institutions to answer access to information requests. According to international standards, public bodies have the prerogative to extend the 15 days time limit for another 15 days if the information requested is complex and provided that the requestor is informed of this in writing.

The average response time in the Republic of Cyprus for compliant responses is 13 working days, so within the average for the European Economic Area (EEA).

In the northern part of Cyprus the average response time was 18 working days, so slightly higher than the 15 working days required by the Right of Access to Information law.

In both cases the responses show that where there is a will to respond to the requester, it is possible to do so within the timeframe. Indeed, in both parts of the island, provision of information was the fastest response, taking just 14 working days in the northern part of Cyprus and just 7 working days on average in the Republic of Cyprus.

Although these compliant responses represent only a small percentage of the questions asked, they do demonstrate that where public bodies are ready to answer information requests they have the capacity to do so within timeframes that are consistent with international standards.

### Recommendations

- The government of the Republic of Cyprus should approve an access to information law that establishes time limits for responding to requests at around the average EU time limit: 15 calendar days + 15 days for extensions. The monitoring has demonstrated that this would be feasible.
- Public authorities in the northern part of Cyprus should ensure that public officials comply with the 15 working day time limit established in the Right to Access to Information Law (Act 12/2006) that applies to public bodies in the northern part.

## 3.3 Acknowledgements

Most access to information laws – along with administrative codes and standards for good administrative practice – require that public bodies issue an acknowledgement so that the requester knows that his/her request has been received and is being processed.

In this monitoring in the Republic of Cyprus only 34 out of 207 requests were acknowledged. The average time for receipt of the acknowledgement was seven working days, with the range going from immediate (same or next day response to requests sent by web form, fax or e-mail in six cases) to up to 28 working days.

In the northern part of Cyprus just eight out of 186 requests received an acknowledgement. The average time for sending the acknowledgement was ten working days, ranging from immediately after the request was submitted to 32 working days later.

An acknowledgement is not, however, a guarantee of the eventual processing of the requests: in the Republic of Cyprus, eight of the 34 acknowledgements were followed by administrative silence. Only five acknowledgements were followed by provision of information.

**Finding:** Public authorities across Cyprus are not only failing to respond to requests but they also fail to provide an acknowledgement or receipt of the request.

**Recommendation:** Requests should be acknowledged. The future access to information law in the Republic of Cyprus should include an obligation to acknowledge receipt of a request after a maximum of five working days. The law in the northern part of Cyprus should be amended to introduce this obligation.

### 3.4 Referred and Transferred

It may happen that requesters contact the wrong public body and that another public body holds the information. In this monitoring every effort was made to ensure that requests were submitted with the correct institution, but in some cases the requests were referred (requestor advised to approach another body) or transferred to other public bodies (the request was forwarded by the body that had received it).

In the Republic of Cyprus there were 11 referrals to other bodies and three transfers of requests. In the northern part of Cyprus there were three cases when requesters were referred elsewhere and no transfers.

The three transfers in the Republic of Cyprus (one by the Ministry of Education and Culture and two by the Ministry Commerce, Industry & Tourism) are good administrative practice as was the fact that the requesters were informed about where the requests had been directed. Nevertheless, none resulted in information being provided.

**Finding:** Where public bodies did not hold information they preferred to refer requesters rather than transfer requests themselves.

**Recommendation:**

- The future access to information law in the Republic of Cyprus should require that public authorities transfer requests in line with best international practice. This transfer should be done within five working days.
- The Right of Access to Information law in the northern part of Cyprus should include a requirement to transfer requests within five working days and to notify the requester.
- Public authorities receiving a transferred request should be required to respond within 15 working days of receipt of the transferred request.

### 3.5 Second Attempts

Monitors were instructed to submit a second request if there was no response or an unsatisfactory response. They did this in order to follow up on 30% requests.

The results show that second attempts at requesting information have a low likelihood of success. This is particularly so in the northern part of Cyprus where just 3.85% (two out of 52) second attempts succeeded in obtaining the information requested.

In the Republic of Cyprus, after filing a second request, 14.5% of answers (nine out of 62) were compliant according to the classification of responses table set out in Section 2.4 . However just 8% (or five out of 62) elicited the actual information requested.

