## 

**Measuring RTI Implementation in Ukraine:**

**Assessment of Compliance with Sustainable Development Goal Indicator 16.10.2**

September 2017

**by Centre for Democracy and Rule of Law (Ukraine)**

This report of RTI Implementation in Ukraine has been written in accordance with Freedom of Information Advocates Network Methodology, which aims to assess the extent to which States have complied with Sustainable Development Goal Indicator 16.10.2: “Adoption and implementation of constitutional, statutory and/or policy guarantees for public access to information”.

Introduction.

The Law “On access to public information” was adopted in Ukraine in 2011. Ukrainian NGOs have been working on its implementation and monitoring ever since. In 2014 an important amendment empowering the Ombudsperson in his controlling function in this sphere has been embedded, yet, the right to issue binding decisions has not been granted to the body. As a result, discussion on establishing Information Commissioner (or Commission) as an authority entitled to provide sufficient level of protection to the right to freedom of information has been raised.

**On RTI nodal agency in Ukraine. Institutional Measures**

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| **Question/ Issue** | **Yes/**  **No** | **Remarks** |
| Has government established an RTI nodal agency? (*If yes, comment on its roles and functionality)* | **Yes** | The oversight of RTI legislation is entrusted to Ukrainian Parliament Commissioner for Human Rights (Ombudsperson). It should be noted that this authority is responsible for parliamentary control over the observance of all constitutional human rights and freedoms in Ukraine, however, the oversight of access to information is only a part of his duties. Ukrainian Parliament Commissioner for Human Rights is in charge of:   * monitoring the observation of human rights and freedoms (including the RTI). It results in assessment and recommendations to authorities, which are submitted to the Parliament of Ukraine in the form of annual report * analyzing current laws and other legal acts regarding their compliance with the Constitution of Ukraine (therefore, it appeals to the Constitutional Court of Ukraine which rules on whether the legal act conforms with the Constitution) * investigation of requesters` compliances on refusal to give information and other violations of RTI * drawing up administrative protocols for violation of the right to information and submitting them to the court in order to bring the offender to responsibility |
| Has government established an independent RTI oversight mechanism, such as an information commission? (*If yes, comment on its work and how effective it has been)* | **No** | Ukrainian Parliament Commissioner for Human Rights can be appointed by the Parliament. The Chairman of the Parliament or at least one-fourth of its deputies can make proposals on candidates. This procedure does not involve NGO or civil society representatives.  Despite the fact that Parliament Commissioner investigates violations of RTI, his orders are not binding for public authorities and their officials. The Commissioner draws up administrative protocols and sends them to the court to bring those public officials to responsibility, but he cannot apply for restoration of violated right to information and persuade them to provide the requested information. This forms the essence of Ukrainian RTI oversight mechanism inefficiency. |

The assessment of compliance with SDGI 16.10.2 of the abovementioned Methodology is conducted on the basis of three evaluation criteria:

* Proactive Disclosure
* Institutional Measures
* Responding to Requests

For the purpose of this assessment, we have selected 6 public authorities of Ukraine operating in different sectors, such as:

1. Presidential Administration of Ukraine
2. Verkhovna Rada of Ukraine (Ukrainian Parliament)
3. Ministry of Justice of Ukraine
4. High Administrative Court of Ukraine
5. State Property Fund of Ukraine
6. Public joint stock company «Ukrzaliznytsia» (Ukrainian railway state-owned enterprise)

A further report will focus on these bodies in the context of three evaluation criteria, mentioned above.

