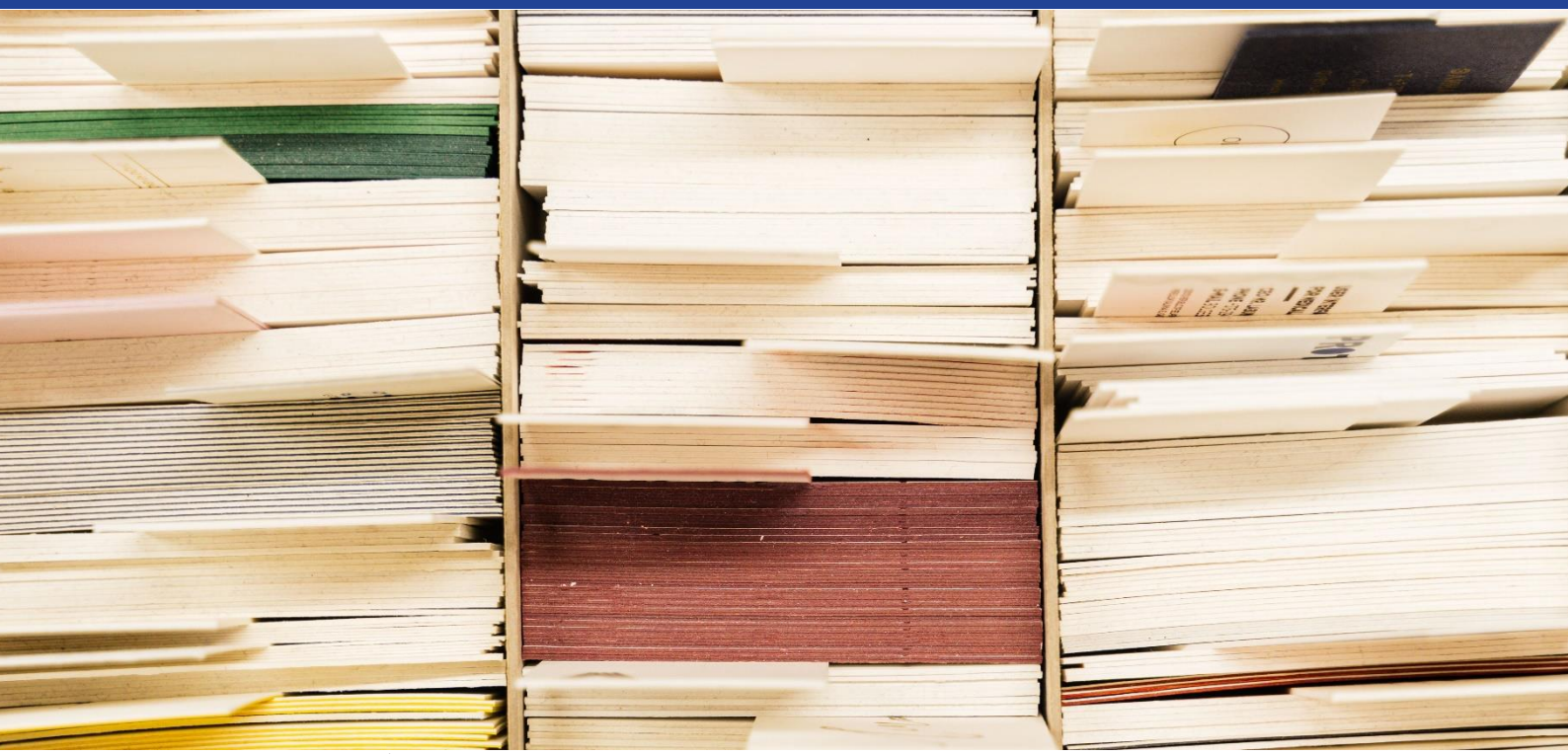
KOSOVO*

PROACTIVE PUBLICATION OF PUBLIC DOCUMENTS AND OPEN DATA



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GUIDELINES
on the Proactive Publication of Public Documents and Open Data

5 November 2026

Council of Europe

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* All reference to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

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Abbreviations

AIP	Agency for Information and Privacy
CSV	Comma-Separated Values
DOCX	Microsoft Word Open XML Document Format
DPO	Data Protection Officer
IT	Information Technology
OGP	Open Government Partnership
PDF	Portable Document Format
XLSX	Microsoft Excel Open XML Spreadsheet Format

1. Purpose, Scope and Key Principles

Access to public documents is an important element of transparent and accountable government. The Council of Europe Convention on Access to Official Documents (known as the Tromsø Convention, CETS No. 205) identifies three important functions of the right of access to official documents. It:

- provides a source of information for the public;
- helps the public to form an opinion on the state of society and on public authorities; and
- fosters the integrity, efficiency, effectiveness and accountability of public authorities, thereby helping to affirm their legitimacy.

These principles provide an important reference for the present Guidelines. Although Kosovo* is not a party to the Tromsø Convention, its principles are relevant to strengthening proactive transparency and complement the requirements established by the domestic legislation. Of particular relevance is the principle that public authorities should, on their own initiative and where appropriate, make official documents public in order to promote transparency and administrative efficiency and encourage informed public participation.

The Guidelines therefore approach proactive publication not only as a legal obligation, but also as a regular function of good public administration. Information should be made available in a manner that enables the public to find, understand and use it, while respecting personal data and other interests protected by law.

1.1 Purpose of the Guidelines

The purpose of these Guidelines is to support public institutions in the consistent and effective implementation of their obligations concerning the proactive publication of public documents and open data.

The Law on Access to Public Documents recognises proactive publication as one of the two ways through which access to public documents is realised, alongside access upon request. It requires public institutions to proactively publish public documents produced, received, maintained or controlled by them, irrespective of whether a request for access has been submitted.

The Guidelines translate these legal requirements into practical steps that can be applied in the daily work of public institutions. In particular, they are intended to help institutions:

- identify documents and information that should be proactively published;
- determine when and where they should be published and updated;
- publish information in accessible, accurate and usable formats;
- identify datasets suitable for publication as open data;

- assess whether information contains personal data or other legally protected information;
- apply restrictions only where permitted by law and, where required, conduct the damage and public interest test;
- consider partial publication, redaction or anonymisation instead of withholding an entire document; and
- establish clear internal responsibilities for publication, updating and monitoring.

The Guidelines do not create new legal grounds for publication or restriction. They provide a practical framework for implementing the obligations and safeguards already established by applicable legislation.

They also support implementation of Commitment 3 of the Kosovo Open Government Action Plan 2026–2028: "Standardizing and improving the proactive publication of public documents and monitoring the open data platform." The commitment aims to establish more standardised requirements for clear, complete and user-friendly information and to improve the accuracy, accessibility and updating of information made available to the public.

1.2 Scope of Application

These Guidelines apply to the proactive publication of public documents and open data by public institutions falling within the scope of the Law on Access to Public Documents.