**Finding:** Public bodies are impervious to the repeated attempts of the public to obtain information, and even second submissions of requests are likely to result in administrative silence.

**Recommendation:** Urgent measures need to be taken to ensure that public bodies answer requests for information when they are received and do not wait for phone calls or other follow up by the requester.

### 3.6 Compliance by submission method

In the northern part of Cyprus two methods of submitting requests for information were significantly more successful than others. The method which received the most compliant responses was submissions made by hand where 26% (five out of 19) of requests were compliant.

Postal requests were the second most successful form with 16.7% (or nine in 54) of requests being compliant. E-mail, fax and webform requests were significantly less successful, with all of them having compliance of less than 10%.

In the Republic of Cyprus there was a much smaller disparity between the success rates of the different methods of submitting the requests. Phone applications were technically the most successful method with a 50% success rate but with just two requests being made by phone, this is not a representative result.

The most successful method which was used on a number of occasions was webform with 33.3% (four in 12) success. This was followed closely by post at 27.8% (or ten in 36) and hand delivery at 21.5% (three in 14). E-mail and fax had very similar rates of compliance at 14.5% and 14.9% respectively.

**Finding** The public bodies in the northern part of Cyprus are failing to recognise e-mail submission of requests as legitimate.

**Recommendation:** All means of submitting requests should be recognised as legitimate in law and practice in both sides of the island.

### 3.7 Written Refusals

The Council of Europe Convention on Access to Official Documents requires that refusals to grant access to information based on the legitimate exceptions be made in writing.

In the monitoring of public bodies across the island, only 16 requests were refused in a written form (by email or letter) whereas a full 75% of requests were refused passively, through administrative silence.

Written and well justified refusals are essential for requestors to be able to defend their right to information by taking an appeal to the courts. The right to appeal is recognised in both the Constitution of the Republic of Cyprus and the “legal framework” of northern part of Cyprus. This right cannot be exercised if the response to information requests is widespread silence. Hence the failure to reply seriously impedes the capacity of the general public to defend their right before the courts of Justice.

In the northern part of Cyprus, only two requests received a written refusal but neither was appropriately justified, according to international standards. One of the refusals used the pretext of the request not having a date to reject it – this is clearly not acceptable under European standards.

In the Republic of Cyprus, 14 requests received a written refusal, of which just six match the legitimate exceptions of the Access Convention: four requests were refused in writing on grounds of personal data protection and two on grounds of confidentiality of the requested material.

It should be underlined, however, that the Access Convention establishes that public bodies should release documents and black out the specific information that falls, for instance, under the legitimate exception of personal data protection. This was not done in Cyprus. Indeed, one of the monitors was told in an official letter that the requested information could not be provided under the Data Protection Law. She followed up by phone and suggested - with no success - that the sensitive information could be blanked out but the rest of the document released.

Another interesting example of misplaced limitations to the right of access was when one the monitor in the Republic of Cyprus requested a “list of all meetings and consultations held with civil society organizations during the course of 2009, including the names of the organizations.” The monitor was told in writing that the information could not be provided because of its volume. The Access Convention and many national access to information laws foresee this situation and permit extensions to the timeframes in order to compile a significant quantity of documents. An outright refusal is not, however, permitted.

<b>Written Refusals Reasons Table</b>	<b>Northern part of Cyprus</b>	<b>Republic of Cyprus</b>
Data protection	0	4
Info too voluminous	0	1

Reasons requested	0	1
Confidentiality of the information	0	2
Requests did not have a date	1	1
others (non legitimate justifications)	1	5
<b>Total Written refusals</b>	<b>2</b>	<b>14</b>

## 4. Republic of Cyprus

The graph below shows the results for all requests submitted to public bodies of the Republic of Cyprus.

unable to submit	admin silence	oral refusal	written refusal	referred	transferred	info not held	info incomplete	info received
1.5%	72%	1%	7%	5%	1.5%	4%	0.5%	7%

### Finding:

- 72% of the requests received no answer whatsoever, administrative silence.
- Only 7% of requests resulted in information being released in full.