**PRESIDENTIAL ADMINISTRATION OF UKRAINE**

1. **Proactive Disclosure**

**Availability of institutional, organisational, operative, and contact information**

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| --- | --- | --- | --- | --- |
| **Type of information** | **Section of the law which requires disclosure** | **Indicator** | **Published (Full/Partial/None)** | **Data Source (website or location of information)** |
| **Institutional** | p.1 art.15 of Law “On access to public information” | Are functions of the ministry/authority and its powers published? | Full | http://www.president.gov.ua/documents/5042010-10423 |
| **Organisational** | p.1 art.15 of Law “On access to public information” | Is Information on personnel, names and contacts of public officials published? | Full | http://www.president.gov.ua/administration/contacts-apu |
| **Operational** | Is not prescribed by law | Are any authority strategies, plans or policies published? | None |  |
| **Legislation** | p.1 art.15 of Law “On access to public information” | Are the laws governing the institutions’ operations published? | Full | http://www.president.gov.ua/documents/5042010-10423 |
| **Service Delivery** | Does not provide services | Are the descriptions of services offered, including forms required to be filled out and deadlines for application published? | None |  |
| **Budget** | p.1 art.15 of Law “On access to public information” | Is information about the projected budget, actual income and expenditure, and/or audit reports published? | None |  |
| **Public Procurement and Contracts** | p.1 art.15 of Law “On access to public information”, Law “On Public Procurement” | Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published? | Full | Law “On Public Procurement” establish that information about all procurements should be published on <https://prozorro.gov.ua/>. Another body carries out public procurement on behalf of Presidential Administration and this information is published. |
| **Registers** | p.1 art.15, art.10-1 of Law, Law “On Amendments to Some Laws of Ukraine on Access to Public Information in the Form of Open Data” | Are any registers mandated by law for the Agency to create available online? | Partial | http://www.president.gov.ua/administration/apu-structure |
| **Participation** | p.1 art.15 of Law “On access to public information” | Is information about the mechanisms and procedures for consultation and public participation published? | Full | https://petition.president.gov.ua/about |

**Availability of information about the Right to Information *Act***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type of information** | **Section of law that requires disclosure** | **Indicator** | **Published** (Full/Partial/None) | **Data Source (website or location of information)** |
| **RTI information** | p.1 art.15 of Law “On access to public information” | Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond? | Partial | http://www.president.gov.ua/public-info/pub-info-reports |
| **How to make an RTI request** | p.1 art.15 of Law “On access to public information” | Is information on how to make an RTI request published, including contact details? | Full | http://www.president.gov.ua/public-info/access |
| **Costs for publications** | p.1 art.15 of Law “On access to public information” | Is information about the costs/fees for paying for photocopies of information? | Full | http://www.president.gov.ua/public-info/access/poryadok-vidshkoduvannya-vitrat-na-kopiyuvannya-abo-druk-dok |
| **List of information requested** | Is not prescribed by law | Is information related to RTI requests which were granted published? | Partial | There is some information on the most frequent asked questions in the monthly reports http://www.president.gov.ua/public-info/pub-info-reports |

1. **Institutional Measures**

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| --- | --- | --- |
| Has the authority appointed an Information Officer who is responsible for RTI implementation? (*If yes comment on how the mandate functions*) | **Yes** | Main Department of Access to Public information of the Presidential Administration of Ukraine is responsible for:   * consideration, processing, recording, systematizing, analyzing and responding to requests for information, which were sent to the President of Ukraine, Presidential Administration * monitoring of implementation of Law by subsidiary bodies and services, created by President of Ukraine * publishing (together with other departments of the Presidential Administration) information on the website, including in the form of open data, updating this of information |
| Does the authority have an RTI implementation plan? (*If yes, comment on the extent to which such a plan has been operationalised*) | **No** | According to the answer on the request, Presidential Administration doesn`t have RTI implementation plan (to find out this information CEDEM sent requests to all authorities). |
| Has the authority developed/ issued guidelines for receiving and responding to information requests? *(If yes, comment on their usage)* | **No** | There is no separate guidelines, but some provisions are prescribed by Decree of the Head of the Presidential Administration "On the organization of work on providing access to public information by the Presidential Administration of Ukraine" |
| Does the authority prepare and public annual reports, including statistics on requests? (*If yes probe for the availability of the latest report and the period it relates to, otherwise the any hindrances to that effect*). | **Yes** | Not annual, but monthly reports. All available on the official website |
| Has the authority provided RTI training to its information officers? (*If yes, comment on when the most recent training programme was conducted*). | **No** | According to the answer on the request this information wasn`t created. |