The Law applies to public documents produced, received, maintained or controlled by public institutions. Its definition of public institutions covers government and administration at central and local level, as well as other bodies and entities specified by the Law, including independent institutions, public companies and, within the conditions established by the Law, natural or legal persons exercising administrative authority, public functions or operating with public funds.

For the purpose of these Guidelines, public documents should be understood broadly. The Law covers acts, facts and information stored electronically or in sound, print, visual or audiovisual form. It also defines information broadly to include, among other things, data, images, videos, reports, acts, tables, projects, drafts and annexes produced, received, maintained or controlled by public institutions.

The Guidelines address two closely related areas:

- Proactive publication of public documents – making documents and information available to the public on the institution's own initiative, without requiring an individual request.
- Open data – making public-sector data available in a manner that enables it to be freely used, modified and distributed, subject to the conditions established by law.

The Guidelines are intended to be applicable to institutions with different mandates, organisational structures and technical capacities, at both central and local level. Institutions should therefore apply the Guidelines in accordance with their legal mandate, the documents and data they produce or hold, and the specific requirements applicable to their work.

1.3 Legal and Policy Basis

The Guidelines are primarily based on the following legal and policy framework:

Law No. 06/L-081 on Access to Public Documents. This is the principal legal basis for proactive publication and open data. The Law guarantees access to public documents without discrimination, establishes proactive publication as a means of exercising the right of access, defines the documents and information subject to publication, establishes publication deadlines and forms, and regulates open data and restrictions on access.

Of particular importance for proactive publication are Articles 5–8. Public institutions are required to publish documents on their own initiative; publication should take place as soon as documents are available for publication and no later than 15 days from that point; documents containing information falling within the grounds for refusal under Article 17 are subject to specific safeguards; and a damage and public interest test must be conducted before deciding not to publish on those grounds.

Law No. 06/L-082 on Protection of Personal Data. Proactive publication must also respect the right to protection of personal data. The Law establishes principles including lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality, and accountability. These principles are particularly relevant where documents or datasets considered for proactive publication contain personal data.

Kosovo Open Government Action Plan 2026–2028. The Action Plan provides the main policy framework supporting the development and implementation of these Guidelines. Its five commitments seek to strengthen transparency, participation and accountability, with Commitment 3 specifically addressing the standardisation and improvement of proactive publication and monitoring of the open data platform.

Council of Europe Convention on Access to Official Documents (Tromsø Convention) and its Explanatory Report. Kosovo* is not a Party to the Convention; therefore, it is used in these Guidelines as a relevant European standard and reference framework, rather than as a directly applicable legal instrument. The Convention establishes minimum standards for access to official documents and recognises proactive publication as an important means of promoting transparency, administrative efficiency and informed public participation. The Explanatory Report further emphasises that transparency of public authorities is a feature of good governance and strengthens public confidence and institutional legitimacy.

Legal framework
The Guidelines should be read and applied together with applicable legislation. Where a provision concerns a legal obligation, the relevant legislation remains the authoritative legal basis.

1.4 Key Principles of Proactive Publication

Public institutions should apply the following principles throughout the process of identifying, preparing, publishing, updating and managing public documents and open data.

Transparency. Proactive publication should enable the public to understand the work, decisions, services and use of public resources by public institutions. Publication should be approached as a regular institutional responsibility rather than an activity undertaken only in response to individual requests.

Accountability. Published information should enable citizens to understand how public institutions exercise their responsibilities and make decisions. Transparency in the public sector supports public accountability and contributes to social, economic and democratic development.

Equal access. Public information should be available to everyone on an equal basis and without discrimination. Institutions should organise proactive publication so that access does not depend on who requests information, personal connections, professional status or other individual circumstances. The Law provides that the right of access belongs equally to all persons.

Timeliness. Information is most useful when it is published while it remains relevant. Public institutions should therefore publish documents within the deadlines established by law and keep published information and datasets up to date. The Law requires proactive publication as soon as a document is available for publication and, in any event, no later than 15 days from that point.

Accuracy and completeness. Published information should be accurate, complete and reliable. Institutions should review information before publication and correct or update it when circumstances change. For open data, the Law expressly requires publication in a timely, comprehensive, accurate and high-quality manner.

Accessibility and usability. Publication should make information genuinely accessible to the public, not merely technically available. Documents and data should be easy to find, presented clearly and, where applicable, available in formats that facilitate access, use and reuse. Public documents published proactively must also be made available in the official languages applicable in Kosovo* in accordance with the relevant legislation.

Protection of personal data. Proactive transparency must be implemented together with the protection of privacy, personal data and other legitimate interests protected by law.

2. Identifying Documents and Information for Proactive Publication

Effective proactive publication starts with a clear understanding of what information and documents an institution produces, receives, maintains or controls. Public institutions should not rely only on occasional decisions about what to place on their website. They should establish a systematic process for identifying the information that is subject to proactive publication and for maintaining an institutional list of such documents.

The Law on Access to Public Documents establishes a broad obligation to proactively publish public documents held electronically, regardless of whether a person has submitted a request for access. The purpose of this chapter is to help institutions translate that general obligation into a practical and manageable publication inventory.

2.1 Minimum Categories Required by Law

Article 5 of the Law on Access to Public Documents establishes minimum categories of information that public institutions should make available through their official websites.

At a minimum, institutions should publish information concerning:

- their mission and functions, including those of subordinate units;
- their organisational structure;
- the basic legislation governing their organisation, functioning and responsibilities;
- information on the institution's public activities, including relevant legal and sub-legal acts;
- approved strategies, plans and other policy or action documents related to the institution's mandate;
- detailed information on services provided to the public; and
- contact information for the official or organisational unit responsible for publication and public communication.

These categories represent a minimum starting point. They should not be interpreted as a closed list. Each institution produces or holds additional documents that may also be suitable or required for proactive publication depending on its mandate and activities.

Practical rule
The institution should begin with the categories required by Article 5 and then identify additional documents and information generated through its own functions, services and decision-making processes.

2.2 Institutional Mapping of Documents and Information

Each public institution should conduct an institutional mapping exercise to identify the main documents and information that it produces, receives, maintains or controls.

This exercise should involve the relevant organisational units rather than being carried out only by the official responsible for access to public documents. Different units have direct knowledge of the documents they create and manage and are therefore best placed to identify the information that should be considered for publication.

The mapping should cover, as applicable:

- legal and sub-legal acts;
- administrative decisions;
- strategies, plans and programmes;
- annual, periodic and thematic reports;
- financial and expenditure information;
- procurement-related information;
- information on public services;
- forms and application materials;
- agreements and memoranda;
- recruitment information;
- institutional contacts;
- public notices, calls and announcements; and
- datasets produced or maintained by the institution.

In addition to the minimum categories established under Article 5, public institutions should identify other documents and information relevant to their specific mandates and activities.

For example, AIP's institutional document inventory includes decisions, annual and periodic reports, financial reports, plans and strategies, forms, cooperation agreements, recruitment documents, institutional contacts and public notices. This illustrates how the categories of documents for proactive publication may differ according to an institution's responsibilities and functions.