**Recommendation:** Public authorities in the Republic of Cyprus should take the necessary legal and administrative measures to ensure that the right of access to information is upheld by all public bodies. The rate of administrative silence should be urgently addressed by the concerned authorities in order to comply with European standards.

### 4.1 Compliance

Just one in four requests (25.5%) were processed and responded to in a way that is compliant with access to information standards.

Table 6: Outcomes Republic of Cyprus			
OUTCOME		Republic of Cyprus	
Non-Compliant	Unable to Submit	1.5 %	74.5 %
	Refusal to Accept	0 %	
	Administrative Silence	72 %	
	Oral Refusal	1 %	
Compliant	Referred	5 %	25.5 %
	Transferred	1.5 %	
	Written Refusal	7 %	
	Partial Access	0 %	
	Information Not Held	4 %	
	Information Incomplete	1 %	
	Information Received	7 %	

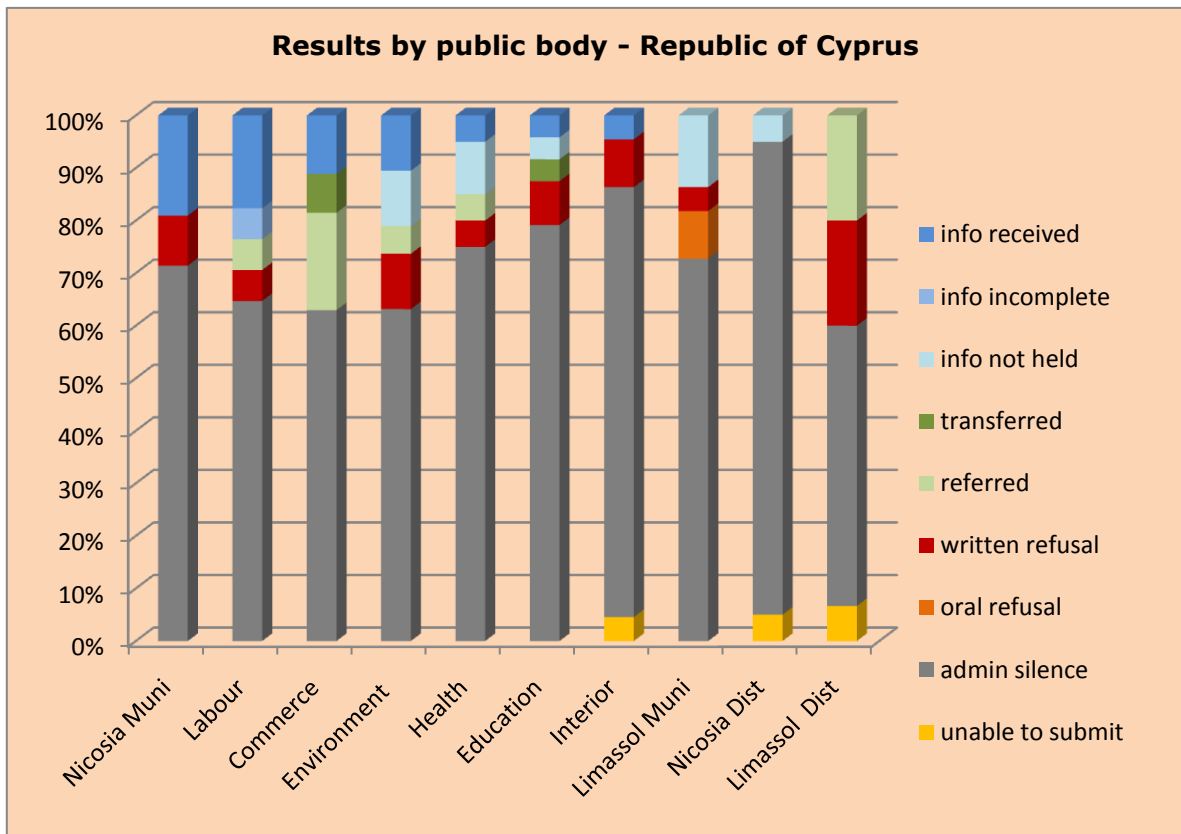
**Finding:** There is a massive failure to uphold of the right of access to information with three in four requests resulting in non-compliant responses.