1. **Processing of Requests**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Date Request Submitted | How Request was Filed | Date Receipt Received | Submitted (Y/N) | Date, if any, of response | Result | How information provided | Fee charged, if any | Comments |
| Presidential Administration of Ukraine, Question 1 | 10.07.17 | e-mail | no | yes | 13.07.17, 24.07.17 | Transferred, Information received | Electronic copy | Free of charge | Request was transferred to another authority. But then information was provided from Administration of President, not from that authority |
| Presidential Administration of Ukraine, Question 2 | 05.09.17 | e-mail | no | yes | 11.09.17 | Information received | Hard copy | Free of charge | Information provided in the form, which was asked |

**VERKHOVNA RADA OF UKRAINE**

1. **Proactive Disclosure**

**Availability of institutional, organisational, operative, and contact information**

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| --- | --- | --- | --- | --- |
| Type of information | Section of the law which requires disclosure | Indicator | Published (Full/Partial/None) | Data Source (website or location of information) |
| **Institutional** | p.1 art.15 of Law “On access to public information” | Are functions of the ministry/authority and its powers published? | Partial | http://rada.gov.ua/ |
| **Organisational** | p.1 art.15 of Law “On access to public information” | Is Information on personnel, names and contacts of public officials published? | Full | http://w1.c1.rada.gov.ua/pls/site2/p\_aparat |
| **Operational** | Is not prescribed by law | Are any authority strategies, plans or policies published? | None |  |
| **Legislation** | p.1 art.15 of Law “On access to public information” | Are the laws governing the institutions’ operations published? | Full | http://zakon3.rada.gov.ua/laws/main/1861-17 |
| **Service Delivery** | Does not provide services | Are the descriptions of services offered, including forms required to be filled out and deadlines for application published? | None |  |
| **Budget** | p.1 art.15 of Law “On access to public information” | Is information about the projected budget, actual income and expenditure, and/or audit reports published? | None |  |
| **Public Procurement and Contracts** | p.1 art.15 of Law “On access to public information” , Law “On Public Procurement” | Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published? | Full | https://prozorro.gov.ua/tender/search/?edrpou=20064120 |
| **Registers** | p.1 art.15 of Law “On access to public information” | Are any registers mandated by law for the Agency to create available online? | Partial | http://www.rada.gov.ua/ |
| **Participation** | p.1 art.15 of Law “On access to public information” | Is information about the mechanisms and procedures for consultation and public participation published? | Full | <https://itd.rada.gov.ua/services/Petitions/>  <https://itd.rada.gov.ua/services/pubd/> |

**Availability of information about the Right to Information *Act***

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| --- | --- | --- | --- | --- |
| Type of information | Section of law that requires disclosure | Indicator | Published (Full/Partial/None) | Data Source (website or location of information) |
| **RTI information** | p.1 art.15 of Law “On access to public information” | Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond? | Full | http://iportal.rada.gov.ua/documents/dostpubinfo/zvity\_pubinf/ |
| **How to make an RTI request** | p.1 art.15 of Law “On access to public information” | Is information on how to make an RTI request published, including contact details? | Partial | http://iportal.rada.gov.ua/documents/dostpubinfo/45915.html |
| **Costs for publications** | p.1 art.15 of Law “On access to public information” | Is information about the costs/fees for paying for photocopies of information? | Full | http://iportal.rada.gov.ua/documents/dostpubinfo/45915.html |
| **List of information requested** | Is not prescribed by law | Is information related to RTI requests which were granted published? | None |  |

1. **Institutional Measures**

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| --- | --- | --- |
| Has the authority appointed an Information Officer who is responsible for RTI implementation? (*If yes comment on how the mandate functions*) | **Yes** | Information department of the Verkhovna Rada of Ukraine is responsible for:   * providing answers on requests * functioning of the database of requests, maintaining a unified system of accounting requests for information * maintaining a relevant section of the official website |
| Does the authority have an RTI implementation plan? (*If yes, comment on the extent to which such a plan has been operationalised*) | **No** | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |
| Has the authority developed/ issued guidelines for receiving and responding to information requests? *(If yes, comment on their usage)* | **Yes** | The Order “On Enforcement of the Law of Ukraine "On Access to Public Information" in the Verkhovna Rada of Ukraine” has provisions on receiving and responding to information requests, as well as communication of different departments on preparing of answers |
| Does the authority prepare and public annual reports, including statistics on requests? (*If yes probe for the availability of the latest report and the period it relates to, otherwise the any hindrances to that effect*). | **Yes** | There are monthly reports on a website (not annual). |
| Has the authority provided RTI training to its information officers? (*If yes, comment on when the most recent training programme was conducted*). | **No** | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |

