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# ACCOUNTABILITY in the EDUCATION

PAR Principles Mainstreaming  
in Sectoral Policies – Report for Albania

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**PAR AREA: ACCOUNTABILITY**  
**POLICY SECTOR: EDUCATION**  
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# REPORT SUMMARY

The right to information ensures transparency and contributes towards scrutinising the activity of the government as well as strengthening democratic decision-making processes. The right to information empowers citizens and gives them the necessary tools and knowledge to participate in public life as well as engage with public bodies.<sup>1</sup>

The right to information is enshrined in the Albanian constitution as well as guaranteed by law. For the purpose of this report, access to information was assessed in the policy sector of education within the framework of the PAR area, accountability. The institution that underwent the monitoring is the Ministry of Education and Sport (hereinafter MES) where certain trends, issues and recommendations were identified.

This monitoring report is based on the one-year period of February 2021 - February 2022. Following a checklist which identifies 7 requirements that were evaluated, this report offers an insightful view on the state of affairs in regard to the right to information in the policy sector of education.

During the monitoring report the MES received 210 Freedom of Information Requests (hereinafter FOI). On a positive note the majority of these FOI requests met the legal deadlines and the interested party received their answer within 10 business days from the day of its delivery timeframe. It is noteworthy that in order to evaluate the success of the right to information provision, it is imperative that the answers provided are assessed with regard to their substance.

Thus, 3 FOI requests and answers during the monitored period were assessed. In aiming for a diverse sample, the selected requests exhibited different characteristics. It is found that for 2 out of 3 of these FOI requests the information provided did not fully address the requests submitted. Thus, it illustrates that despite these requests fulfilling the legal requirements in their exterior, they were not answered fully and instead were given limited answers.

Furthermore, the national legislation foresees cases where a fee can be administered when submitting a FOI request. It is seen in a positive light that for all of the 210 FOI requests submitted for the monitored report, no fees were administered. This consolidates this right and facilitates the process of requesting information as well as it makes it possible for any interested party to submit their request regardless of their financial means.

Access to information encompasses a wide variety of aspects that need to be taken into account. The official websites of institutions play an integral role in informing citizens on the area of work that the institution operates in as well as it plays an essential role in addressing the queries of citizens. Thus, an up to date and enriched website contributes towards informing citizens in a quick and efficient way. In navigating and analysing the content of the website of MES several issues were identified. Despite the fact that the contact details of the Freedom of Information coordinator are available, they cannot be easily found. In addition, the website of the ministry has failed to integrate a FAQ section and the information made available is limited as identified in the lack of published policy documents, annual reports and valid contact details. In regard to the published information by the institution, it is noted that the documents are user-friendly; however, they still remain very limited in the amount of data and information made public by the institution. Furthermore, this adds to the finding that public information is not offered in a proactive manner.

The above mentioned issues can hinder this right, lead to further expenses and it can be time consuming for the institution. Overall, the monitoring results display and highlight a number of issues that need to be addressed. Despite the apparent positive results produced in certain aspects as mentioned throughout this section, the fundamental issues identified affect the accountability of the MES at its core.



1 <https://uncaccoalition.org/learn-more/access-to-information/>

# I. INTRODUCTION

## I.1 What does WeBER monitor and how?

The monitoring in the Accountability (ACC) area is performed against SIGMA Principle 2.

***Principle 2: The right to access public information is enacted in legislation and consistently applied in practice.***

ACC checklist consists of 7 requirements that pertain to the practice of reactive (based on free access to information requests) and proactive information provision. In the area of reactive informing, requirements consider whether an assessed institution meets legal deadlines when responding to free access to information requests, whether contents of such responses correspond to what was requested (based on a sample), and whether the assessed institution as a rule provides responses free of charge. Finally, it is assessed whether the institution publishes an accessible FAQ section online that provides useful and citizen-friendly guidance or tips for exercising this right.