A similar approach has been applied within the implementation of Commitment 3 of the Open Government Partnership (OGP) Action Plan 2026–2028, through the preparation of institutional document inventories to support the assessment of the availability, clarity and accessibility of public information.

Good practice
Each organisational unit should periodically review the documents and information it produces and inform the responsible publication function of new categories that should be added to the institutional inventory.

2.3 Information on Public Services

Information about public services requires particular attention because citizens often need practical guidance rather than only access to formal documents.

Article 5 requires institutions providing services such as licences, permits, authorisations, certificates or other public services to publish detailed information about those services. This includes the procedure and conditions for obtaining the service, required documentation, applicable costs, application forms and instructions, the deadline for receiving a response, and information on appeal possibilities.

The Open Government Action Plan 2026–2028 places particular emphasis on improving this type of information. Commitment 3 aims to establish a standardised approach for publishing clear, complete and understandable information on public services, including service descriptions, eligibility criteria, procedures, required documents, timelines, fees and contact information.

For each public service, institutions should therefore identify at least:

Information element	What should be provided
Service description	What the service is and who provides it
Eligibility	Who may apply or benefit
Procedure	Steps required to obtain the service
Required documents	Documents or evidence the applicant must provide
Forms	Application form and instructions, where applicable
Fees	Any applicable cost
Timeframe	Expected or legally required response time
Appeal	Where and within what timeframe a decision may be challenged
Contact	Responsible unit, email, telephone or other relevant contact information

Where an institution does not provide services directly to the public, this subsection should be applied only to the extent relevant to its mandate.

2.4 Institution-Specific Documents and Datasets

In addition to the common categories required by law, institutions should identify documents and datasets that arise specifically from their own mandate.

For example, depending on the institution, these may include:

- inspection or monitoring reports;
- registers;
- statistical information;
- licensing or permitting data;
- programme implementation information;
- budget and expenditure datasets;
- environmental or spatial data;
- service-delivery statistics;
- research or analytical reports;
- grants or subsidy information; or
- other information generated through the exercise of public functions.

The purpose is not to create the same publication list for every institution. A ministry, municipality, independent agency and public company will naturally produce different types of information.

2.5 Preparing the Institutional Proactive Publication List

Each institution should prepare and maintain an Institutional Proactive Publication List. The list should provide a simple overview of what the institution is expected to publish and should serve as an internal management and monitoring tool. It should be reviewed regularly and updated when the institution introduces new functions, services, documents or datasets. At a minimum, the list should record:

Field	Purpose
Document/information category	Identifies what should be published
Responsible organisational unit	Identifies who produces or holds the information
Publication location	Shows where the information is published
Publication/update frequency	Clarifies when publication or review is required
Format	Indicates the format in which information should be published
Open-data potential	Identifies whether the information should also be considered for publication as open data
Restrictions or safeguards	Records whether personal data or another protected interest requires assessment

The institutional list should not be treated as a static document. It should form part of the institution's regular information-management process and should support both self-assessment by the institution and monitoring by AIP.

Practical tool

A model Institutional Proactive Publication List is provided in Annex 3. Institutions may adapt the model to their mandate and organisational structure while retaining the minimum publication requirements established by law.

3. Where and How Information Should Be Published

Proactive publication is effective only when information is easy to find, understand and use. Making a document technically available somewhere on an institutional website is not sufficient if users cannot locate it, if the information is outdated, or if it is published in a format that limits accessibility or reuse.

Public institutions should therefore organise proactive publication in a consistent way, using their official websites as the main point of access and ensuring that published information is clear, accurate, accessible and available in appropriate formats.

3.1 Institutional Websites and Transparency Sections

The Law on Access to Public Documents requires public institutions to proactively publish electronically available public documents through their official websites, independently of individual requests for access.

Each institution should therefore maintain a clearly identifiable section of its website dedicated to public documents, transparency and proactive publication.

This section should:

- be easy to locate from the homepage;
- contain the main categories of information required by law;
- provide clear links to documents, datasets, services and relevant registers;
- avoid unnecessary duplication of the same information in different parts of the website; and
- be organised in a way that allows users to understand where specific information can be found.
- The website should also provide clear contact information for the official or organisational unit responsible for access to public documents and proactive publication.

Good practice
A user should be able to reach the main transparency section from the institutional homepage with a minimum number of steps.

3.2 Organisation and Presentation of Information

Information should be organised according to clear and consistent categories rather than according to the internal organisational structure of the institution alone.

A citizen looking for a licence, annual report, budget, recruitment notice or administrative decision should not need detailed knowledge of which department produced the document.

Institutions should therefore organise published information around practical categories such as:

- institutional information;
- legislation and administrative acts;
- strategies and plans;
- reports;
- budgets and expenditure;
- procurement;
- public services;
- decisions;
- recruitment;
- forms;
- public consultations and notices;
- contacts; and
- open data.

Practical rule
Information should be organised from the perspective of the user: What is the user looking for?, rather than only Which organisational unit produced it?

3.3 Official Languages

Public documents published proactively must be made available in the official languages applicable in Kosovo*, in accordance with the relevant legislation on the use of languages.

Institutions should therefore ensure that key information and documents are published consistently in the required official-language versions.

This is especially important for information concerning:

- public services;
- legal and administrative acts;
- rights and obligations;
- public consultations;
- recruitment;

- public notices and calls; and
- information intended for broad public use.

Where several language versions of the same document are published, they should be clearly linked and, as far as possible, updated at the same time.

3.4 Quality of Published Information

Published information should meet basic standards of accuracy, completeness, reliability and currency.

Institutions should verify information before publication and correct it when errors are identified. Information that has become outdated should be updated or clearly marked as historical.

Public institutions should therefore ask before publication:

- Is the information accurate?
- Is it complete enough to be understood?
- Is it current?
- Is the responsible source clear?
- Does the published version correspond to the official document?

Where information is corrected or replaced, institutions should avoid leaving conflicting versions online without explanation.

3.5 Publication Formats

The format of publication should correspond to the purpose of the information.

Under Article 7(1) of Law No. 06/L-081 on Access to Public Documents, public documents may be published electronically, in printed form, through broadcasting, or in any other form that enables access by a wider public. In accordance with Article 5(1), proactive publication should be carried out electronically through the institution's official website. Other forms of publication may be used to complement online access and reach a wider audience.

Depending on the nature and intended use of the information, public institutions should consider the following publication formats:

- searchable PDF;
- DOCX;
- XLSX/CSV; and

- open formats for data.

Institutions should choose formats according to how the information will be used.

Type of information	Preferred approach
Formal decisions, reports and acts	Searchable PDF or other accessible document format
Forms intended for completion	Editable format where appropriate
Tables and numerical information	XLSX, CSV or other reusable format
Open datasets	Open, machine-readable format
Short service information	Clearly presented webpage content, with downloadable documents where needed

Scanned image-only PDFs should be avoided where a searchable and accessible electronic version is available.

Good practice
A document may be suitable for publication as a PDF, while the data contained in it may also need to be published separately in a reusable format.

3.6 Metadata

Published documents and datasets should include enough basic information to allow users to understand what the document is, who is responsible for it and whether it is current.