1. **Processing of Requests**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Date Request Submitted | How Request was Filed | Date Receipt Received | Submitted (Y/N) | Date, if any, of response | Result | How information provided | Fee charged, if any | Comments |
| Verkhovna Rada of Ukraine, Question 1 | 07.07.17 | E-form on web-site | 07.07.17 | yes | 13.07.17 | Partial access | Electronic copy | Free of charge | Authority was asked to give the copy of contract. In this copy information about amount of money was excluded. It breached the law |
| Verkhovna Rada of Ukraine, Question 2 | 05.09.17 | E-form on web-site | no | yes | 11.09.17 | Information received | Hard copy | Free of charge | Information provided in the form, which was asked |

**MINISTRY OF JUSTICE OF UKRAINE**

1. **Proactive Disclosure**

**Availability of institutional, organisational, operative, and contact information**

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| --- | --- | --- | --- | --- |
| Type of information | Section of the law which requires disclosure | Indicator | Published (Full/Partial/None) | Data Source (website or location of information) |
| **Institutional** | p.1 art.15 of Law “On access to public information” | Are functions of the ministry/authority and its powers published? | Full | https://minjust.gov.ua/pages/mission |
| **Organisational** | p.1 art.15 of Law “On access to public information” | Is Information on personnel, names and contacts of public officials published? | Full | https://minjust.gov.ua/str\_cent |
| **Operational** | Is not prescribed by law | Are any authority strategies, plans or policies published? | Full | https://minjust.gov.ua/strategy |
| **Legislation** | p.1 art.15 of Law “On access to public information” | Are the laws governing the institutions’ operations published? | Full | https://minjust.gov.ua/about\_prav |
| **Service Delivery** | Does not provide services | Are the descriptions of services offered, including forms required to be filled out and deadlines for application published? | Full | https://minjust.gov.ua/ndd |
| **Budget**: | p.1 art.15 of Law “On access to public information” | Is information about the projected budget, actual income and expenditure, and/or audit reports published? | Full | https://minjust.gov.ua/bankroll |
| **Public Procurement and Contracts** | p.1 art.15 of Law “On access to public information” , Law “On Public Procurement” | Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published? | Full | <https://minjust.gov.ua/derzh_zakup>  https://prozorro.gov.ua/tender/search/?edrpou=00015622 |
| **Registers** | p.1 art.15, art.10-1 of Law, Law “On Amendments to Some Laws of Ukraine on Access to Public Information in the Form of Open Data” | Are any registers mandated by law for the Agency to create available online? | Full | https://minjust.gov.ua/uniform\_and\_registry http://nais.gov.ua/ |
| **Participation** | p.1 art.15 of Law “On access to public information” | Is information about the mechanisms and procedures for consultation and public participation published? | Partial | https://minjust.gov.ua/diaylnist-grom-rady-17-19/diyaln\_grom\_radu |

**Availability of information about the Right to Information *Act***

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| --- | --- | --- | --- | --- |
| **Type of information** | **Section of law that requires disclosure** | **Indicator** | **Published** (Full/Partial/None) | **Data Source (website or location of information)** |
| **RTI information** | p.1 art.15 of Law “On access to public information” | Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond? | None | Such information was published on the old web site. But there is nothing on the new one. |
| **How to make an RTI request** | p.1 art.15 of Law “On access to public information” | Is information on how to make an RTI request published, including contact details? | Partial | https://minjust.gov.ua/contacts |
| **Costs for publications** | p.1 art.15 of Law “On access to public information” | Is information about the costs/fees for paying for photocopies of information? | None | Such information was published on the old web site. But there is nothing on the new one. |
| **List of information requested** | Is not prescribed by law | Is information related to RTI requests which were granted published? | None |  |