**Recommendation:** The government of the Republic of Cyprus must take urgent steps to ensure respect of the right of access to information in line with Council of Europe standards.

#### 4.2 Performance of Public Bodies

The graph below shows the results for each of the ten monitored public bodies in the Republic of Cyprus. The public bodies received an average of 20.7 requests, with a range of 15-27 requests per public body.





Nicosia Municipality was the public body that performed best, granting full access to information to four out of 21 requests (19%). The Ministry of Ministry of Labour and Social Insurance provided answers to three requests and a further incomplete answer.

One of the bodies with a high level of compliance was the Ministry of Commerce, Industry & Tourism which provided information in response to three requests, and also transferred two requests (which is good practice) and referred another five. It nevertheless met 17 requests with administrative silence.

Three public bodies – Limassol Municipality, Nicosia District, and Limassol District provided no information at all. Whilst Limassol District had six compliant responses, these were three written refusals and three referrals.

<b>Table 7: Performance Public Bodies Republic of Cyprus</b>				
<b>Republic of Cyprus</b>	<b>total requests</b>	<b>information incomplete</b>	<b>information received</b>	<b>compliant</b>
Nicosia Municipality	21		4	6
Ministry of Labour and Social Insurance	17	1	3	6

Ministry of Commerce, Industry & Tourism	27		3	10
Ministry of Agriculture, Natural Resources and Environment	19		2	7
Ministry of Health	20		1	5
Ministry of Education and Culture	24		1	5
Ministry of Interior	22		1	3
Limassol Municipality	22			4
Nicosia District	20			1
Limassol District	15			6
<b>TOTALS</b>	<b>207</b>	<b>1</b>	<b>15</b>	<b>53</b>

**Finding:** All bodies performed very poorly and while some provided information, none excelled at treating requests in a compliant fashion with none achieving over 40% compliance.

**Recommendation:** all public bodies should make greater efforts to ensure that they are processing all requests in line with the right of access to information.

## 5. Northern part of Cyprus

The graph below shows the results for all requests submitted to public bodies in the northern part of Cyprus.

unable to submit	admin silence	oral refusal	written refusal	referred	transferred	info not held	info incomplete	info received
1%	78%	8%	1%	2%	0%	0.5%	0.5%	9%