As a minimum recommended practice, published documents and datasets should include the following metadata:

- title;
- date of publication;
- responsible institution; and
- date of update.

Where relevant, institutions should also include:

- responsible organisational unit;
- document or dataset category;
- period covered;
- version number;
- legal basis;
- language;

- format; and
- contact point for further information.

Metadata is particularly important for documents that are updated regularly and for datasets published through open-data systems.

Practical rule
A user should be able to determine immediately what the document is, when it was published or updated, and which institution is responsible for it.

3.7 Digital Accessibility

Proactive publication should take into account the needs of users who may rely on assistive technologies or have difficulties accessing complex digital content.

Public institutions should ensure that documents can be read by assistive technologies.

Institutions should therefore, where technically possible:

- publish documents in searchable rather than image-only formats;
- use clear headings and logical document structure;
- ensure sufficient text clarity and readability;
- provide meaningful titles for documents and links;
- avoid publishing essential information only as images;
- use tables that can be interpreted by assistive technologies;
- provide text alternatives for important visual information where appropriate; and
- ensure that key website sections can be navigated consistently.

Digital accessibility should be treated as part of effective access, not only as a technical website requirement.

4. Publication, Updating and Archiving

Proactive publication is a continuous institutional responsibility. It is not fulfilled simply by publishing a document once. Public institutions should ensure that information is published within the required timeframe, remains accurate and up to date, and can be distinguished from earlier or historical versions.

The Law on Access to Public Documents establishes the basic timeframe for proactive publication, while the Open Government Action Plan 2026–2028 highlights the need to address outdated and inconsistent information through more systematic institutional practices. The OGP framework specifically promotes regular monitoring of completeness, accessibility and updating as part of routine institutional workflows.

4.1 Timing of Proactive Publication

Public institutions should publish information as soon as it becomes available for publication and within the timeframe established by the Law on Access to Public Documents.

Article 6 of the Law requires public documents to be proactively published within fifteen (15) days from the moment they become accessible for publication.

The 15-day period should therefore be understood as the maximum legal timeframe**,** rather than the standard waiting period for publication. Where a document is final and ready for publication, institutions should publish it without unnecessary delay.

Certain information may require more immediate publication because its usefulness depends on timing. This may include, for example:

- public calls and announcements;
- recruitment notices;
- public consultations;
- deadlines for applications;
- information concerning changes to public services; and
- other time-sensitive information intended to enable public participation or access to a service.

Practical rule
Publish as soon as the information is ready. Do not routinely wait until the end of the 15-day period.

4.2 Regular Review and Updating

Proactively published information should be reviewed regularly to ensure that it remains current and useful.

Different types of information require different updating cycles. Some information changes frequently, while other documents remain valid for several years. Institutions should therefore determine an appropriate review or update frequency for each category in their Institutional Proactive Publication List.

Particular attention should be given to information that may change regularly, including:

- contact information;
- organisational structures;
- information on public services and procedures;
- fees and administrative requirements;
- application forms;
- plans and implementation information;
- financial and procurement information; and
- datasets published as open data.

The OGP Action Plan identifies incomplete, fragmented and outdated information as an implementation challenge and promotes structured monitoring and follow-up to improve publication practices. It also supports regular institutional monitoring to identify gaps and corrective actions and to improve the accessibility and updating of published documents.

Institutions should therefore assign responsibility for reviewing each category of published information rather than relying on users or external monitoring to identify outdated content.

Good practice
The Institutional Proactive Publication List should specify who is responsible for each category and how frequently it should be reviewed or updated.

4.3 Accuracy and Correction of Published Information

Public institutions should take reasonable steps to ensure that information is accurate and complete at the time of publication.

Where an error is identified after publication, it should be corrected without unnecessary delay. The correction should not create uncertainty about which information is authoritative.

Depending on the nature of the correction, the institution should:

1. correct the information on the website or replace the incorrect document;
2. indicate the date on which the correction or update was made;
3. ensure that links point to the corrected version; and
4. retain the previous version where it has continuing administrative, legal or public-interest value.

Corrections should not be confused with the removal of information. Where an earlier document represents an official decision, report, policy or other historical record, replacing it with a newer document may not justify deleting the earlier version.

4.4 Version Management

Documents that are revised or updated should be managed in a way that allows users to identify the current version and, where relevant, distinguish it from previous versions.

Public institutions should maintain clear version information for documents that are periodically revised or amended. This helps prevent confusion, ensures that users can identify the most recent information and supports transparency regarding changes made over time.

Where documents are subject to revision, institutions should use basic version information, as appropriate, such as:

Information	Example
Document title	Annual Procurement Plan
Version/status	Revised version
Original publication date	15 January 2026
Date of update	20 June 2026
Responsible unit	Procurement Unit
Previous version	Archived / available through link

The current version should be clearly identifiable. Previous versions should not appear alongside the current document without an indication of their status, as this may cause confusion.

Version management is particularly important for documents that are periodically amended, such as plans, strategies, procedures, forms, guidelines and datasets.

4.5 Archiving and Access to Historical Documents

Updating a website should not automatically result in the disappearance of documents that have ceased to be current. Some documents retain legal, administrative, research or public-interest value after they have been replaced or their period of application has ended.

Where appropriate, institutions should maintain an accessible archive or clearly identified section for historical documents. This may include:

- previous annual and periodic reports;
- expired strategies and action plans;
- previous versions of regulations or guidance;
- completed public consultations;
- earlier budgets and financial reports;
- previous procurement plans;
- historical decisions and notices; and
- earlier versions of datasets where their preservation is relevant.

Historical documents should be clearly marked so that users do not confuse them with current information. Where a newer version exists, the archived document should, where possible, provide a link or reference to the current version.

The purpose of archiving within proactive publication is not to establish separate archival obligations beyond those provided by applicable legislation. Rather, it is to ensure that updating public information does not unnecessarily remove previously published information of continuing public value.

Practical rule
Update current information, but preserve relevant historical information. Clearly distinguish between the two.

5. Open Data

Open data is an important component of proactive transparency. While proactive publication focuses on making public documents and information available without an individual request, open data also enables information held by public institutions to be used, analysed, combined and reused.

The Law on Access to Public Documents defines open data as data produced, received, maintained or controlled by public institutions that may be freely used, modified and distributed, provided that they remain open and attributable to the source.

Public institutions should therefore consider open data as part of their regular proactive publication process.

5.1 Principles of Open Data

The Law on Access to Public Documents requires public institutions to publish open data proactively and establishes basic requirements concerning the manner in which such data should be made available.

Open data should be published in a manner that is:

- timely;
- comprehensive;
- accurate and of appropriate quality;
- accessible to interested users;
- suitable for reuse; and
- where appropriate, readable and processable by technological devices.

These requirements mean that open data publication goes beyond uploading a document to an institutional website. The data should be provided in a form that enables users to work with it.

Practical rule
Publishing information online does not automatically make it open data. Where information has value as structured data, institutions should consider publishing the underlying dataset in a reusable format in addition to any report or document presenting the information.