1. **Institutional Measures**

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| --- | --- | --- |
| Has the authority appointed an Information Officer who is responsible for RTI implementation? (*If yes comment on how the mandate functions*) | **Yes** | Department of providing access to public information is responsible for:   * processing, accounting of requests * giving the answers on information requests * operational control over the relevance of the information posted on the official website of the Ministry |
| Does the authority have an RTI implementation plan? (*If yes, comment on the extent to which such a plan has been operationalised*) | **No** | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |
| Has the authority developed/ issued guidelines for receiving and responding to information requests? *(If yes, comment on their usage)* | **Yes** | Special Decree determines the ways of submitting, receiving and responding on requests, and interaction between departments on providing of information |
| Does the authority prepare and public annual reports, including statistics on requests? (*If yes probe for the availability of the latest report and the period it relates to, otherwise the any hindrances to that effect*). | **No** | Such information was published on the old web site. But there is nothing on the new one. |
| Has the authority provided RTI training to its information officers? (*If yes, comment on when the most recent training programme was conducted*). | **Yes** | In 2017 information officers of Ministry had 4 short-term trainings on the topic of access to public information (According to the answer on the request). |

1. **Processing of Requests**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Date Request Submitted | How Request was Filed | Date Receipt Received | Submitted (Y/N) | Date, if any, of response | Result | How information provided | Fee charged, if any | Comments |
| Ministry of Justice, Question 1 | 21.07.17 | e-mail | no | yes | 27.07.17 | Information received | Electronic copy | Free of charge | Information (copy of contract) was provided in the form, which was asked |
| Ministry of Justice, Question 2 | 05.09.17 | e-mail | no | yes | 12.09.17 | Transferred, Information received | Hard copy | Free of charge | Information provided within 5 working day, as it should be. The request was transferred to another authority, but requester wasn`t reported about it. |

**HIGH ADMINISTRATIVE COURT OF UKRAINE**

1. **Proactive Disclosure**

**Availability of institutional, organisational, operative, and contact information**

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| --- | --- | --- | --- | --- |
| **Type of information** | **Section of the law which requires disclosure** | **Indicator** | **Published (Full/Partial/None)** | **Data Source (website or location of information)** |
| **Institutional** | p.1 art.15 of Law “On access to public information” | Are functions of the ministry/authority and its powers published? | Full | http://www.vasu.gov.ua/competenc/ |
| **Organisational** | p.1 art.15 of Law “On access to public information” | Is Information on personnel, names and contacts of public officials published? | Partial | http://www.vasu.gov.ua/structure/ |
| **Operational** | Is not prescribed by law | Are any authority strategies, plans or policies published? | None |  |
| **Legislation** | p.1 art.15 of Law “On access to public information” | Are the laws governing the institutions’ operations published? | Full | <http://zakon2.rada.gov.ua/laws/show/1402-19>  <http://www.vasu.gov.ua/zakon/akti/> |
| **Service Delivery** | Is not prescribed by law | Are the descriptions of services offered, including forms required to be filled out and deadlines for application published? | None  Does not provide services |  |
| **Budget** | p.1 art.15 of Law “On access to public information” | Is information about the projected budget, actual income and expenditure, and/or audit reports published? | Partial | http://www.vasu.gov.ua/derzbudzhet/zvity\_pro\_koshty/ |
| **Public Procurement and Contracts** | p.1 art.15 of Law “On access to public information”, Law “On Public Procurement” | Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published? | Full | <http://www.vasu.gov.ua/zakup/>  https://prozorro.gov.ua/tender/search?edrpou=33235788 |
| **Registers** | p.1 art.15, art.10-1 of Law, Law “On Amendments to Some Laws of Ukraine on Access to Public Information in the Form of Open Data” | Are any registers mandated by law for the Agency to create available online? | Full | <http://www.vasu.gov.ua/derzbudzhet/zvity_pro_koshty/>  http://www.vasu.gov.ua/structure/ |
| **Participation** | p.1 art.15 of Law “On access to public information” | Is information about the mechanisms and procedures for consultation and public participation published? | None |  |