In the domain of proactive informing, it is assessed whether responsible institution makes information on contact person(s) for FOI easily accessible online, and whether all the basic information from the institution's work is available for public scrutiny, which includes policy and legal acts, offered public services, annual reports, budget, general contacts, and organisational charts. Lastly, it is assessed whether practices of proactive disclosure of datasets in open formats exist, and how regularly open data are published.

To monitor and assess how free access to information is achieved, freedom of information requests were filed for all documents that are not available online, but also to assess practices of the responsible institution in providing responses to request. Furthermore, the methodological approach of this checklist relies on review of websites of assessed institution and government-sponsored open data portals. Depending on individual requirement, time frame of analysis covers either current practices that exist at the time of assessment or the 12 month-period preceding the assessment.

## I.2 In this report

This report is divided into two main components. The first part consists of the analysis designed under the SIGMA Principle 2 monitoring of accountability in the PAR for the Ministry of Education and Sports. Accountability is one of the PAR core areas, essential in delivering the necessary structural reforms.

The structure of the analysis is based on the evaluation of the 7 requirements that assess the efficiency and effectiveness of the right to information through FOI requests. In addition, these requirements evaluate the provision of information for the public through other means of information such as official government websites. Therefore, the flow of the requirements aims to offer an overview of the access to information as a whole within the policy sector of education. Thus, this facilitates the final assessment whether the requirements of the PAR area have been fully met, partially met or not met.

Moreover, based on the findings of the evaluation of the 7 requirements, the second part of this report focuses on recommendations that target specific issues identified and offer concrete time-bound solutions.

## II. ANALYSIS

### *Requirement 1: Responsible institution submits information within the respected deadlines*

Article 23 of the Constitution of the Republic of Albania guarantees the right to information stating that “The right to information is guaranteed. Everyone has the right, in accordance with the law, to obtain information on the activity of state bodies as well as people exercising public functions. Everyone is given the opportunity to attend meetings of elected collective bodies.”

The number of FOI requests submitted to the Ministry of Education and Sport for the period February 2021 – February 2022 was 210 in total. It is noteworthy that 33 (15.7%) of the submitted FOI requests surpassed the 10 business days from the day of its delivery deadline enshrined in the national legislation, thus did not meet the legal requirements in this regard. This assessment is in line with **article 15 section 1** of law No. 119/2014 “On the right to information” which states that “The public authority handles the request for information, submitting the requested information as soon as possible, but not later than 10 business days from the date of its delivery, unless otherwise provided by special law.”<sup>2</sup>

Furthermore, it is noted that 5 (2.4%) of the submitted FOI requests lacked information regarding the date of response to the request, the answer provided and whether the FOI request was addressed fully, partially or whether it was delegated to other adequate institutions.

Taking this into account, for the remaining 205 FOI requests it is highlighted that 7 (3.3%) FOI requests have received limited answers, 2 (1%) requests have received partial answers, 1 (0.4%) request has been refused on the basis that it is not in accordance with the law and 19 (9%) other requests have been delegated to other adequate institutions.

Refused FOI answers - 0.4%

Partial FOI answers - 1%

Unknown - 2.4%

Limited FOI answers - 3.3%

Delegated FOI answers - 9%

Full FOI answers - 83.9%

Moreover, 3 (1.4%) of the submitted FOI requests found in the Register of Requests and Answers for the period February 2021 – February 2022 showcased errors. In all three of these FOI requests the date of answers was registered as an earlier date than the date of the submitted request.

FOI requests that showcased errors - 1.4%

FOI requests that lacked information - 2.4%

FOI requests that did not meet the legal deadline - 15.7%

FOI request that met the legal deadlines - 80.5%



2 [https://drejtesia.gov.al/wp-content/uploads/2018/08/Ligj\\_119\\_2014\\_18.09.2014.pdf](https://drejtesia.gov.al/wp-content/uploads/2018/08/Ligj_119_2014_18.09.2014.pdf)

An overall tendency to respond to the FOI requests at the end of the legal deadline was observed, in particular for those requests which are deemed as more demanding. April was identified as the month with the quickest responses in comparison to December which was highlighted as the month with the most FOI answers provided within the last few days of the legal deadline.