Open data publication must also respect personal data and other interests protected by law. The fact that information exists in a database or dataset does not automatically mean that all of it is suitable for open publication.

5.2 Identifying Data Suitable for Publication

Each organisational unit should consider whether information it regularly collects, produces or maintains can be made available as open data. Depending on the mandate of the institution, this may include:

- statistical information;
- budget and expenditure data;
- procurement-related data;
- service-delivery statistics;
- registers or parts of registers that are public by law;
- licensing and permitting statistics;
- environmental or spatial information;
- programme and project information; and
- other structured information generated through public functions.

The assessment should begin with information already held in a structured form, particularly information that is regularly updated or may be useful for analysis and reuse.

Before publication, the institution should determine whether the dataset contains personal data, confidential information or another legally protected interest. Where only part of the dataset requires protection, the institution should consider whether the data can be published after appropriate removal, anonymisation or aggregation rather than withholding the entire dataset.

The detailed assessment of restrictions and personal data is addressed in Chapters 6–9.

Good practice
When preparing the Institutional Proactive Publication List, institutions should include a field indicating whether each category of information has open-data potential. This allows open data to be identified systematically rather than through occasional publication initiatives.

5.3 Open and Machine-Readable Formats

Open data should, where possible, be published in formats that allow information to be searched, processed, analysed and reused.

The Law requires open data to be published in a format that enables access and reuse and, where appropriate, processing by technological devices.

For structured data, institutions should therefore prefer formats such as CSV or other appropriate open and machine-readable formats. Spreadsheet formats may also facilitate use and analysis, depending on the nature of the dataset.

PDF may be appropriate for publishing an official report, decision or other document, but it is generally not the most useful format for publishing the underlying structured data.

For example:

Information	Document publication	Open-data publication
Annual expenditure	Annual financial report (PDF)	Expenditure dataset (CSV or other reusable format)
Service statistics	Performance report (PDF)	Statistical dataset
Procurement information	Procurement report/document	Structured procurement data
Survey/research results	Analytical report (PDF)	Non-identifiable underlying dataset, where appropriate

Where feasible, the document and the corresponding dataset should be linked so that users can access both the official presentation of the information and the reusable data.

5.4 Metadata and Data Quality

Open datasets should be accompanied by sufficient information to enable users to understand what the data represent, where they come from and how current they are.

Basic metadata should include, as appropriate:

- title of the dataset;
- responsible institution and organisational unit;
- description of the dataset;
- period covered;
- date of publication;
- date of the latest update;
- update frequency;
- format;
- source; and
- contact point for questions concerning the data.

Data quality is equally important. The Law requires open data to be timely, comprehensive, accurate and of high quality. Institutions should therefore check datasets before publication for obvious errors, missing information, inconsistencies and outdated entries.

Practical rule
A dataset should not be published without enough contextual information for a user to understand what it contains, what period it covers, who produced it and when it was last updated.

5.5 Publication through the Open Data Platform

The Law on Access to Public Documents provides for proactive publication of open data and establishes the basis for their availability through the central Open Data Portal. The Open Government Action Plan 2026–2028 further links improved proactive publication with strengthened monitoring of the Open Data Platform.

Public institutions should therefore consider the Open Data Platform as an important channel for publishing datasets intended for broader access and reuse.

Where a dataset is published through the Open Data Platform, the responsible institution should ensure that:

- the dataset is clearly identified;
- the responsible institution is indicated;
- appropriate metadata are provided;
- the published file or data source is accessible;
- the dataset corresponds to the most recent available version; and
- links between the institutional website and the Open Data Platform are maintained where appropriate.

Publication on the Open Data Platform should complement, rather than unnecessarily duplicate, the organisation of information on the institution's own website. Users should be able to move easily between institutional information and the relevant open datasets.

The OGP framework places particular emphasis on monitoring whether published information is available, accurate, updated and accessible, reinforcing the need for institutions to take responsibility for the quality of datasets they make available through the Platform.

5.6 Reuse of Public-Sector Data

The value of open data lies not only in access but also in its reuse.

The Law recognises the right to reuse public documents under the conditions and restrictions established by law. It defines reuse as the use of public documents by any person for commercial or non-commercial purposes other than the original purpose for which the documents were produced. Institutions should therefore avoid unnecessary technical or administrative barriers that prevent legitimate reuse of open data.

Where conditions apply to reuse, they should be clear and transparent. The Law also establishes the principle that reuse should be open to potential users and generally prohibits exclusive arrangements that would give a particular third-party exclusive rights to reuse public documents.

Reuse may enable public information to support:

- research and analysis;
- journalism;
- civic monitoring;
- development of digital services;
- business and innovation; and
- evidence-based public participation.

However, reuse does not remove the obligation to respect applicable restrictions, including those concerning personal data and other legally protected information.

5.7 Updating Open Datasets

Open data lose much of their practical value when they are outdated. Institutions should therefore determine an appropriate update frequency for each dataset and record this information in the relevant metadata and Institutional Proactive Publication List.

The appropriate frequency will depend on how often the underlying information changes. A dataset generated annually may require annual updating, while information that changes more frequently should be updated accordingly.

For each regularly maintained dataset, the institution should identify:

1. the organisational unit responsible for the data;
2. the expected update frequency;
3. the date of the most recent update;

4. the location where the current dataset is published; and
5. where relevant, how previous versions are preserved.

Where a dataset is no longer maintained, this should be clearly indicated rather than leaving an outdated dataset online without explanation.

The OGP Action Plan places particular emphasis on systematic monitoring of the availability, accuracy, accessibility and updating of information and open data. This requires open-data publication to become part of the institution's regular information-management process rather than a one-time activity.

Good practice
Every published dataset should have an identified owner and an update cycle. Responsibility for maintaining the dataset should remain clear even where publication takes place through a central platform.

6. Criteria for Exclusion from Proactive Publication

Proactive publication is based on the principle of openness, but the right of access to public documents is not absolute. In limited circumstances, publication may be restricted in order to protect interests recognised by law.

Article 17 of the Law on Access to Public Documents establishes the permitted grounds for restricting access. These grounds should be applied narrowly and in accordance with the principle of proportionality. The identification of a protected interest does not automatically justify excluding a document from proactive publication. The institution must consider the particular information concerned and, where required, apply the damage and public interest test.

6.1 General Rule of Openness and Exceptions

The starting point is access, not restriction. Article 17 confirms the right of access to public documents and provides that access cannot be refused on the basis of a protected interest without conducting the damage and public interest test.

This principle is particularly important for proactive publication. An institution should not classify an entire category of documents as “not for publication” merely because documents within that category may sometimes contain protected information.

Instead, the institution should ask:

- Is the document or information subject to proactive publication?
- Does it contain information affecting one of the interests protected by Article 17?
- If so, what specific interest would be affected by publication?
- Is the restriction necessary and proportionate?
- Is a damage and public interest test required?
- Can the protected information be separated so that the remainder can still be published?

Article 17 expressly requires the release of the remaining parts of a document where only part of it is covered by an exception.

