

ACCESS TO INFORMATION IN THE SPHERE OF PUBLIC FINANCE OF KAZAKHSTAN

IN FRAMEWORK OF THE RESEARCH "COMPARATIVE ANALYSIS OF THE CAUCASUS AND CENTRAL ASIAN COUNTRIES"

PUBLIC ASSOCIATION "CENTER FOR LEGAL AND ECONOMIC REFORM ASSISTANCE", ALMATY, 2011.



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BRIEF SUMMARY

Public Association “Center for Legal and Economic Reform Assistance” acted as an executor of a regional project “Access to information in the sphere of public finance of Kazakhstan: comparative analysis of the Caucasus and Central Asian countries” being a result of meeting held in December 2010 (Baku, Azerbaijan) between representatives of civil society from Azerbaijan, Georgia, Ukraine, Kazakhstan and Kyrgyzstan. At the meeting general methodology to hold research on the national level of the mentioned countries was developed and agreed upon. Project aim is to encourage enhancement of civil society and authorities’ awareness in issues of access to public-budget information by holding research based on general regional methodology allowing comparing information of five countries.

In the course of research 216 inquiry letters were made from three categories of draftsmen (NGO representative, a journalist and a citizen) on six topics (government procurement, international assistance, budget expenses, administrative expenses, income transparency and special funds), three types of inquiry contents (documentary, statistical and procedural) for four state authorities-ministries.

The first research part includes coverage of basic law issues required to fulfill right of access to information:

- The list of basic legal documents regulating area of access to information.
- What can be referred to public information?
- Who can apply for public information in Kazakhstan?
- In what way one can inquire information?
- Time limits to provide reply to inquiry.
- List of confidential information.
- Who is obliged to provide information?

The second research part describes analysis of data obtained in the course of research.

Statistics of responses to inquiries. Share of “**full answers**” is equal to 44 percent. Less than half of all sent inquiry letters were given full and comprehensive answers able to satisfy information service consumer. In absolute figures number of full answers comprises 95 inquiry letters.

Researchers got a significant share of “**incomplete answers**” which is 19 percent. That means that each fifth letter-response does not provide full information and does not fully satisfy party inquiring information. Besides that based on the obtained information certain steps can be undertaken, either to inquire information again but with indication of a certain aspect or get down to monitoring of activity of state authorities in a certain issue.

General share of “**references to web-sites**” corresponds to 10 percent or 22 letters-responses. In state authorities they think each tenth inquiry can have a reply when applying to the relevant “representation” of a state authority in the Internet space.

Share of “**unanswered letters**” comprises significant part of the sent inquiry letters – 27 percent (58 letters). It means that almost each third person who sent inquiries to the state authorities in fact may not receive an answer at all.

Extent of openness of the state authorities (ministries). Among the leaders of the survey there is Ministry of Transport and Communications (MTC) with a general number of complete answers 41, or 75 percent of all inquiries obtained by the ministry. Number of unanswered letters is 2 or 4 percent. Number of partially provided replies and references to the web-site comprises 7 and 4, or 13 and 7 percent respectively. The second place among the leaders in state authorities is occupied by the Ministry of Labor and Social Security (MLSS) with 54 percent of complete answers (29), 31 percent of incomplete answers (17), 13 percent of references to web-site (7) and only 2 percent of unanswered letters (1).

Nature of inquired information. The most transparent topics on which state authorities provided information were administrative expenses (63 percent, 23 complete answers), international assistance and contract transparency (45 percent, 16 complete answers). The least complete answers are on the topic of budget expenses (36 percent, 13 complete replies) and special funds (33 percent and 12 complete answers). The most ignored by the state authorities were topics relating to issues of international funds (36 percent, 13 unanswered letters) and special funds (30 percent, 11 unanswered letters).

Quality of replies depending on the inquiry author. There were three authors of the inquiry letters – representative of a non-government sector (non-government organization – NGO), media community representative (journalist) and ordinary inhabitant (citizen). General number of complete replies varies from 41 percent (29 answers) with a journalist and up to 47 percent (34 replies) with a citizen. Share of complete answers provided to NGO comprised 44 percent or 32 letters. Respectively, number of unanswered letters comprised almost similar shares: NGO senders and journalist – each 26 percent (19 unanswered letters), and to citizen – 28 percent or 20 unanswered letters.

Quality of replies depending on the inquiry contents. One of the factors for analysis is classification of inquiries depending on the content type of inquiry – documentary, statistical and procedural. Share of letters remained unanswered depending on the content type of inquiry is almost similar: procedural and documentary – 28 each percent (20). A bit less is a share of unanswered letters on statistical questions – 25 percent (18).

Answers to inquiries within the time limits specified by the law. Share of replies under the time limits specified by the law is provided in diagram №6. Main part of replies comprises 69 percent and was provided in time up to one month (149 inquiry letters). Share of letters remained unanswered is at the level of 27 percent (58 inquiry letters) and 4 percent (9 inquiry letters) were provided with breaking of time limits set up by the law, in other words after a month of consideration.

INTRODUCTION

Initiative “Access to information in the sphere of public finance” started in 2009. Its main idea was obtaining additional tools to promote recommendations to improve situation with access to information in the sphere of public finance in such regions as the Caucasus and Central Asia. In terms of initiative it was suggested to compare level of access to information in the sphere of public finance in various countries in order to get accurate and broad sample of data on each country of the region.

Project “Access to information in the sphere of public finance of Kazakhstan: comparative analysis of the Caucasus and Central Asian countries” is a result of meeting conducted in December 2010 (Baku, Azerbaijan) between representatives of civil society from Azerbaijan, Georgia, Ukraine, Kazakhstan and Kyrgyzstan. Public Association “Center for Legal and Economic Reform Assistance” took part in this meeting where it actively participated in the process of development of methodology and approaches in the fulfillment of situation monitoring with an access to information about public finance. Project supposed conducting research based on methodology which was discussed in the course of mentioned regional meeting in Azerbaijan. Uniform methodology was developed and approved to unify data and possibilities of further results’ comparison among countries participating in the project.

Project fulfillment allowed discovering basic problems with an access to information in the sphere of public finance and finding out state authorities and topic issues demonstrating the biggest and the least access to information. At present there is a problem to identify the most problem issues with an access to information, transparency and accountability of state authorities and their budget expenses. Following project results we hope to influence openness of activity of these bodies through constructive critics to them regarding access to significant public information.

Project aim is to encourage enhancement of civil society and authorities’ awareness in the issues of access to public-budget information by conducting research based on general regional methodology allowing comparing data of five countries. Project participants became civil society groups using toolkit of access to public-budget information in conducting public monitoring and assessment of government and regional programs. One of final recipients will be experts, partners and members of National budget network of Kazakhstan.

Project will continue activity carried out by non-government organizations, international donors from 2005 when project “NGO strengthening in budget process of the Republic of Kazakhstan” started and in 6 country regions inquiry letters were made and distributed to various local state authorities. In the course of that research there was experience of court proceedings regarding access to public information in the sphere of public finance. During the last five years this work continues since budget monitoring projects to some extent are based on the results of inquiries to state authorities.

On the national level partnership in the project fulfillment is lined up with the National budget network of Kazakhstan (NBSK, www.nbsk.kz), and on a regional level partners are Budget group of Azerbaijan, Alliance for transparent budget of Kyrgyzstan and other research groups from Ukraine and Georgia.

Project implies preparation of conclusions and recommendations which will be disclosed at an international meeting and in the course of round table and press-conference in Kazakhstan. Besides that research results will be promoted by public association “Center for Legal and Economic Reform Assistance” among stakeholders – both of the researched state authorities and government institutions responsible for arranging access to information.