### *Requirement 2: Responsible institution submits information that was requested*

For the purpose of this report, 3 FOI requests that are deemed as more demanding, provided during the assessed period February 2021 - February 2022 are selected and analysed.

FOI request no.156 of the assessed period requested the number of Roma and Egyptian students on a national level and in certain universities as well as the overall number of students enrolled in public and private higher education institutions for the 2020 - 2021 academic year. The answer indicated that MES does not possess any data on the number of Roma and Egyptian students and therefore a limited answer was provided stating only the overall number of students enrolled in higher education institutions.

FOI request no. 83 of the assessed period requested detailed information on digital classes on a national level. It is noted that 2 out of 4 questions stated in the request have not been addressed. In regard to the question of the functionality of the digital classes, the answer only stated the number of digital classes and did not provide any further information. Moreover, the question of the budget spent on the project of digital classes from 2015 onwards was not addressed.

FOI request no. 84 of the assessed period requested detailed information on psychological and security services in schools. It is noted that the answer provided was satisfactory as it addressed all the questions listed in the request.

Overall, in 2 out of the 3 cases selected the answer provided was not satisfactory as they failed to provide sufficient information on the questions put forward. The cases selected were diverse on the grounds of the object of the FOI request, whether or not the legal deadlines for the answer of the request were met and the type of answer provided by the institution. Thus, this serves as an illustration sample that despite the fact that the MES answered these requests, issues on the substantiality of the answers provided are identified.

### *Requirement 3: Responsible institution as a rule does not charge for providing responses to FOI request*

**Article 13 section 1** of law no. 119/2014 "On the right to information" states that the public administration services are free of charge. The disclosure of information can be done against a fee, pre-determined and made public by the public authority on its website and in public reception facilities. The fee is the cost of reproducing the requested information and where applicable, of sending it. The information requested electronically is provided free of charge.

Moreover, **Article 13 section 2** states that the cost of reproduction may not be higher than the actual cost of the material on which the information is reproduced. Shipping cost cannot be higher than the average cost of the same service in the market.

The website of the Ministry of Education and Sport does not display a price list for providing answers to the FOI requests in cases of reproducing the requested information and/or sending it as specified by law. Moreover, such price lists are not exhibited in the public reception facilities in the Ministry of Education and Sport.

Within the framework of this report, a FOI request was sent to the Ministry of Education and Sport, requesting the

number of FOI submitted to the MES for the period February 2021 – February 2022. The request was submitted on the 29th of April 2022 (Friday) and the answer was received on the 12th of May 2022 (Thursday), thus, the legal deadline to receive a response from the institution was met.

Furthermore, the register provides information on whether or not a fee was administered when providing the requested information. It is noted that for all of the 210 FOI submitted during the monitored period, no fee was administered. The FOI submitted for the purpose of this report serves as proof of the established practice of not paying any fees for the reception of requested information by any interested party.

*Requirement 4: Responsible institution publishes online an accessible, useful and citizen-friendly FAQ section on free access to public information*

FAQ (Frequently Asked Questions) are an integral part in helping citizens and directing them in resolving their queries quickly. Furthermore, it prevents citizens from reaching out to the institution to ask further questions on matters which can be addressed in this section of the website.

The website of the Ministry of Education and Sport does not display a FAQ section which can be easily accessed in cases of such queries. It is the duty of the institution to narrow down the most frequently asked questions and display them on their website in order to ease the navigation of citizens in the website and address questions in a quick and efficient manner.

*Requirement 5: Responsible institution makes available information on the contact person for FOI easily accessible online*

The Ministry of Education and Sport in its homepage online displays a number of programs, one of them being the transparency program. This program is presented through a chart where the “the right to information and complain” is easily identified. In this section the contact details of the Freedom of Information coordinator can be found, stating their name, surname and their email address.