**Availability of information about the Right to Information *Act***

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| --- | --- | --- | --- | --- |
| Type of information | Section of law that requires disclosure | Indicator | Published (Full/Partial/None) | Data Source (website or location of information) |
| **RTI information** | p.1 art.15 of Law “On access to public information” | Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond? | Full | http://www.vasu.gov.ua/public/Zvit\_richniy\_2016/ |
| **How to make an RTI request** | p.1 art.15 of Law “On access to public information” | Is information on how to make an RTI request published, including contact details? | Full | http://www.vasu.gov.ua/public/ |
| **Costs for publications** | p.1 art.15 of Law “On access to public information” | Is information about the costs/fees for paying for photocopies of information? | Full | http://www.vasu.gov.ua/public/instrukzia2/ |
| **List of information requested** | Is not prescribed by law | Is information related to RTI requests which were granted published? | Full |  |

1. **Institutional Measures**

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| --- | --- | --- |
| Has the authority appointed an Information Officer who is responsible for RTI implementation? (*If yes comment on how the mandate functions*) | **Yes** | Department of organization of access considers information requests of citizens and legal entities. This department communicates with other departments, which provide information to it. All departments are responsible for publishing information about their activities |
| Does the authority have an RTI implementation plan? (*If yes, comment on the extent to which such a plan has been operationalised*) | **No** | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |
| Has the authority developed/ issued guidelines for receiving and responding to information requests? *(If yes, comment on their usage)* | **Yes** | Regulation “On providing access to public information in the Higher Administrative Court of Ukraine” determines the interaction between departments on providing of information on requests, publication of information, etc. |
| Does the authority prepare and public annual reports, including statistics on requests? (*If yes probe for the availability of the latest report and the period it relates to, otherwise the any hindrances to that effect*). | **Yes** | All reports are available and include information about: type of requesters, methods of filing and main topics of requests, results of their consideration |
| Has the authority provided RTI training to its information officers? (*If yes, comment on when the most recent training programme was conducted*). | **No** | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |

1. **Processing of Requests**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Date Request Submitted | How Request was Filed | Date Receipt Received | Submitted (Y/N) | Date, if any, of response | Result | How information provided | Fee charged, if any | Comments |
| High Administrative Court of Ukraine, Question 1 | 07.07.17 | e-mail | 07.07.17 | yes | 11.07.17 | Information received | Electronic copy | Free of charge | Information (copy of document) was provided in the form, which was asked |
| High Administrative Court of Ukraine, Question 2 | 05.09.17 | e-mail | no | yes | 11.09.17 | Information received | Hard copy | Free of charge | Information was provided in the form, which was asked |

**STATE PROPERTY FUND OF UKRAINE**

1. **Proactive Disclosure**

**Availability of institutional, organisational, operative, and contact information**

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| --- | --- | --- | --- | --- |
| Type of information | Section of the law which requires disclosure | Indicator | Published (Full/Partial/None) | Data Source (website or location of information) |
| **Institutional** | p.1 art.15 of Law “On access to public information” | Are functions of the ministry/authority and its powers published? | Full | http://www.spfu.gov.ua/ua/content/fund-historical.html |
| **Organisational** | p.1 art.15 of Law “On access to public information” | Is Information on personnel, names and contacts of public officials published? | Full | http://www.spfu.gov.ua/ua/content/Structural-units.html http://www.spfu.gov.ua/ua/content/fund-apparatus-management.html |
| **Operational** | Is not prescribed by law | Are any authority strategies, plans or policies published? | None |  |
| **Legislation** | p.1 art.15 of Law “On access to public information” | Are the laws governing the institutions’ operations published? | Full | http://www.spfu.gov.ua/ua/documents/fund-regulatory.html |
| **Service Delivery** | Is not prescribed by law | Are the descriptions of services offered, including forms required to be filled out and deadlines for application published? | Full | http://www.spfu.gov.ua/ua/ |
| **Budget** | p.1 art.15 of Law “On access to public information” | Is information about the projected budget, actual income and expenditure, and/or audit reports published? | Partial | http://www.spfu.gov.ua/ua/content/fund-finance.html |
| **Public Procurement and Contracts** | p.1 art.15 of Law “On access to public information”, Law “On Public Procurement” | Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published? | Full | <http://www.spfu.gov.ua/ua/content/civil-procurement.html>  https://prozorro.gov.ua/tender/search/?edrpou=00032945 |
| **Registers** | p.1 art.15, art.10-1 of Law, Law “On Amendments to Some Laws of Ukraine on Access to Public Information in the Form of Open Data” | Are any registers mandated by law for the Agency to create available online? | Full | http://www.spfu.gov.ua/ua/content/civil-access-data.html |
| **Participation** | p.1 art.15 of Law “On access to public information” | Is information about the mechanisms and procedures for consultation and public participation published? | Full | http://www.spfu.gov.ua/ua/content/civil-consultations.html |