Public union and our partners rely on the fact that this report will be positively perceived by Kazakhstan state authorities and will become a basis for constructive dialogue between the stakeholders. We hope that research results will allow enhancing level of transparency of budget information and accountability of state authorities.

RESEARCH METHODOLOGY

In 2010 for the first time such countries as Azerbaijan, Georgia, Kyrgyzstan and Ukraine took part in general research of access to information. Analysis conducted at that time showed that level of access to information on public finance in these countries is almost similar. Despite the fact that several abovementioned countries adopted a law on access to information and in other countries more democratic regime is set up and independent media are in place and practically in each country officials replied to only half of the questions asked in the course of research. In fact questionnaires with questions were simply ignored. Research confirmed that citizens of these countries are either poorly informed about their rights to get certain information while courts are not independent and unbiased. Even in cases when there is relevant law in place, sometimes it does not work. However, Ukrainian experience proves that acceptance of law on access to public information in spring 2011 immediately caused positive changes in providing public information by officials.

Thus, in 2011 a decision was taken to continue started project on monitoring of access to information mainly concentrating on that part which refers to information promotion for target groups.

MONITORING METHODOLOGY

All in all in the course of research 216 inquiry letters were sent to central state authorities. Variation of inquiry letters was based on the following basic parameters:

- Four state authorities (*sectors: healthcare, education, social protection and infrastructure*);
- Three categories of inquiries' authors (*NGO, journalist and citizen*);
- Three types of inquiry content (*documentary, statistical and procedural*);
- Six topical sections (*government procurements, international assistance, budget expenses and administrative expenses, income transparency and special funds*).

One survey participant, say, journalist, is responsible to send one procedural, one statistical and one documentary inquiry to the Ministry of Health. Correspondingly, the number of inquiries sent by one category of survey participants to one type of organization is equal to three. The number of categories of interviewers is also equal to three, thus, each organization must get nine questionnaires from three categories of interviewers on three different types of information. Accordingly, the number of all questionnaires on one subject, say, on tenders and government procurements, will be equal to 36 (i.e., 4 activity spheres of organizations x 3 categories of the interviewers x 3 survey types).

Thus, the number of surveys held in one country will be the same for all countries – 216. As was already noted, each survey can include only one question.

In the course of the conducted research and based on the abovementioned methodology each inquiry letter included: 1) reference to state authority (targeting principle) inquiry

is submitted to; 2) inquiry contents (content richness principle); and 3) topical trend (sector-divided principle). For example, possible inquiry can be a letter to the Ministry of Health (1) on statistics (2) acquiring government loans (3) on goals to develop healthcare system in 2011.

After development stage and distribution of inquiry letters to the relevant state authorities all received inquiry letters were recorded. Obtained replies were systemized under the following categories: “complete” and “incomplete” replies, “reference to a web-site” and “unanswered letters” and analyzed. Based on the obtained data analytical research report was made.

PART 1. GENERAL TERMS USED IN THE REPORT

- The list of basic legal documents regulating the sphere of access to information.
- What can be referred to public information?
- Who can apply for public information in Kazakhstan?
- In what way one can inquire information?
- Time limits to provide reply to inquiry.
- List of confidential information.
- Who is obliged to provide information?

LIST OF BASIC LEGAL DOCUMENTS REGULATING THE SPHERE OF ACCESS TO INFORMATION

Republic of Kazakhstan does not have a uniform law on access to information and this sphere is regulated by various regulatory legal acts. Legislative consolidation of the right on access to information, including access to information in the sphere of public finance starts from the main Law of the Republic of Kazakhstan – Constitution. Article 18, cl. 3 of the Constitution of the Republic of Kazakhstan sets up a right on access to information directly affecting rights and interests: “State authorities, public associations, officials and mass media are obliged to secure each citizen with a possibility to familiarize with documents affecting his rights and interests, as well as decisions and sources of information”. Besides that, according to article 20, cl. 2 of the Constitution of the Republic of Kazakhstan, “everybody has a right to freely obtain and distribute information by any means permitted by the law. The list of information constituting state secrets of the Republic of Kazakhstan is defined by the law”.

Main regulatory legal act defining mechanism to fulfill the right on the access to information is the Law of the Republic of Kazakhstan dated January 12, 2007 # 221-III “On the procedure to consider applications submitted by individuals and legal entities”. This law regulates general procedure to consider applications and contains definitions of the main terms, rights and responsibilities of the parties of public relations related to applications and consideration of individuals and legal entities to fulfill and protect their rights, freedoms and legal interests.

One of the main legal acts in the sphere of public finance is Budget Code which fixes responsibility to provide information about budget and budget process. Clause 4 of Article 4 of the Budget Code established transparency principle, implying:

1. Mandatory publication of regulatory legal acts in the sphere of budget law of the Republic of Kazakhstan, approved (clarified, adjusted) budgets and reports on their fulfillment, strategic plans and reports on their fulfillment, on formation and usage of the National Fund of the Republic of Kazakhstan except for information constituting state or other secret protected by the law.
2. Mandatory openness of budget process for community and mass media.

Budget process openness suggests that each budget process stage should be open for each citizen interested in obtaining information about budget process.

Below please see a list of legal acts regulating sphere of access to information in the sphere of public finance:

1. Constitution of the Republic of Kazakhstan dated August 30, 1995.
2. Budget Code of the Republic of Kazakhstan dated December 4, 2008 # 95-IV.
3. Civil Procedure Code of the Republic of Kazakhstan dated July 13, 1999, N 411-1.
4. Code of the Republic of Kazakhstan on administrative violations dated January 30, 2011, N 155-II.
5. Law of the Republic of Kazakhstan dated January 12, 2007, № 221-III “On the procedure to consider applications of individuals and legal entities”.
6. Law of the Republic of Kazakhstan dated November 27, 2000, № 107-II “On administrative procedures”.
7. Law of the Republic of Kazakhstan dated March 15, 1999 № 349-I “On state secrets”.
8. Law of the Republic of Kazakhstan dated July 23, 1999 № 451-I “On mass media”.
9. Law of the Republic of Kazakhstan dated January 11, 2007 №217-III “On informatization”.
10. Law of the Republic of Kazakhstan dated July 23, 1999 № 453-I “On state service”.
11. Law of the Republic of Kazakhstan dated January 7, 2003 № 370-II “On electronic document and electronic digital signature”.
12. Law of the Republic of Kazakhstan dated March 24, 1998 N 213-1 “On regulatory legal acts”.
13. Law of the Republic of Kazakhstan dated January 23, 2001 № 148-II “On local state administration and self-administration in the Republic of Kazakhstan”.
14. Law of the Republic of Kazakhstan dated January 31, 2006 № 124-III “On private enterprise”.