It remains a challenge that one would have to click and search the website as a whole in order to find this contact as it is submerged within a long list of programs that MES undertakes, shown in the homepage. Even though it takes three clicks to retrieve the contact details they cannot be easily found and there is no indication in the website that would direct citizens in what section this contact can be found. Furthermore, in the homepage of the MES there is an exhaustive list of contacts which can be easily accessed, however the contact details of FOI coordinator are not included.

In accordance with **Article 10 of Law no. 119/2014** "On the right to information", the Public Authority appoints one of the officials as Coordinator for the right to information, in order to coordinate the work to guarantee the right to information.<sup>3</sup> This law foresees the competences of the coordinator and outlines their administrative duties. Furthermore, **the Internal Regulation Act of MES in Article 34** states the duties and responsibilities of the FOI coordinator appointed at the ministry.<sup>4</sup>



3 <https://www.idp.al/koordinador-per-te-drejte-e-informimit-2/>

4 [https://arsimi.gov.al/wp-content/uploads/2017/10/Rregullore\\_e\\_e\\_brendshme\\_e\\_MAS\\_20171.pdf](https://arsimi.gov.al/wp-content/uploads/2017/10/Rregullore_e_e_brendshme_e_MAS_20171.pdf)

### *Requirement 6: Responsible institution proactively publishes online basic public information on their work*

The website of the Ministry of Education and Sport, displays primary and secondary legal acts under the purview of the sectoral institution. These acts can be easily accessed in the homepage of the institution under the Newsroom section.

Nonetheless, it is noted that there is a lack of policy documents published online. Thus, sectoral policies regarding education which frame the work of the MES remain unclear.

The list of public services offered can be found in the homepage of the MES under the Ministry section. The list includes a variety of public services that MES offers to citizens for which are given instructions, the list of documents, the procedure and the normative standard that need to be fulfilled in order to receive such services.

Furthermore, the MES does not display an annual report on their work. Instead, in the homepage Newsroom section, a report dating back to July 2014 is said to be found. However, upon clicking on the report, only the statement of the former Minister of Education and Sport on the report can be found and not the report itself.

The budget plan for the ongoing year can be found in the homepage of the website of the MES in the Ministry section under the Budget and Finance sub-section. Furthermore, the budget execution for the previous year can be found within the same sub-section along with monitory reports and documents detailing expenditures.

In regard to the general contact information for the public Organisational chart, it can be found in the main homepage of the MES under the Ministry section. However, this chart is not published in a separate file. Regarding the names of key responsible officials (ministers, their deputies, and assistants, and general /state secretaries), they are not integrated in the organisational chart but rather in a separate section. This contact list includes the contact of the Minister and the appointed directors of the directories and the institutions under the Ministry of Education and Sport. However, it is worth noting that the contact details of the Minister of Education and Sport are not made available within that particular section.

### *Requirement 7: Responsible institution publishes data in open formats*

Open data essentially is the publication of data and information in a format which can be used, modified and shared by any interested party freely. This concept finds root in the idea that the information collected by the government should be made available to its citizens.<sup>5</sup>

In regard to the approach by the Albanian government to open data, the developments are quite recent. In 2015 the Council of Ministers passed the decision No. 147 "On the Approval of the Document on the Open Data Policy and the Establishment of the Open Data Portal".<sup>6</sup>

Recently, law No.33/2022 "On open data and reuse of public sector information" was adopted and added to the national legislation, aiming to foster the use of open data in the Republic of Albania. **Article 6 section 15** of this law defines open data "as a platform-independent format, made available to the public without any restrictions that prevent the reuse of documents, providing in detail the legal obligation for public sector institutions to make available data in an open format".<sup>7</sup>

5 <http://opendatatoolkit.worldbank.org/en/open-data-in-60-seconds.html>

6 <https://rm.coe.int/handbook-albania-eng/1680903022>

7 <https://www.parlament.al/Files/ProjektLigje/20220406123507ligj%20nr.%2033%20dt.%2031.3.2022.pdf>

Furthermore, **Article 7 section 3** of law No.33/2022 states that “The public sector body determines the list of existing documents that can be provided in the format of open data and makes it available for the public”. It is noted that the Ministry of Education and Sport does not provide a list for open data documents which fall under the scope of the ministry.