**Availability of information about the Right to Information *Act***

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| --- | --- | --- | --- | --- |
| **Type of information** | **Section of law that requires disclosure** | **Indicator** | **Published** (Full/Partial/None) | **Data Source (website or location of information)** |
| **RTI information** | p.1 art.15 of Law “On access to public information” | Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond? | Full | http://www.spfu.gov.ua/ua/content/civil-access-qa.html |
| **How to make an RTI request** | p.1 art.15 of Law “On access to public information” | Is information on how to make an RTI request published, including contact details? | Full | http://www.spfu.gov.ua/ua/content/civil-access-rules.html |
| **Costs for publications** | p.1 art.15 of Law “On access to public information” | Is information about the costs/fees for paying for photocopies of information? | Full | http://www.spfu.gov.ua/documents/2421.html |
| **List of information requested** | Is not prescribed by law | Is information related to RTI requests which were granted published? | None |  |

1. **Institutional Measures**

|  |  |  |
| --- | --- | --- |
| Has the authority appointed an Information Officer who is responsible for RTI implementation? (*If yes comment on how the mandate functions*) | **Yes** | Communication department is responsible for implementation of Law “On access to public information” and other related documents |
| Does the authority have an RTI implementation plan? (*If yes, comment on the extent to which such a plan has been operationalised*) | **No** | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |
| Has the authority developed/ issued guidelines for receiving and responding to information requests? *(If yes, comment on their usage)* | **Yes** | The Order of State Property Fund of Ukraine includes provisions on:   * Preparation and submission of requests * Processing requests * Refusal to satisfy the request |
| Does the authority prepare and public annual reports, including statistics on requests? (*If yes probe for the availability of the latest report and the period it relates to, otherwise the any hindrances to that effect*). | **Yes** | There are only monthly reports, which have information about amount of requests and their replays (positive or negative) |
| Has the authority provided RTI training to its information officers? (*If yes, comment on when the most recent training programme was conducted*). | **No** | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |

1. **Processing of Requests**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Date Request Submitted | How Request was Filed | Date Receipt Received | Submitted (Y/N) | Date, if any, of response | Result | How information provided | Fee charged, if any | Comments |
| State Property Fund of Ukraine, Quest. 1 | 21.07.17 | e-mail | no | yes | 26.07.17 | Information received | Electronic copy | Free of charge | Information was provided in the form, which was asked |
| State Property Fund of Ukraine, Quest. 2 | 05.09.17 | e-mail | no | yes | 11.09.17 | Information received | Hard copy | Free of charge | Information was provided in the form, which was asked |