15. Decree of the Government of the Republic of Kazakhstan dated May 31, 2001 № 743 “On approval of Rules to transfer data constituting state secrets due to fulfillment of joint and other works”.
16. Decree of the Government of the Republic of Kazakhstan dated January 31, 2001 № 168 “On approval of several instructions”.
17. Decree of the Government of the Republic of Kazakhstan dated February 10, 2004 № 165 “On approval of the List of types of documentary information and electronic documents provided under a mandatory procedure to form state information resources”.
18. Decree of the Government of the Republic of Kazakhstan dated September 4, 2002 № 974 “On arrangement of admission of individuals and legal entities in central and local executive bodies of the Republic of Kazakhstan”.
19. Decree of the Government of the Republic of Kazakhstan dated November 9, 1995 № 292 “On approval of the Regulations on record-keeping on appeals, applications and complaints from the residents in the National Bank of the Republic of Kazakhstan”.
20. Order of the Prosecutor General of the Republic of Kazakhstan dated September 7, 2007 № 37 “On approval of the Instruction to consider appeals of individuals and legal entities in agencies and institutions of the prosecutor’s office of the Republic of Kazakhstan”.
21. Order of the Prosecutor General of the Republic of Kazakhstan dated September 13, 2004 № 41 “On the list of definite types of non-secret documents of limited distribution”.
22. Order of the Head of Administration at the President of the Republic of Kazakhstan dated December 8, 1996 “On approval of Regulations on treatment with the documents of the Administration at the President of the Republic of Kazakhstan in executive offices of state regulatory bodies, central executive bodies, local executive and representative bodies, on enterprises, in organizations and institutions of the Republic of Kazakhstan”.

The abovementioned list of legal acts regulates aspects of access to information in the sphere of public finance to study which it is necessary to be legally prepared and to have significant time expenditures. Besides that, extensive list regulating right on access to information makes it possible to make a conclusion about absence of systematic approach and in-depth study – about fragmentary regulation of legal relationship and double standards.

Most experts see solution of this problem in accepting special intersectoral law on access to information. Draft laws in the sphere of access to public information were developed at the same time with international and Kazakhstani independent expert-lawyers and Ministry

of Justice as early as in 2010. These documents aroused extensive public discussions which can positively affect quality of a regulatory legal act. However, draft law has not been introduced to Parliament which retards foundation establishment for complex fulfillment of right on access to information. Nevertheless, it is planned to accept this law in 2012.

WHAT CAN BE REFERRED TO PUBLIC INFORMATION?

Law of the Republic of Kazakhstan does not have a clear definition of the notion “public information” or “information available for public”. The law defines notion of public information for electronic information resources: according to article 14 of the Law “On informatization” state electronic information resources of the Republic of Kazakhstan are public except for electronic information resources of a limited access.

Draft law defines public information as documentary information access to which is not limited by the laws of the Republic of Kazakhstan.

WHO CAN APPLY FOR PUBLIC INFORMATION IN KAZAKHSTAN?

According to cl.2, art. 20 of the Constitution of RK “**everybody**¹ has a right to freely obtain and distribute information by any means permitted by the law”. Thus, law fixes a possibility to get and distribute information both by the residents of Kazakhstan and non-residents. Besides, based on the terms of reference of the Law “On the procedure to consider appeals of individuals and legal entities” (art.3) appeals can be submitted by individuals and legal entities.

IN WHAT WAY ONE CAN INQUIRE INFORMATION?

According to cl. 4, art. 1 of the Law “On the procedure to consider appeals of individuals and legal entities” appeal is “submitted to a person who considers appeal or to an official individual or collective written, oral or in the form of electronic document certified by a digital signature proposal, application, complaint, inquiry or response”. Accordingly, conclusion can be made that there are 5 types of appeals from individuals and legal entities:

- Proposal
- Application
- Complaint
- Inquiry
- And response.

Appeal can be submitted orally, in writing or in the form of an electronic document.

Besides, according to art. 33 of the Constitution of RK residents of the Republic of Kazakhstan have a right to take part in management of state affairs directly and through its representatives, appeal directly and send individual and collective appeals to the state authorities and local self-administration bodies. In other words, according to the abovementioned the right on information is fulfilled in the following ways: personally or through representatives (for example, deputies, NGOs or mass media) and collectively.

1. Note: highlighted by an author

According to art. 7 of the Law “On the procedure to consider appeals of individuals and legal entities” there is a following procedure to consider appeals: they are subject to mandatory admission, registration, recording and consideration. Herewith it is prohibited to refuse to accept appeals. Appeals are recorded and officials and object managers are personally responsible for arranging of work with appeals of individuals and legal entities, acceptance state, registration and recording. Appeal submitted to the subject or an official whose competence does not include settlement of questions in appeal within the time limits not later than three business days is sent to the relevant subjects informing applicant about that.

Not less important is a reference that results of appeals’ consideration are described in a written motivated reply of an authorized state authority. Herewith citizens’ appeals are considered to be solved **when questions in them are considered and all necessary measures are taken and replies are given to applicants** in the manner prescribed by the law (art. 16 of the Law “On administrative expenses”).

Main principles while consideration of appeals authors determine specified in the art. 9 of the Law “On the procedure to consider appeals of individuals and legal entities” security of **objective, comprehensive and timely consideration.**

Responses to appeals according to art. 10 of the Law “On the procedure to consider appeals of individuals and legal entities” should be reasoned and motivated in contents in a state language or language of appeal with a reference to the law of the Republic of Kazakhstan, contain exact facts contradicting or confirming applicant’s arguments clarifying their rights to appeal the accepted solution. Herewith the law does not regulate procedure to prepare response to an inquiry and translation to a respective language of an appeal. As a rule, such questions are regulated in the law on the access to information.

Article 6 of the Law “On the procedure to consider appeals of individuals and legal entities” determine requirements to the written appeal according to which appeal should be addressed to the subject or an official whose competence includes settlement of the questions in appeal. Appeal of an individual should specify his/her full name and (voluntarily) patronymic, postal address and for a legal entity – its name, postal address outgoing number and date. Appeal should be signed by an applicant or certified by an electronic digital signature. Applicant who directly addressed subject in writing is given a ticket specifying date and time, last name and initials of a person who accepted an appeal.

Rights of individuals and legal entities on the access to electronic information resources and procedure to provide them are regulated by the Law of RK 217-III “On informatization” dated January 11, 2007, according to which owners or proprietors of information systems containing public electronic information resources are obliged to provide information of interest under inquiries of individuals and (or) legal entities. Access to electronic information resources is carried out by sending an inquiry to the owner or proprietor of information system by one of the following means:

1. By transfer of an inquiry using electronic mail or in the form of electronic document certified by an electronic digital signature.
2. By user's direct appeal to public electronic information resources.

Herewith inquiry submitted in the form of an electronic document certified by an electronic digital signature is equal to an inquiry submitted on a paper carrier and signed by an original signature of a person who submitted an inquiry. Such inquiries are subject to registration according to record keeping rules set up by the owner or proprietor of information system.

TIME LIMITS TO PROVIDE INQUIRY RESPONSE

Time limits to consider an appeal are regulated by art. 8 of the Law "On the procedure to consider appeals of individuals and legal entities" according to which appeal to consider is not subject to obtain information from other subjects, officials, or inspection with site-visits, is considered within **fifteen calendar days** in case it is required to obtain information from other subjects, officials, or inspection with site-visits, is considered and solution is taken within **thirty calendar days** from the day of receipt. In those cases when it is necessary to hold additional study or inspection, consideration time can be **prolonged not more than by thirty calendar days** which is declared to an applicant within three calendar days from the moment when time for consideration is prolonged.

If earlier settlement of questions in appeal requires longer time, appeal is put on additional control up to its final fulfillment which is declared to an applicant within three calendar days.

State authorities and other organizations are obliged to provide inquired information to **mass media representatives not later than three days** from the moment when appeal is received or provide a response specifying time limits to provide a response or reason of refusal. Appeal requiring additional study and inspection should have a response within the time limits **not later than one month** from its receipt. In case appeal is sent by mass media to state authorities or other organizations whose competence does not include settlement of the questions within the time limits not later than five days, this appeal should be sent to relevant authorities notifying mass media about that (cl. 2-1, art. 18 of the Law "On mass media").