Practical rule
Do not begin by asking why a document should be withheld. Begin with publication and identify whether a specific legal ground requires protection of particular information.

6.2 Grounds for Restricting Access under Article 17

Article 17(2) provides that limitations on access must be applied in accordance with the principle of proportionality and only for the purpose of protecting specified interests. These interests are:

Protected interest under Article 17(2)	What should be considered
Life, health and public security	Whether publication could create a risk to life, health or public security
National security, defence and international relations	Whether publication could damage one of these protected interests
Prevention, investigation and prosecution of criminal activities	Whether publication could damage an investigation process
Disciplinary investigations	Whether publication could damage an ongoing disciplinary procedure
Inspection, control and supervision by public institutions in cases involving classified information	Whether publication would interfere with the protected inspection, control or supervisory activity
Right to privacy and right to erasure ("right to be forgotten")	Whether publication would unjustifiably interfere with privacy or protected personal information
Commercial confidentiality	Whether legitimate business, professional or company secrets would be affected
Intellectual property rights	Whether the institution or a third party holds intellectual property rights relevant to publication
State economic, monetary and exchange policies	Whether publication could damage the protected policy interest
Statistical confidentiality	Whether information protected by statistical confidentiality would be disclosed
Equality of parties in court proceedings and efficient administration of justice	Whether publication could prejudice these interests
Deliberations within or between public institutions concerning examination of an issue containing a classified document	Whether the information falls within this specifically protected deliberative context

These are the grounds identified by the Law[1]. The Guidelines should not be used to create broader or additional categories of confidential information.

[1] The Council of Europe approach supports the same general principle. The Explanatory Report to the Tromsø Convention describes limitations as exceptions to the basic right of access and emphasises that they should be specifically prescribed by law, necessary and proportionate. It also cautions against using restrictions in a way that unnecessarily limits access.

6.3 Identifying the Protected Interest

Before excluding information from proactive publication, the institution should identify which specific protected interest under Article 17 would be affected.

A general statement such as "confidential information," "internal document," "personal information" or "sensitive information" is not, by itself, sufficient. The institution should be able to connect the proposed restriction to a specific legal ground.

The assessment should focus on the content of the information and the circumstances of publication, rather than only on the title or category of the document.

Practical example
The fact that a document relates to an investigation does not by itself answer whether it should be excluded from publication. Article 17 specifically refers to situations in which publication may damage the investigation process. The institution should therefore identify the protected interest and assess the potential effect of disclosure.

6.4 Restrictions Based on Other Applicable Legislation

The Law on Access to Public Documents should be applied together with other applicable legislation where that legislation establishes specific protections or requirements relevant to the information concerned.

This is particularly important in areas such as personal data protection. The Law on Protection of Personal Data establishes rights and safeguards that must be considered where proactive publication involves personal information. It also recognises circumstances in which processing may be necessary for exercising freedom of expression and information, compliance with a legal obligation, or performance of a task carried out in the public interest or exercise of official authority.

Article 18 of the Law on Access to Public Documents itself recognises the relevance of other applicable legislation. For the categories identified in Article 17(3), access is to be provided without conducting the damage and public interest test, unless otherwise provided by another applicable law.

Public institutions should therefore verify whether another applicable law establishes a specific rule concerning the information in question. However, the existence of another law should not be used as a general justification for non-publication. The institution should identify the specific legal provision on which the restriction is based.

Practical rule
Where an institution relies on another law to restrict publication, it should be able to identify the specific provision and protected interest, rather than referring generally to "applicable legislation".

6.5 Requirement for Individual Assessment

Restrictions should not be applied automatically to entire categories of documents. The institution should assess the specific document or information and the circumstances relevant to its publication.

This requires an individual assessment of:

- the information contained in the document;
- the specific Article 17 interest that may require protection;
- the nature and likelihood of the potential damage;
- the proportionality of restricting publication;
- the public interest in making the information available; and
- whether the protected information can be separated from the information that can be published.

This approach is consistent with Article 17, which requires proportionality, provides for release of the unaffected parts of a document, and requires the damage and public interest test before access is completely or partially refused on the grounds listed in Article 17(2).

The Law also identifies three categories for which access should always be granted: documents relating to public money expenditure; documents concerning the discharge of public functions or employment relationships of public officials, subject to the protection of personal data or different provisions in relevant laws; and specified environmental information. Article 18 provides that these documents are to be made accessible without the damage and public interest test, unless another applicable law provides otherwise.

7. Damage and Public Interest Test

The Damage and Public Interest Test is a legal safeguard designed to ensure that restrictions on access or proactive publication are not applied automatically. Its purpose is to determine whether the harm that publication may cause to a legally protected interest is greater than the public interest in making the information available.

The Law on Access to Public Documents requires public institutions to conduct this test before refusing access on the grounds listed in Article 17(2). It also defines the test as applicable before a decision is taken not to publish documents proactively.

The test should therefore be applied as an individual assessment of the specific information and circumstances concerned, not as a general presumption that particular categories of documents are confidential.

7.1 Purpose of the Test

The purpose of the test is to balance two legitimate considerations:

- the need to protect an interest recognised under Article 17(2); and
- the public interest in disclosure.

Article 18 provides that institutions must determine whether the protected interest overrides the public interest in publication.

The existence of a protected interest is therefore not sufficient on its own to justify non-publication. The institution should establish both: that publication could cause damage to the protected interest; and that this damage outweighs the public interest in disclosure.

Practical rule
Article 17 identifies what may require protection. The Damage and Public Interest Test determines whether that protection justifies restricting publication in the specific case.

The test also supports the principle of proportionality established by Article 17.

7.2 When the Test Should Be Applied

The test should be applied when an institution is considering restricting proactive publication because the information may affect one or more of the protected interests listed in Article 17(2).

For proactive publication, the test should take place before the institution decides not to publish the document or information.

The Law expressly defines the Damage and Public Interest Test as a test to be carried out before:

- rejecting proactive publication on the institution's own initiative; and
- rejecting a request for access to public documents.

The test is not required simply because a document contains information that appears sensitive. It becomes relevant where the institution has identified a specific Article 17(2) interest that may be harmed by publication.

A different rule applies to the categories in Article 17(3). The Law provides for access to documents concerning public expenditure, the discharge of public functions or employment relationships of public officials—subject to the stated personal-data and other legal safeguards—and specified environmental information. Article 18(4) provides that such documents are to be accessible without the test unless another applicable law provides otherwise.

7.3 Step 1 – Identify the Protected Interest

The first step is to identify the specific protected interest under Article 17(2) that may be affected by publication.

The institution should not rely on broad labels such as:

- "confidential";
- "internal";
- "sensitive"; or
- "not for publication".

Instead, it should identify the particular legal ground, for example privacy, commercial confidentiality, public security, an ongoing criminal investigation, statistical confidentiality or another interest expressly recognised in Article 17(2).

The assessment should record:

1. the document or information being considered for publication;
2. the specific part containing potentially protected information;
3. the Article 17(2) ground concerned; and
4. why that protected interest is relevant to the particular information.