MES provides datasets in its official website which are in a user-friendly format mainly consisting of legal acts, budgetary data, data related to programmes implemented by the ministry and FOI request and answer registers. However, the MES does not provide updated datasets and yearly reports which encompass the scope and area of work that the ministry operates. Thus, the institution lacks proactivity in providing the citizens with full, clear and essential data that empower citizens and any interested party to hold institutions accountable.

### Final assessment of the requirements

Requirement	Final assessment
Requirement 1: Responsible institution submits information within the respected deadlines	Fully met
Requirement 2: Responsible institution submits information that was requested	Not met
Requirement 3: Responsible institution as a rule does not charge for providing responses to FOI request	Fully met
Requirement 4: Responsible institution publishes online an accessible, useful and citizen-friendly FAQ section on free access to public information	Not met
Requirement 5: Responsible institution makes available information on the contact person for FOI easily accessible online	Partially met
Requirement 6: Responsible institution proactively publishes online basic public information on their work	Not met
Requirement 7: Responsible institution publishes data in open formats	Partially met

# III. RECOMMENDATIONS FOR IMPROVEMENTS

- 1.** Taking into consideration the identified errors in the public registers of the FOI, the ministry needs to ensure that besides the publication of the registers, they must be accurate and error-free. This entails a short term intervention to correct the identified errors along with an increased commitment by the institution to provide accurate data.
- 2.** It is noted that the MES overall tends to reply to FOI within the required legal deadlines, however the institution needs to guarantee that these requests are answered fully and substantially and not at face value and selectively. This calls for a long-term intervention by the institution to provide citizens and any interested with the correct information that addresses the requests in their fullest.
- 3.** The MES must abide by the law and publish the fees administered in cases of FOI requests in both its website and public reception facilities of the institution. This requires for a short- term intervention by the institution in order to publish information on fees.
- 4.** Considering that the MES website does not include a FAQ, it is imperative that the ministry includes an accessible, useful and citizen-friendly FAQ section as it would address the queries of citizens and any interested party in a quick and efficient manner as well as strengthen the right to access information. This requires a mid-term intervention by the institution to narrow down a list of FAQ and make them available to the public.
- 5.** The MES should ensure that the contact details of the freedom of information coordinator are easy to find and listed in the contacts section in the homepage of the website. This requires a mid-term intervention to reorganise the website which prioritises easy access to information and the contact details of public officials.
- 6.** The MES must publish online basic information on their work including policy documents and annual reports. Taking into account that this is an ongoing work, it requires for a long-term intervention as well as commitment by the institution to publish data and information crucial to the work that the ministry undertakes.
- 7.** Despite the fact that the MES website displays a section which contains the contact details of public officials, in many cases these contacts are inaccurate or they are not displayed at all. The institution must ensure the accuracy of these contact details through a short-term intervention which addresses the inaccuracies.
- 8.** The MES must provide updated and periodic open data which encompass the scope and area of work that the ministry operates. This requires a long-term intervention and a commitment from the institution towards publishing data and information in a format which can be used, modified and shared by any interested party freely.

# APPENDICES

## Free access to information requests

Institution	Date of sending	Date of receipt
The Ministry of Education and Sport	29 <sup>th</sup> of April 2022 (Friday)	12 <sup>th</sup> of May 2022 (Thursday)
The Ministry of Education and Sport	19 <sup>th</sup> of May 2022 (Thursday)	27 <sup>th</sup> of May 2022 (Friday)

## Other sources

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2. The Register and Format of the Requests for Information, The Ministry of Education and Sport official website, 2022
3. The Constitution of the Republic of Albania, 2022
4. Law no. 119/2014 "On the right to information", 2014
5. Internal regulation of the Ministry of Education and Sport, 2017
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