Inquiries submitted in the form of an electronic document certified by an electronic digital signature, according to article 37 of the Law "On informatization" are executed **not later than five business days** from the day of its receipt, unless otherwise is specified by the law of the Republic of Kazakhstan. Time for consideration specified by this law starts from the business day following the inquiry registration day. If an owner or proprietor of information system it is necessary to clarify nature of the inquiry or if additional time is required to provide inquired electronic information resources, he/she can prolong inquiry execution up to **fifteen business days**. Herewith he is obliged within five business days to notify a person who appealed with an inquiry to prolong time limits specifying reasons.

Thus, law specifies time limits equal to 15 or 30 calendar days during which a response should be given to an inquiry and an applicant should be informed about prolongation. Calculation of time limits starts from the moment of an inquiry receipt. For journalists time limits are set up at 3 and 30 days and to get information electronically – 5 and 15 business days. One of the international principles of freedom of information is the following principle: inquiries for information should be processed quickly and impartially and in case of refusals the right should be provided for independent investigation². Nevertheless, acting law does not permit to fulfill this principle.

LIST OF CONFIDENTIAL INFORMATION

Law defines information subject to protection and, correspondingly, non-disclosure which can include state secrets and official and commercial secrets.

Information constituting state secrets is regulated by the Law of the Republic of Kazakhstan dated March 15, 1999 N 349-1 “On state secrets”. According to art. 1: “**state secrets**³ – protected by the state constituting state⁴ and official secrets⁵, disclosure of which is restricted by the state to carry out effective military, economic, science-technical, foreign economic, foreign policy, intelligence, counter-intelligence, investigative and another activity which is not in conflict with generally accepted international law standards”.

The list of information referred to state secrets is quite extensive due to what we will fix only on areas activity of which they regulate:

- Information in military area (art. 11);
- Information in the sphere of economics, education, science and engineering (art. 12);
- Information in foreign policy and foreign economic spheres (art. 13);
- Information in the area of intelligence, counter-intelligence, investigative and another activity (art. 14).

According to the law (art. 18) three degrees of information secrecy constituting state secrets and corresponding to these degrees classification levels for carriers of this information: “primary concern”, “top secret” and “secret”. The first two levels are assigned to information constituting state secret and the last one – to information constituting official secret. Herewith usage of the listed classification levels for privacy of data not referred to state secrets and assignment to specified data of other restrictive labels is not admitted.

2. Basic international principles in the sphere of access to information: 1) Law on the freedom of access to information is to be regulated by maximum openness principle. 2) Public structures are obliged to publish key information. 3) Public structures should actively advocate open management forms. 4) Restriction of access to information of secret character. Herewith the list of exclusions should be clear, limited and include a strict system to check threats and public interests. 5) Information inquiries should be processed quickly and impartially and in cases of refusal right should be provided for independent investigation. 6) Inquiry cost should not be too high not to restrain citizens' intention to get information. 7) Meetings of public structures should be open to the public. 8) Laws not corresponding to the principle of maximum openness should be supplemented or canceled. 9) Persons disclosing information about law violations should be protected.

3. Note: highlighted by an author.

4. State secret is information of military, economic, political or another character, disclosure or loss of which can damage or can damage national security of the Republic of Kazakhstan.

5. Official secret is information having character of separate information which can be considered to be state secret disclosure or loss of which can damage national interests of the state, interests of state authorities and organizations.

Besides, there is a category of documents with a label “for official use” (FOU). In particular, Records management Instruction at the Chancery of Prime-Minister of the Republic of Kazakhstan⁶ contains a number of provisions defining rules to prepare, formalize and transfer of documents of non-secret character and with a sign “For official use”.

According to this instruction “official information of restricted circulation fixed in the documents, matters and editions marked “For official use (hereinafter referred to as FOU)” includes information related to activity of Chancery or other state authorities restrictions to circulate which are dictated by official necessity. Publication in public media, broadcasting on radio and television, networks of open electric (electronic) communication and Internet of official information of restricted circulation is prohibited”.

Mention about availability of documents with a mark FOU is also contained in Rules on treatment with the documents of the Administration at the President of the Republic of Kazakhstan⁷ and the Law of the Republic of Kazakhstan dated March 24, 1998 № 213-I “On regulatory legal acts”.

Herewith specified documents being subordinate regulatory legal acts do not contain explicit explanation what information is meant “for official use” and in which cases this level can be assigned. Despite the fact that legal force of data in the records management Instruction and Rules on treatment with the documents is lower than those of the laws and Constitution, nevertheless when disputing constitutional right on the access to information these subordinate acts are applied as special ones. It also should be noted that similarly disputable is considered a list of state authorities information of which is restricted to be circulated and this restriction is dictated by service need.

The law also protects information constituting official or commercial secret in case if information has effective or commercial value due to its uncertainty to the third parties and there is no free access on lawful basis and information owner takes measures to protect its confidentiality (art. 126 of the Civil Code of RK).

Commercial secret according to cl. 16, art. 1 of the Law “On private enterprise” is “information defined and protected by private enterprise subject to which a restricted range of persons has a free access on a lawful basis and disclosure, obtaining and usage of which can damage its interests”.

Protection of such information is regulated by art. 11 of this law according to which private enterprise subject (individual entrepreneurs and legal entities) independently defines a range of persons with a right of free access to information constituting commercial secret and takes

6. Approved by the Decree of the Government of the Republic of Kazakhstan dated January 31, 2001 № 168 “On approval of several instructions”.

7. Order of the Head of Administration at the President of the Republic of Kazakhstan dated December 8, 1996 “On approval of Rules on treatment with the documents of Administration at the President of the republic of Kazakhstan in offices of management state authorities, central executive bodies, local executive and representative authorities, at enterprises, organizations and institutions of the Republic of Kazakhstan”.

measures to its confidentiality protection. Also private enterprise subject defines procedure to refer information to the categories of access, storage and usage conditions of information constituting commercial secret. Herewith any information about private enterprise subject obtained by a state authority in the course of fulfillment of functions imposed is not subject to disclosure and distribution, except for cases of information transfer to another state authority according to the laws of the Republic of Kazakhstan. Information constituting commercial and other secret protected by the law can not be disclosed without consent of a private enterprise subject, except for information on which there is an effective court decision. Public information is generalized information not disclosing data about activity of a particular private enterprise subject.

State authorities possessing information about contents of agreements executed with private enterprise subjects, in particular, related to public procurements, tenders referring to this provision of law, do not provide such information despite usage of public funds from state budget to fulfill works and render services in frames of public procurements.

The law “On state secrets” (art.17) contains list of data not subject to security classification:

1. On emergencies and catastrophes threatening safety and health of the residents, their consequences and natural disasters, their official projections and consequences.
2. On the state of environment, healthcare, sanitation, demography, education, culture, agriculture and state of criminality.
3. On privileges, compensations and benefits provided by the state to residents, officials and organizations.
4. On facts of the breach of citizen’s rights and freedoms.
5. On the sizes of gold and currency assets of the National Bank of the Republic of Kazakhstan and government (budget) reserve of precious metals and precious stones.
6. On facts of violation of legitimacy by the state authorities and organizations and their officials.
7. On mass repressions on political, social and other reasons including information being in archives, except for information specified by article 14 of this law.

Law of the Republic of Kazakhstan also protects non-disclosed information, i.e., technical, organizational or commercial information, production secrets (know-how), unknown to the third parties (art. 1017 of the Civil Code of RK).