### Finding

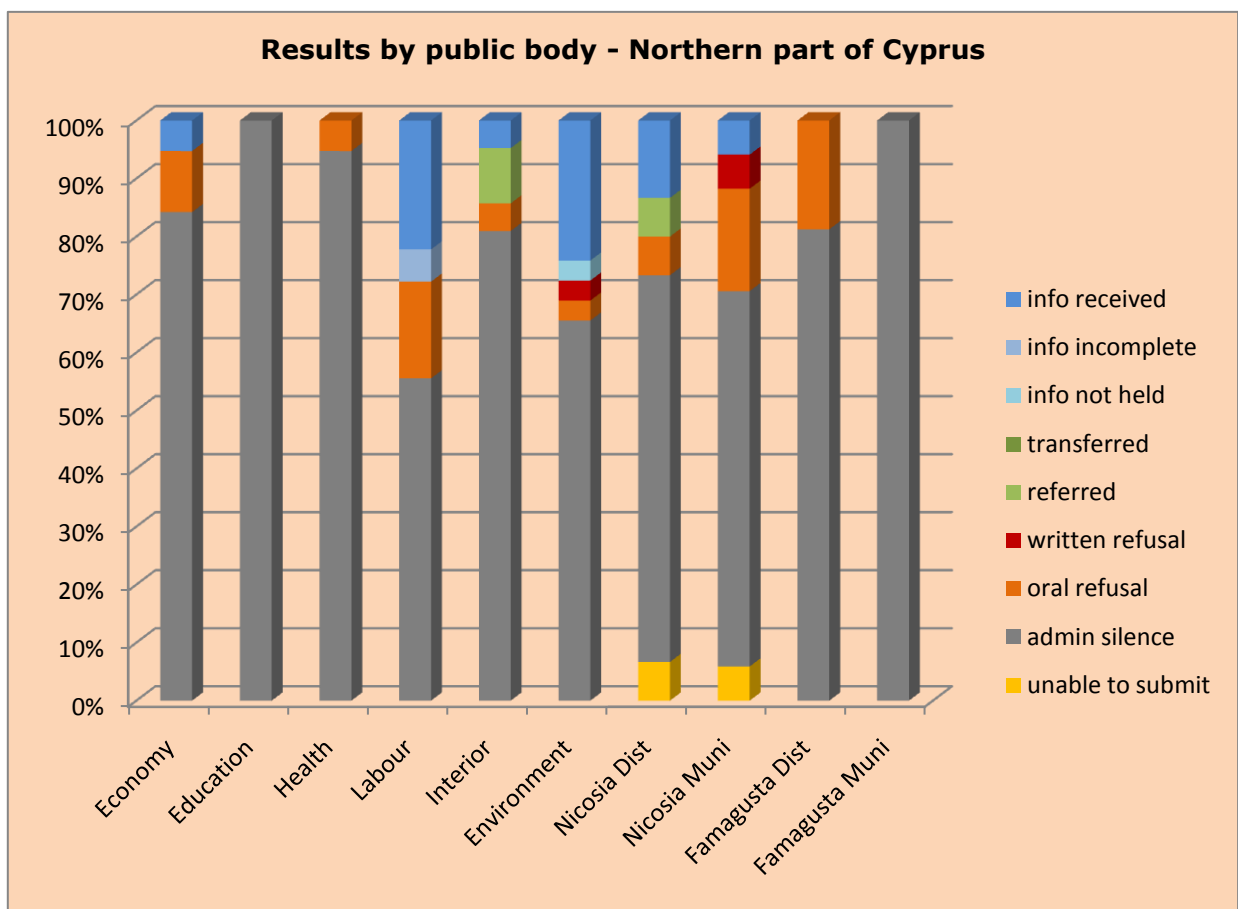
- Over three in four requests, 78%, did not receive any type of response from the public bodies to which they were submitted (administrative silence).
- Only in 9.5% of cases was any information at all provided to the requestor.
- There were 7% of oral refusals, in which the public body refused to answer the request but also refused to put that answer in writing; this contrasts with only 2% of written refusals.

**Recommendation:** Public authorities in the northern part of Cyprus should take the necessary administrative and procedural measures to ensure that public

officials comply with the law on access to information. The rate of administrative silence to information requests should be urgently addressed by the authorities and necessary measures taken to ensure a significant increase in the number of requests from members of the public that receive a response.

### 5.1 Performance of public bodies

The graph below shows the overall performance of each public body monitored in the northern part of Cyprus. Public bodies received an average of 18.6 requests, with a range of 15-29 requests per public body.



Four in every ten public bodies in the northern part of Cyprus did not provide any compliant responses. These were the “Ministry of Education, Youth and Sports”, “Ministry of Health”, “Famagusta District” and “Famagusta Municipality”.

**Table 8: Performance Public Bodies northern part of Cyprus**

Northern part of Cyprus	total requests	info incomplete	info received	compliant
"Ministry of Tourism, Environment and Culture"	29		7	9
"Ministry of Labour and Social Security"	18	1	4	5
"Nicosia District"	15		2	3
"Ministry of Interior and Local Administrations"	21		1	3
"Nicosia Municipality"	17		1	2
"Ministry of Economy and Energy"	19		1	1
"Ministry of Education, Youth and Sports"	15			0
"Ministry of Health"	19			0
"Famagusta District"	16			0
"Famagusta Municipality"	17			0
<b>TOTALS</b>	<b>186</b>	<b>1</b>	<b>16</b>	<b>23</b>

The public body that answered most requests in the entire monitoring was the "Ministry of Tourism, Environment and Culture" which provided complete answers to seven requests. This nevertheless represented only 26% of the 29 requests it received. The other compliant responses were one written refusal and one information not held. The remaining non-compliant outcomes were one oral refusal and 19 administrative silence outcomes.

The second highest provision of information in the monitoring study came from the "Ministry of Labour and Social Security" which provided four complete and one incomplete answer, followed by "Nicosia District" with two complete answers. It nevertheless responded with silence to eleven out of 17 responses.