**PUBLIC JOINT STOCK COMPANY «UKRZALIZNYTSIA»**

1. **Proactive Disclosure**

**Availability of institutional, organisational, operative, and contact information**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Type of information | Section of the law which requires disclosure | Indicator | Published (Full/ Partial/ None) | Data Source (website or location of information) |
| **Institutional** | p.1 art.15 of Law “On access to public information” | Are functions of the ministry/authority and its powers published? | Full | http://www.uz.gov.ua/about/general\_information/ |
| **Organisational** | p.1 art.15 of Law “On access to public information” | Is Information on personnel, names and contacts of public officials published? | Full | http://www.uz.gov.ua/about/general\_information/main\_departments/ |
| **Operational** | Is not prescribed by law | Are any authority strategies, plans or policies published? | Full | http://www.uz.gov.ua/about/documents/reform\_program/ http://www.uz.gov.ua/files/file/Strategy\_Presentation\_fin1.pdf |
| **Legislation** | p.1 art.15 of Law “On access to public information” | Are the laws governing the institutions’ operations published? | Full | http://www.uz.gov.ua/about/documents/ |
| **Service Delivery** | Is not prescribed by law | Are the descriptions of services offered, including forms required to be filled out and deadlines for application published? | Full | <http://www.uz.gov.ua/passengers/>  http://www.uz.gov.ua/cargo\_transportation/ |
| **Budget** | p.1 art.15 of Law “On access to public information” | Is information about the projected budget, actual income and expenditure, and/or audit reports published? | Partial | <http://www.uz.gov.ua/about/investors/financial_statements/>  (There is no clear and systematized budget information) |
| **Public Procurement and Contracts** | p.1 art.15 of Law “On access to public information”, Law “On Public Procurement” | Is detailed information on public procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts published? | Full | <http://www.uz.gov.ua/about/procurement/>  https://prozorro.gov.ua/tender/search?edrpou=40081221 |
| **Registers** | p.1 art.15, art.10-1 of Law, Law “On Amendments to Some Laws of Ukraine on Access to Public Information in the Form of Open Data” | Are any registers mandated by law for the Agency to create available online? | Partial | http://www.uz.gov.ua/contacts\_feedback/contacts/ |
| **Participation** | p.1 art.15 of Law “On access to public information” | Is information about the mechanisms and procedures for consultation and public participation published? | Full | http://www.uz.gov.ua/about/vo/ |

**Availability of information about the Right to Information *Act***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Type of information | Section of law that requires disclosure | Indicator | Published (Full/Partial/None) | Data Source (website or location of information) |
| **RTI information** | p.1 art.15 of Law “On access to public information” | Is an annual report on the status of implementation of the RTI law published including number of requests granted, refused and time taken to respond? | None |  |
| **How to make an RTI request** | p.1 art.15 of Law “On access to public information” | Is information on how to make an RTI request published, including contact details? | Full | http://www.uz.gov.ua/contacts\_feedback/public\_information/ |
| **Costs for publications** | p.1 art.15 of Law “On access to public information” | Is information about the costs/fees for paying for photocopies of information? | None |  |
| **List of information requested** | Is not prescribed by law | Is information related to RTI requests which were granted published? | None |  |

1. **Institutional Measures**

|  |  |  |
| --- | --- | --- |
| Has the authority appointed an Information Officer who is responsible for RTI implementation? (*If yes comment on how the mandate functions*) | No | All departments give information on requests, concerning their activities |
| Does the authority have an RTI implementation plan? (*If yes, comment on the extent to which such a plan has been operationalised*) | No | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |
| Has the authority developed/ issued guidelines for receiving and responding to information requests? *(If yes, comment on their usage)* | Yes | Temporary order of preparation, submission of requests, registration and response to a request for information - has general provisions on receiving and responding to information requests |
| Does the authority prepare and public annual reports, including statistics on requests? (*If yes probe for the availability of the latest report and the period it relates to, otherwise the any hindrances to that effect*). | No |  |
| Has the authority provided RTI training to its information officers? (*If yes, comment on when the most recent training programme was conducted*). | No | According to the answer on the request (to find out this information CEDEM sent requests to all authorities). |

1. **Processing of Requests**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Date Request Submitted | How Request was Filed | Date Receipt Received | Submitted (Y/N) | Date, if any, of response | Result | How information provided | Fee charged, if any | Comments |
| PJSC Ukrzaliznytsia, Question 1 | 10.07.17 | e-mail | no | yes | 12.07.17 | Information received | Electronic copy,  Hard copy | Free of charge |  |
| PJSC Ukrzaliznytsia, Question 2 | 05.09.17 | e-mail | no | yes |  | Mute refusal |  |  | PJSC failed to respond within 5 working days, as it should. |

***Centre for Democracy and Rule of Law (CEDEM)****is a think-and-act tank, which has been working in the civil society sector of Ukraine since 2005 channelling its efforts for development of independent media, support of civic platforms and movements, and building a legal state in Ukraine.*

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