Practice shows that list of information with the restricted access is significantly wider of which is specified in the law which makes difficult to fulfill the right on access to information. This problem could be solved by the standards with clear formulation and comprehensive

list of such information which should be reflected in a uniform law on access to information drawn according to international standards.

WHO IS OBLIGED TO PROVIDE INFORMATION?

The law “On procedure to consider appeals of individuals and legal entities” (cl. 5, art. 1) defines the range of subjects considering appeals including:

- State authorities;
- Local self-administration authorities;
- Legal entities with one hundred percent state participation or providing goods (works, services) according to public contract conditions and (or) public procurement which are entitled to consider and take decisions on appeals of individuals and legal entities according to their competence;
- Subjects of large enterprises on appeals of individuals and legal entities with whom contract is executed for delivery (fulfillment, rendering) of goods to them (works, services).

Thus, if a stakeholder needs to obtain information about contents of agreements of legal entities who won in a tender, it is advisable to send an inquiry directly to contractors of state authorities.

Besides, as was mentioned above, besides state authorities, responsibility in securing possibility for each citizen to familiarize with documents, solutions and sources of information affecting his/her rights and interests is placed on **public associations, officials and mass media** (cl. 3, art. 18 of Constitution).

PART 2. ANALYSIS OF DATA OBTAINED IN THE COURSE OF THE RESEARCH

- Statistics of inquiry answers.
- Degree of openness of the state authorities (ministries).
- Type of information requested.
- Quality of answers depending on inquiry author.
- Quality of answers depending on inquiry content.
- Inquiry answers within the time limits stipulated by the legislation.

In the course of the research there were prepared 216 inquiry letters from three categories of authors (a representative of a non-governmental organization (NGO), a journalist and a citizen) on six topics (public procurement, international assistance, budget expenses, administrative expenses, income transparency, special funds), in regards to three types of inquiry content (documentary, statistical and procedural) for four state authorities – ministries.

Three categories of authors – the representative of NGO, journalist and citizen – have been chosen for the purpose of defining the opportunities to obtain information and rejections in regards to the state authorities depending on a person who requests information about public finance.

Topics of inquiries are associated with a necessity to define what field of activities of the state authorities is the most transparent and what kind of information is best provided with an access to.

Three kinds of inquiry content reflect various categories of information, such as documentary (an inquiry with the view of providing a certain document – an agreement, a contract and others which are in the possession of the state authority), statistical (an inquiry for certain statistical information, whether it is information about statistics of public expenses, manning level, etc.) and the last type of inquiries – procedural (an inquiry for providing information about procedures regulating the state authority’s activity, for example, information about wage rates, accrual of business trip expenses or purchase of stationery).

The ministries under investigation covered the Ministry of Health, the Ministry of Education and Science, the Ministry of Labour and Social Security and the Ministry of Transport and Communications.

The statistics of obtained answers to inquiry letters is shown in Diagram #1. In compliance with the methodology, there were defined four groups by which all questions were classified, – “complete answer”, “incomplete answer”, “reference to a website” and “unanswered letter”.

STATISTICS OF INQUIRY ANSWERS

The share of “full answers” corresponds to 44 percent. Less than a half of all sent inquiry letters have received a complete and comprehensive answer which can satisfy a consumer of information service. In absolute terms the quantity of full answers is 95 letters-responses.

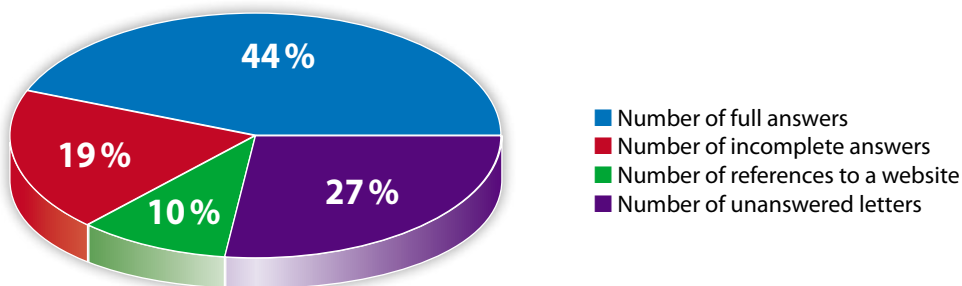
The researchers have received a considerable share of “incomplete answers” which made up 19 percent; it means that one in five letters-responses does not provide complete information and does not satisfy a party requesting information to the full extent. In addition, on the basis of obtained information it is already possible to take any steps, whether to request information again, but this time specifying a certain aspect of information requested, or to proceed to monitoring of the state authorities’ activity with respect to a particular issue.

In connection with the development of Internet and allocation of substantial budget expenses for creation and support of the ministries’ and departments’ information portals, there are even more often answers from the state authorities which in their answer rely on and refer to official web pages. In some cases such references in fact contain valuable information, but sometimes information to be retrieved at the specified electronic addresses fails to be opened on pages, became outdated and irrelevant, or discloses information off the topic of an inquiry. The total share of “references to a website” corresponds to 10 percent, or 22 letters-responses. They consider in the state authorities that it is possible to receive an answer to every tenth inquiry by turning to the corresponding “representation” of the state authority in the cyberspace.

The share of “unanswered letters” constitutes an essential part of sent inquiry letters – 27 percent. And it means that almost every third person, who has sent an inquiry to the state authorities, actually may not receive an answer at all. The number of unanswered letters is 58. This figure is significant and shows an absence of access to significant public information which may concern the civil society’s interests.

Diagram 1

Statistics of received answers to inquiry letters



DEGREE OF OPENNESS OF THE STATE AUTHORITIES (MINISTRIES)

The researchers have classified the inquiries depending on the state authorities for which any particular inquiries were intended. You can see in diagram #2 what ministries are more transparent – they reply to inquiry letters and what ministries are less transparent and do not reply to letters from the civil society.

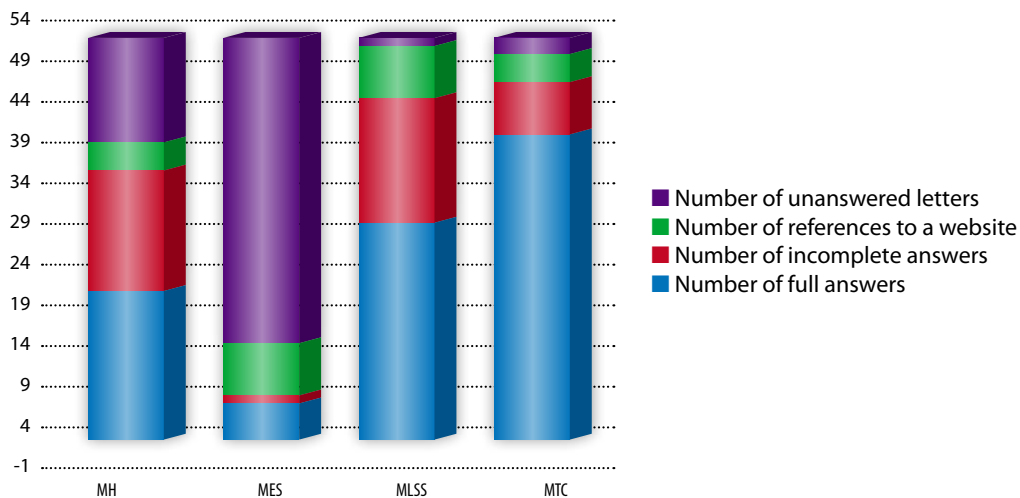
Among the poll leaders we see the Ministry of Transport and Communications, with a total number of full answers being 41, or 75 percent of all inquiries received by the ministry. The number of unanswered letters is 2, or 4 percent. The number of partially provided answers and references to a website is 7 and 4, or 13 and 7 percent, respectively. The Ministry of Labour and Social Security ranks second among the leaders of the state authorities with 54 percent of full answers (29), 31 percent of incomplete answers (17), 13 percent of references to a website (7) and just 2 percent of unanswered letters (1).