Three bodies provided just one full response to the questions they received and four released no information whatsoever. These were the "Ministry of Education, Youth and Sports", the "Ministry of Health", the "Famagusta District" authority, and the "Famagusta Municipality".

**Finding:** These results clearly show that public bodies in the northern part of Cyprus do not comply with international standards on access to information or with the Right of Access to Information law. Unjustified silence is the norm and access to information the exception in the overall performance of public bodies in the northern part of Cyprus.

**Recommendation:** Officials should be trained on how to apply the access to information law currently in place in the northern part of Cyprus because information requests are currently ignored in a systematic manner.

## 4.1 Compliance

Nearly nine in every ten requests (87%) were processed and responded to in a way that is not compliant with access to information standards.

Table 9: Compliance northern part of Cyprus			
OUTCOME		Northern part of Cyprus	
Non-Compliant	Unable to Submit	1 %	87 %
	Refusal to Accept	0 %	
	Administrative Silence	78 %	
	Oral Refusal	8 %	
Compliant	Referred	2 %	13 %
	Transferred	0 %	
	Written Refusal	1 %	
	Partial Access	0 %	
	Information Not Held	0.5 %	
	Information Incomplete	0.5 %	
	Information Received	9 %	

**Finding:** In spite of having a law on the Right of Access to Information, there is a massive failure to uphold of the right of access to information with just 13% resulting in a compliant response and just 9.5% resulting in information being released.

**Recommendation:** The authorities in the northern part of Cyprus must take urgent steps to ensure respect of the right of access to information in line with Council of Europe standards.

## 6. Trans-island and International Requests

This monitoring is part of a bi-communal project. Hence, reference should be made to the institutional behaviour regarding information request when those requests came from abroad, specifically from Spain and United Kingdom, and as well as from the other side of the island. The figures are even poorer than in the cases explained above.

### 6.1 International Requests

The tables below summarise the result for requests submitted from abroad:

<b>Table 10: Foreign requests submitted island-wide = 57</b>	
Administrative Silence	50
Information Received	1
Referred	1
Unable to Submit	5

The level of administrative silence for requests coming from abroad is significantly higher (87%) than the percentage of administrative silence for those requests submitted either within the Republic of Cyprus (72%) or within the northern part of Cyprus (78%).

Just a single public body (Ministry of Labour and Social Insurance) in the Republic of Cyprus provided the information as requested. The response was provided by the European Social Fund Unit within the Ministry, which provided a list of projects financed with EU funds.

**Finding** Requests coming from outside Cyprus are treated even more poorly than those from within the country.

#### **Recommendation:**

- Public authorities in the Republic of Cyprus should approve an access to information law that complies with the Council of Europe standards that recognized the right of everyone to access official documents independently of nationality or other conditions.
- Public authorities in the northern part should train public officials to comply with international standards, which permit everyone to have information requests properly attended. Also, public authorities in the northern part of Cyprus should amend the current access to information law so that foreigners are not required to provide reasons when requesting information, so as to comply with international standards.

## 6.2 Trans-island requests

The table below shows the results for request that crossed the green line:

<b>Table 11: Trans-island requests</b>	
<p><b>52 requests</b> (submitted from the Republic of Cyprus area to the public bodies in northern part of the island)</p>	1 Information received
	2 Oral refusal
	<b>49 administrative silence</b>
<p><b>54 Requests</b> (submitted from the northern area of Cyprus to public bodies in the Republic of Cyprus)</p>	1 information received
	1 information incomplete
	3 referred
	<b>49 administrative silence</b>

These results prove that the right of access to information is not enjoyed by everyone, independently of nationality, ethnicity or other conditions. In comparison with the performance of public bodies when receiving requests from within their jurisdiction, albeit very poor, the results for requests crossing the green line suggest an even greater reluctance to respond.

**Finding:** There is an unequal treatment of requests depending on where these came from.

**Recommendation:** Public authorities should ensure that there is no discrimination on any grounds in the procedures for handling information requests. Internal policies and rules in each public body should ensure that requests are treated equally and processed rapidly no matter who has submitted them.