Practical example
A document is connected with an ongoing investigation. The institution should not stop at the statement "ongoing investigation". It should identify whether publication of the specific information could affect the investigation process, since this is the interest protected by Article 17(2).

7.4 Step 2 – Assess the Potential Damage

After identifying the protected interest, the institution should assess the damage that publication could cause.

The assessment should be concrete and linked to the specific information. It should consider:

- what harm may result from publication;
- who or what may be affected;
- how serious the harm could be;
- whether the harm is reasonably likely to occur; and
- whether the harm could be reduced through partial publication, redaction or another safeguard.

The test should not be based only on hypothetical or general concerns. The institution should be able to explain the connection between publication and the anticipated damage.[2]

Practical question
What concrete damage is likely to occur if this specific information is published?

7.5 Step 3 – Identify the Public Interest in Disclosure

The institution should then identify the public interest served by publication.

Public interest is not the same as curiosity or interest in a particular individual. It concerns the broader value that disclosure may have for transparency, accountability, public participation or understanding the exercise of public authority.

Depending on the circumstances, public interest may be particularly relevant where information concerns:

- expenditure or management of public funds;
- performance of public functions;

[2] The Council of Europe Explanatory Report similarly emphasises that limitations are exceptions to the right of access and should be specifically prescribed by law, necessary and proportionate. It cautions against misapplying limitations in a way that unnecessarily restricts access.

- implementation of laws and public policies;
- institutional decision-making;
- provision of public services;
- matters affecting public health or safety;
- environmental matters;
- potential misconduct or misuse of public authority; or
- information needed for informed public participation.

The Law itself gives particularly strong protection to access concerning public expenditure, public functions and specified environmental information.

7.6 Step 4 – Balance the Competing Interests

Once the potential damage and the public interest have been identified, the institution should balance them.

The central question is: Does the damage to the protected interest outweigh the public interest in publication?

Article 18 places the burden of this assessment on the public institution. The outcome may be one of three possibilities:

Outcome	Appropriate action
Public interest outweighs the potential damage	Publish the information
The protected interest outweighs the public interest, but only part of the document is affected	Publish the remainder and protect only the affected information
The protected interest outweighs the public interest and the harm cannot reasonably be avoided through partial publication	Do not proactively publish the protected information

The balancing exercise should also reflect the principle of proportionality. Restriction should go no further than necessary to protect the relevant interest.

Where only part of the document is protected, Article 17 requires access to the remaining parts. The practical techniques for partial publication, redaction, anonymisation and aggregation are addressed in Chapter 9.

7.7 Documenting the Assessment and Decision

The institution should maintain a clear record of the Damage and Public Interest Test where it decides that information should not be proactively published, or should be published only in part.

The record should briefly identify:

- the document or information assessed;
- the relevant Article 17(2) protected interest;
- the potential damage identified;
- the public interest in disclosure;
- the outcome of the balancing exercise;
- whether partial publication or another less restrictive option was considered; and
- the final decision.

For refusals following individual requests, Article 17 requires the institution to explain the reasons for refusal and how the test was conducted. The same logic is useful for proactive publication because it promotes consistent, reviewable and accountable decision making.

Good practice
The assessment should be short but sufficient to show how the decision was reached. A standard form or checklist can help institutions apply the test consistently.

8. Protection of Personal Data

Proactive publication and personal data protection should be applied together, not treated as competing systems. Public institutions have obligations to make information available, but they must also ensure that personal data are processed and disclosed in accordance with the Law on Protection of Personal Data.

The presence of personal data in a document does not automatically mean that the entire document should be withheld**.** Institutions should assess the nature of the information, the legal basis for disclosure, the necessity and proportionality of publication, and whether the transparency objective can be achieved by publishing only the information that is necessary.

8.1 Proactive Publication and Personal Data Protection

The Law on Protection of Personal Data applies to the processing of personal data by public bodies. It defines processing broadly to include disclosure, dissemination or otherwise making personal data available. Proactive publication of a document containing personal data therefore constitutes processing within the meaning of the Law.

At the same time, the Law on Access to Public Documents recognises privacy and the right to erasure as protected interests under Article 17. This means that institutions must take privacy into account when considering publication, but should not treat privacy as an automatic basis for withholding an entire document.

The institution should therefore seek to achieve both objectives:

- provide access to information of public interest; and
- protect personal data that do not need to be disclosed.

Practical rule
The question is not simply whether a document contains personal data, but whether those personal data need to be published in order to fulfil the transparency obligation.

8.2 Identifying Personal Data in Documents and Datasets

Before publication, institutions should determine whether the document or dataset contains personal data.

The Law defines personal data as any information relating to an identified or identifiable natural person. A person may be identifiable directly or indirectly, including through a name, identification number, location data, online identifier, or characteristics relating to their physical, physiological, genetic, mental, economic, cultural or social identity.

Personal data may therefore include information such as:

- names and surnames;
- personal identification numbers;
- addresses and location information;
- personal telephone numbers or email addresses;
- financial information relating to an individual;
- information about employment or professional status;
- photographs or other identifying information; and
- information that, when combined with other data, can identify a person.

Particular caution is required for special categories of personal data and data relating to criminal convictions and offences. The Law provides additional protections and conditions for processing such information.

Institutions should also consider whether apparently anonymous information could identify an individual when combined with other information.

Practical example
A statistical table may not contain names, but if it contains very small categories or highly specific characteristics, an individual may still be identifiable. The institution should therefore assess the dataset as a whole before publication.

8.3 Legal Basis for Disclosure

Where proactive publication involves personal data, the institution should identify the legal basis that permits the processing and disclosure.

The Law on Protection of Personal Data provides several lawful bases for processing. Of particular relevance to public institutions are situations where processing is necessary:

- to comply with a legal obligation; or
- for the performance of a task carried out in the public interest or in the exercise of official authority.

For proactive publication, the Law on Access to Public Documents may itself provide the legal obligation or public-interest basis for making certain information available. However, this does not mean that every piece of personal information contained in a document should automatically be published.

The institution should therefore identify:

- what legal obligation or public task requires publication;
- what information is necessary to fulfil that obligation;
- whether the personal data are relevant to that purpose; and
- whether the same transparency objective can be achieved with less personal information.

The Law on Protection of Personal Data also requires institutions to consider the nature of the data, the context in which they were collected, the consequences of further processing and the availability of safeguards such as anonymisation when personal data are processed for another purpose.

Practical rule
Do not rely on "transparency" as a general legal basis. Identify the specific legal obligation, public task or other lawful basis that supports disclosure of the personal data concerned.

8.4 Necessity, Proportionality and Data Minimisation

The principle of data minimisation is particularly important for proactive publication. Institutions should publish only the personal data that are necessary for the legitimate purpose being pursued.

The Law requires public bodies to implement data-protection principles through appropriate technical and organisational measures and provides that, by default, only personal data necessary for each specific purpose should be processed.