The Ministry of Health has almost equal shares of unanswered letters, full and incomplete answers. The share of full answers is 37 percent (20), incomplete answers – 30 percent (16), and unanswered letters – 26 percent (14). The insignificant share of letters with a reference to a website makes up just 7 percent (4).

The Ministry of Education and Science has the maximum number of unanswered letters, that negatively differs from an overall picture. The total share of letters which remained unanswered was 76 percent (41). It can be ruefully admitted that the Ministry of Education and Science is the most nontransparent state authority which ignores the civil society's inquiries in a greater degree. We note that this state authority refers to its web-resource more than it gives full or even partial answers.

Diagram 2.

Classification of the state authorities' answers



PART 2. ANALYSIS OF DATA OBTAINED IN THE COURSE OF THE RESEARCH

We can see from Table #1 the data in quantitative terms with respect to each ministry individually and each of types of received inquiry answers. The Ministry of Labour and Social Security has the greatest number of incomplete answers – 31 percent, so the Ministry of Health does – 30 percent, and the Ministry of Transport and Communications has the least number – 13 percent, so the Ministry of Education and Science does – 2 percent.

The number of references to a website is minimum among all state authorities: the Ministry of Education and Science of the RoK and the Ministry of Labour and Social Security of the RoK used this option of answer in 13 percent of cases, the Ministry of Health of the RoK and the Ministry of Transport and Communications of the RoK – in 7 percent of inquiry answers.

Table 1.

Classification of the state authorities' answers

State authorities	Number of inquiry letters	Number of full answers	Number of incomplete answers	Number of references to a website	Number of unanswered letters
Ministry of Health	54 (100%)	20 (37%)	16 (30%)	4 (7%)	14 (26%)
Ministry of Education and Science	54 (100%)	5 (9%)	1 (2%)	7 (13%)	41 (76%)
Ministry of Labour and Social Security	54 (100%)	29 (54%)	17 (31%)	7 (13%)	1 (2%)
Ministry of Transport and Communications	54 (100%)	41 (76%)	7 (13%)	4 (7%)	2 (4%)
Total	216 (100%)	95 (44%)	41 (19%)	22 (10%)	58 (27%)

TYPE OF INFORMATION REQUESTED

The inquiries were sent out with respect to six directions, including public procurement and tenders, international assistance, budget expenses, administrative expenses, contract transparency and special funds. Information was requested from four specified ministries. Within the framework of inquiries it was required to provide the following information according to directions of inquiries, for example:

- Public procurement and tenders:
 - Requirements to the Kazakh content when announcing the competitive tenders for public procurement.
 - Possibilities of participation of individuals in the competitive tenders for public procurement.
 - Requirements imposed on organizations for participation in public procurement.
- International assistance:
 - About composition of the National Commission Codex Alimentarius with respect to the project of food products safety.
 - Status of implementation of the Program on decent work of the Ministry of Labour and Social Security and the Ministry of Education and Science till 2012
 - Stage of implementation of the transportation project “Western Europe – Western China”.

- Budget expenses:
 - Availability of the ministries' accounts in the second-tier banks and the purpose of opening such accounts.
 - Amount of allocated funds for improvement of social security system of handicapped persons.
 - Amount of allocated funds in 2011 as target current transfers to regional budgets, budgets of Astana and Almaty cities for payment of the state targeted social assistance.

- Administrative expenses:
 - Whether the ministries' employees are permitted to use air transport for making business trips to the regions.
 - How many budgetary funds were allocated for material and technical equipment of the Ministry of Labour and Social Security in 2011.
 - What document regulates the amounts of allowances and bonuses to wages of the ministries' employees.

- Contract transparency:
 - Quantity of contracts on public procurement concluded by the ministries in 2011.
 - Providing the copies of contracts with successful bidders.
 - Lists of public services in which this ministry can render assistance.

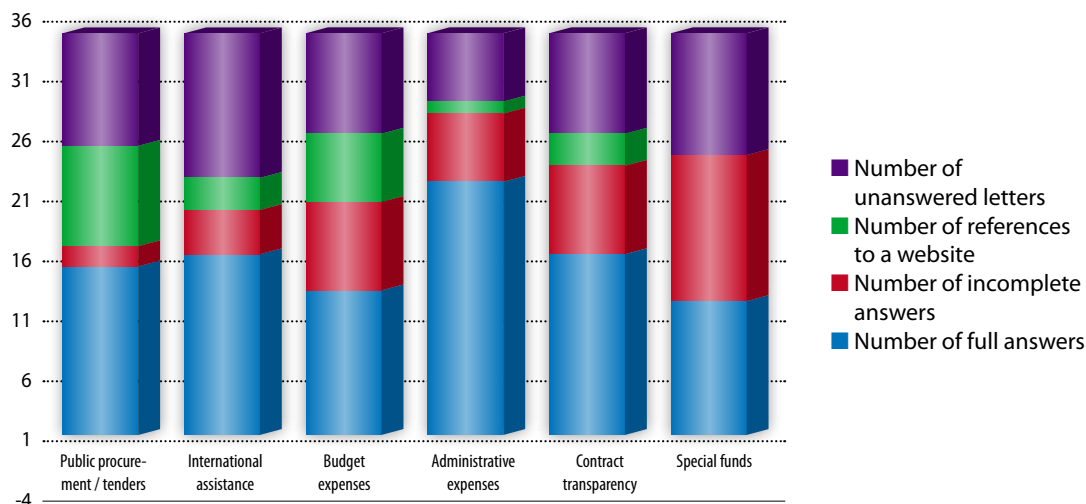
- Special funds:
 - Implemented events within the framework of the road map 2009-2010
 - Lists of facilities whose repair was carried out within the framework of the road map.
 - About creating a commission under the ministries for control over the progress of the road map.

Thirty-six inquiries have been made in regards to each of the specified topics. The most transparent topics on which information was furnished by the state authorities included administrative expenses (63 percent, 23 full answers), international assistance and contract transparency (45 percent, 16 full answers). The least portion of full answers falls on the topic of budget expenses (36 percent, 13 full answers) and special funds (33 percent, 12 full answers).

The topics concerning the issues of international funds (36 percent, 13 unanswered inquiries) and special funds (30 percent, 11 unanswered letters) were the most ignorable on the part of the state authorities. Probably, one of the factors which influences this situation is absence of clear coordination between the Ministry of Finance as an operator of international financial operations and the authorized state authorities which carry out contractual obligations under international loans. Moreover, the number of incomplete answers predominates on the topics of special funds (36 percent, 13 incomplete answers), contract transparency and budget expenses (22 percent, 8 incomplete answers).

Diagram 3.

Classification of answers by the inquiry topics



In the state authorities' opinion, the topics, which are most reflected in the cyberspace, are public procurement (25 percent, 9 references to a website) and budget expenses (17 percent, 6 references to a website). The most references to official websites of the state authorities were received on these topics. Unfortunately, we did not aim to investigate these references, but references or an indication to a website frequently do not give a complete information picture which the recipient of information services would like to find.

Table 2.

Classification of answers by inquiry topics

Name of thematic inquiries	Number of inquiry letters	Number of full answers	Number of incomplete answers	Number of references to a website	Number of unanswered letters
Public procurement/ tenders	36 (100%)	15 (42%)	2 (5%)	9 (25%)	10 (28%)
International assistance	36 (100%)	16 (45%)	4 (11%)	3 (8%)	13 (36%)
Budget expenses	36 (100%)	13 (36%)	8 (22%)	6 (17%)	9 (25%)
Administrative expenses	36 (100%)	23 (63%)	6 (17%)	1 (3%)	6 (17%)
Contract transparency	36 (100%)	16 (45%)	8 (22%)	3 (8%)	9 (25%)
Special funds	36 (100%)	12 (33%)	13 (36%)	0 (0%)	11 (30%)
Total	216 (100%)	95 (44%)	41 (19%)	22 (10%)	58 (27%)

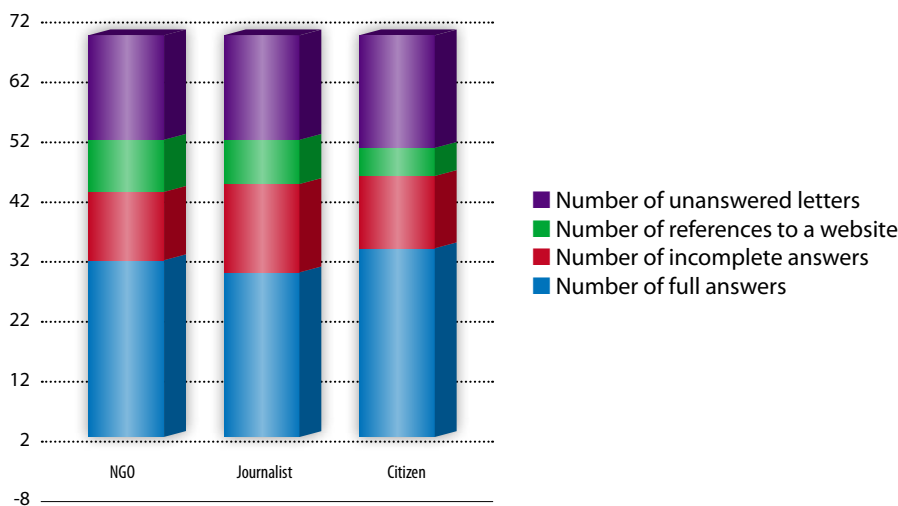
There are three authors of inquiry letters – a representative of non-governmental sector (a non-governmental organization), a representative of media community (a journalist) and an ordinary inhabitant (a citizen). Accordingly, the number of inquiry letters is 72 letters.

As is evident from Diagram #4, no certain significant dependence of quality of answers to inquiry letters from senders of the letters is observed. The total number of full answers varies from 41 percent (29 answers) with the journalist to 47 percent (34 answers) with the citizen. The share of full answers given to the non-governmental organization was 44 percent, or 32 letters.

Accordingly, the number of unanswered letters also made up approximately equal shares with respect to the senders: NGO and the journalist – 26 percent (19 unanswered letters), and the citizen – 28 percent, or 20 unanswered letters. It follows that irrespective of the sender of the letter, whether it is a journalist, NGO or a citizen, the probability of receiving an answer to information of interest is approximately the same and this is not a determining factor for receiving an answer from the state authority.

Diagram 4.

Classification of answers depending on the author/sender of an inquiry



In total, the number of references to a website does not have considerable shares. So, just in 7 percent of cases the state authorities referred the citizen to a website, and in 13 and 11 percent – NGO and the journalist. The sum of incomplete answers is defined at the level of 17-22 percent, where the least share falls on NGO and the greatest one – on the journalist.

Table 3.

Classification of answers depending on the author/sender of an inquiry

Authors of inquiries	Number of inquiry letters	Number of full answers	Number of incomplete answers	Number of references to a website	Number of unanswered letters
Non-governmental organization	72 (100%)	32 (44%)	12 (17%)	9 (13%)	19 (26%)
Journalist	72 (100%)	29 (41%)	16 (22%)	8 (11%)	19 (26%)
Citizen	72 (100%)	34 (47%)	13 (18%)	5 (7%)	20 (28%)
Total	216 (100%)	95 (44%)	41 (19%)	22 (10%)	58 (27%)

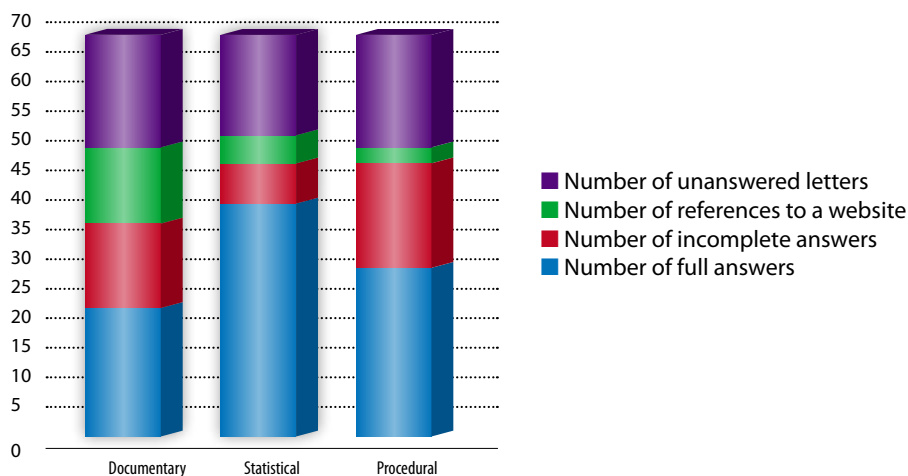
QUALITY OF ANSWERS DEPENDING ON INQUIRY CONTENT

One of the factors for analysis is classification of inquiries depending on the type of inquiry content – documentary, statistical and procedural. The greatest “desire” has been demonstrated by the state authorities when answering the statistical questions, and the least – when answering the documentary questions. It allows to draw a conclusion that it is quite easy to provide information which is already being collected and kept record of, rather than to provide a certain document – an agreement with suppliers, text of an international agreement, etc.

The share of the letters which remained unanswered depending on the type of inquiry content is approximately similar: procedural and documentary – 28 percent (20) each. The share of unanswered letters on statistical questions is a little less – 25 percent (18). The representatives of the state authorities consider that different documents are more accessible on their websites, and the websites of the state authorities contain least of all information about procedures regulating their activity.

Diagram 5.

Classification of answers depending on the type of inquiry content



The number of letters with partial content of answers to sent inquiries is most noticeable with respect to procedural questions – 26 percent, and their least number falls on statistical questions – 10 percent. It would be logical to suppose that it is easier for the state authorities to give an incomplete answer in regards to procedural question, without providing the specific information, rather than in regards to statistics of the state authority, which is available at all times and circulates through other state authorities, for instance, in the Statistics Agency.

Table 4.

Classification of answers depending on the type of inquiry content

Inquiry content	Number of inquiry letters	Number of full answers	Number of incomplete answers	Number of references to a website	Number of unanswered letters
Documentary	72 (100%)	23 (32%)	15 (21%)	14 (19%)	20 (28%)
Statistical	72 (100%)	42 (58%)	7 (10%)	5 (7%)	18 (25%)
Procedural	72 (100%)	30 (42%)	19 (26%)	3 (4%)	20 (28%)
Total	216 (100%)	95 (44%)	41 (19%)	22 (10%)	58 (27%)

INQUIRY ANSWERS WITHIN THE TIME LIMITS STIPULATED BY THE LEGISLATION

The share of answers with respect to time limits stipulated by the legislation is presented in Diagram #6. The major part of answers – 69 percent, was provided within one month (149 letters-responses). The share of letters which remained unanswered is at the level of 27 percent (58 inquiry letters), and 4 percent (9 letters-responses) were provided with violation of time established by the legislation, i.e. after one month of consideration.

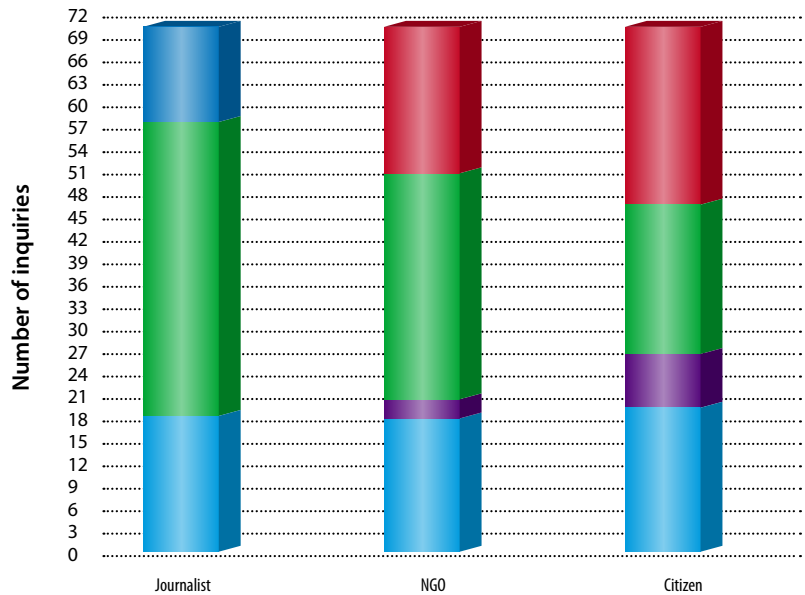
As for the journalist whose inquiry letters should be answered within three days according to the legislation, only 19 percent (14 letters-responses of 72 inquiries being sent) were received. Fifty-four percent of answers (39 letters-responses of 72) were received within the period up to 30 days, and 26 percent of inquiries (19 inquiry letters) remained unanswered.

In turn, NGO received the answers within the following time limits: up to 15 days – 29 percent (21 letter-responses), up to 30 days – 42 percent (30 letters-responses), with violation of time – 3 percent (2 letters-responses), and unanswered – 26 percent (19 inquiry letters).

The indicators with respect to the inquiry letters sent by the citizen are as follows: up to 15 days – 36 percent (26 letters-responses), up to 30 days – 26 percent (19 letters-responses), with violation of time – 10 percent (7 letters-responses), and unanswered – 28 percent (20 inquiry letters).

Diagram 6.

Time of providing answers to inquiry letters



	Journalist	NGO	Citizen
■ Within 3 days*	14	0	0
■ Within 15 days**	0	21	26
■ Within 30 days***	39	30	19
■ With violation of time	0	2	7
■ Unanswered	19	19	20

Notes:

* – only applicable with respect to the journalist,

** – applicable with respect to NGO and citizens,

*** – applicable in regards to the issues requiring the receipt of information from other entities, officials or on-site check.

CONCLUSIONS AND RECOMMENDATIONS

As a result of implementation of the research project, there is an opportunity to compare the obtained data with the indicators of the project participating countries: Azerbaijan, Kyrgyzstan, Ukraine, Georgia and Kazakhstan.

The total level of accessibility of public finance information is 44 percent – that is a volume of full answers received in the course of the research. On the other hand, almost the third part of inquiry letters addressed to the state authorities remained unanswered (27 percent). The intermediate categories classified as “private answers” and “references to a website” made up 19 and 10 percent, respectively, or in the aggregate somewhat less than the third part of answers. Note that the level of accessibility of information defined as a share of full answers to inquiry letters, correlates with an estimate of the Open Budget Index by the procedure of the International Budget Partnership, Washington DC, which was 38 points out of a possible 100 in 2010.

The interesting fact revealed in the course of the research is a transparency level of the state authorities – where not the social sector ministries which are most bound with social obligations were defined as the most transparent, but the Ministry of Transport and Communications (76 percent of full answers). The Ministry of Labour and Social Security ranks second (54 percent of full answers), and the Ministry of Health (37 percent), and the Ministry of Education and Science (9 percent) occupy only the third and fourth places. This situation, at the time of performing the research, testifies that the social sector ministries are less accountable to the population in their work, as well as gives evidence of availability of lesser potential in processing and providing the answers (administration) to interested groups.

From among six topics of inquiries the greatest share covers the issues related to administrative expenses (63 percent of full answers), and the least one – those associated with special funds (33 percent of full answers). In addition, there are a significant number of unanswered letters in regards to issues about international assistance to Kazakhstan (36 percent), and substantially smaller number of unanswered letters with respect to issues about administrative expenses of the state authorities. It would seem that administrative expenses could be one of the closed pages in the system of public finance, but no, radically different issues provoke the complete silence on the part of the state authorities.

The state authorities have advised to refer to Internet resources for answers to questions regarding tenders and purchases due to the fact that now they hold all competitive tenders in electronic format and this information is available on their official websites – as a whole, every fourth answer contained a recommendation to refer to the website, although some of them did not contain information of interest to us. As for budget expenses, the share of full answers is almost one third (36 percent), every fourth inquiry remained unanswered (25 percent) and the shares of letters with partial answers and references to a website are approximately equal – 22 and 17 percent.

Surprisingly, the researchers have defined that the state authorities respond to whose signature is under the inquiry letter without any distinctions. So, the shares of letters with complete and partial answers, references to a website and unanswered letters are equal regardless of the person requesting information: whether it is a journalist, an ordinary citizen or a non-governmental organization. By the way, the ordinary citizen has rather more full answers (47 percent), than the journalist and NGO do, but he also has one more unanswered letter. Thus, one can say based on the performed research that there is a difference in receiving answers depending on a person requesting information – individuals have more chances to receive a full answer, rather than NGO or a journalist has, i.e. there is a probability that to increase the efficiency of receiving full answers to inquiry letters in regards to information of interest to NGO and the journalist, they should address as an individual.

The last conclusion which was drawn in the course of the research is the state authorities are in a greater degree ready to provide statistical, rather than documentary or procedural information. If several state authorities simultaneously possess statistical information to some extent and an authorized state body often has this information being constantly processed, then the ministries' contracts and procedures of activity are disclosed with a smaller desire.

The researchers would like to address to the state authorities with the following recommendations:

- To adopt a law about access to information on the basis of the best international practice and taking into account high international requirements to e-Government for the purpose of on-line receiving information and rendering state information services.
- To conduct training courses for government employees in regards to issues of the public's access to public information.
- When giving an answer referring to a website, to specify an exact Internet address where the answer could be received. And the references should be effective over the relatively long time or located in a certain electronic archive.
- To define legislatively an issue about the openness of contractual obligations of the state authorities and their suppliers, successful bidders.

The civil sector's representatives should:

- Continue on a regular basis the research of such format for the purpose of determining improvement/deterioration of the situation with access to information.
- Hold information campaigns with orientation towards the civil society's groups (NGO) for the purpose of increasing an access to socially significant information.
- Conduct workshops and training courses with respect to preparing inquiry letters to the state authorities, processing the letters and working with the state authorities for the purpose of maximizing answers to inquiry letters.
- Strengthen the campaigns on informing citizens about their rights to receive information and responsibility of officials for failure to provide information.