The institution should therefore ask:

- Is publication of the personal data necessary?
- What transparency purpose does publication serve?
- Could the same purpose be achieved without identifying the individual?
- Could fewer personal details be published?
- Could the relevant information be anonymised or aggregated?
- Would publication have disproportionate consequences for the individual concerned?

Necessity and proportionality should be assessed in relation to the specific purpose of publication, rather than to the fact that the institution lawfully holds the information.

For example, the institution may legitimately hold an individual's personal identification number for administrative purposes, but that does not mean that the number should appear in a proactively published document.

Where appropriate, institutions should consider publishing aggregated statistical information instead of individual-level personal data, provided that the information remains meaningful and the risk of identifying individuals is adequately addressed.

8.5 Role of the Data Protection Officer

The Data Protection Officer (DPO) has an important advisory role where proactive publication raises questions concerning personal data.

Under the Law on Protection of Personal Data, the DPO is responsible, among other things, for:

- informing and advising the controller and employees about their obligations;
- providing advice on data-protection impact assessments where requested;
- co-operating with AIP; and
- acting as a contact point for AIP on matters concerning personal-data processing.

Where a document proposed for proactive publication contains potentially sensitive or complex personal-data issues, the official or unit responsible for publication should consult the DPO where appropriate.

However, consultation with the DPO does not transfer responsibility for the publication decision. The relevant institutional actors retain their responsibilities under the Law on Access to Public Documents and the Law on Protection of Personal Data.

The DPO's role should therefore be understood as providing specialised advice on data-protection compliance, including possible safeguards such as data minimisation, anonymisation or other appropriate measures.

8.6 Pre-Publication Privacy Check

Institutions should conduct a simple pre-publication privacy check where a document or dataset contains, or may contain, personal data.

The check should answer the following questions:

Question	Action
1. Does the document or dataset contain personal data?	If no, proceed with the normal publication process.
2. What personal data are involved?	Identify the specific information and whether any special category of data is involved.
3. What is the legal basis for disclosure?	Identify the applicable legal obligation, public task or other lawful basis.
4. Is disclosure of these personal data necessary?	Consider whether the transparency purpose can be achieved without publishing all personal details.
5. Is publication proportionate?	Consider the public interest, the nature of the data and the possible consequences for the individual.
6. Can fewer data be published?	Consider redaction, anonymisation, aggregation or partial publication.
7. Is DPO advice needed?	Consult the DPO where the assessment is complex or the risks are significant.
8. What should be published?	Publish the document in full, publish a protected version, or restrict the relevant information in accordance with applicable law.

9. Partial Publication, Redaction, Anonymisation and Aggregation

Where a document or dataset contains protected information, the appropriate response should not automatically be complete non-publication. The institution should first consider whether the protected information can be separated from the information that may lawfully be made public.

The Law on Access to Public Documents expressly provides that where only part of a document is covered by an exception, the remaining parts should be released. This principle is particularly important for proactive publication because it allows institutions to protect legitimate interests while still making as much information as possible available to the public.

The practical question is therefore:
If the entire document cannot be published, what information can still be made public?

9.1 Principle of Partial Publication

Partial publication means that an institution publishes the parts of a document or dataset that can lawfully be disclosed while protecting only the information that falls within a recognised restriction.

Article 17(4) establishes this principle clearly: where only part of a public document is covered by an exception, the remaining parts should be released.

Institutions should therefore avoid an all-or-nothing approach. Before deciding not to publish a document, they should determine whether:

- the protected information is limited to particular sections, paragraphs or data fields;
- those parts can be removed or obscured;
- the remainder of the document remains understandable and useful; and
- the public interest can still be served through partial publication.

Practical rule
Protect the information that requires protection, not automatically the entire document.

9.2 Redaction of Protected Information

Redaction is the removal or obscuring of specific information from a document before the remaining content is published.

It may be appropriate where a document contains a limited amount of information that should not be disclosed, such as:

- personal identification numbers;
- private contact details;
- protected personal information;
- commercially confidential information;
- classified information;
- information that could harm an ongoing investigation; or
- other information protected under Article 17.

The purpose of redaction is to allow the maximum possible disclosure of the document while preventing publication of the specific information requiring protection.

Redaction should be applied carefully. Institutions should ensure that:

- only the information requiring protection is removed;
- the remaining document is still understandable;
- the redacted information cannot be technically recovered from the published file; and
- where useful, the document clearly indicates that certain information has been redacted.

Practical example
A procurement-related document may contain information that should be public, together with personal contact details that are not necessary for the transparency purpose. The personal details may be redacted while the substantive document is published.

9.3 Anonymisation and Pseudonymisation

Anonymisation and pseudonymisation are techniques that may help protect individuals when documents or datasets contain personal data.

Anonymisation removes or modifies identifying information so that an individual can no longer be identified from the published information.

Pseudonymisation reduces direct identification by replacing identifying information with another identifier, while additional information may still allow the person to be identified under controlled conditions.

The Law on Protection of Personal Data recognises pseudonymisation as an appropriate data-protection measure and requires controllers to integrate safeguards such as data minimisation into

processing activities. It also recognises anonymisation as a relevant safeguard when assessing further processing of personal data.

For proactive publication, anonymisation will generally be more appropriate than pseudonymisation where the objective is to make information openly available to the public, because pseudonymised information may still constitute personal data if re-identification remains possible.

Institutions should consider:

- whether direct identifiers can be removed;
- whether indirect identifiers could still reveal the person's identity;
- whether several data points, when combined, could permit re-identification; and
- whether aggregation would provide stronger protection.

Practical rule
Removing a name does not necessarily make information anonymous. The institution should consider whether the individual can still be identified from the remaining information.

9.4 Publication of Aggregated Information

Aggregation is another practical way of making information public without disclosing information about identifiable individuals.

Instead of publishing individual-level information, an institution may publish totals, percentages, ranges, categories or other statistical summaries.

Aggregation may be particularly useful for:

- staffing statistics;
- complaint data;
- disciplinary information;
- service-use statistics;
- demographic information;
- expenditure or benefit statistics;
- inspection results; and
- other information where the public interest lies primarily in understanding overall patterns rather than individual cases.

Good practice
Where individual-level data cannot be published, ask whether the public-interest objective can be achieved through statistics, totals, percentages or other aggregated information.

9.5 Practical Examples

The following examples illustrate how institutions may apply the principle of maximum possible publication:

Situation	Possible approach
A decision contains a personal identification number and private address	Redact the identification number and private address; publish the remainder
A report contains names of individuals whose identity is not relevant to the public-interest purpose	Anonymise the names and other identifying details
A dataset contains detailed individual records	Assess whether the data can be anonymised or published in aggregated form
A document contains a commercially confidential annex	Assess whether the main document can be published while protecting only the confidential annex or relevant parts
A report contains information that could damage an ongoing investigation	Protect the specific information that creates the risk and assess whether the remainder can be published
Statistical information concerns a very small group	Consider broader aggregation to reduce the risk of identification
A document contains both public-function information and private personal details	Publish information relating to the public function while protecting unnecessary private details

10. Institutional Responsibilities and Publication Workflow

Effective proactive publication requires clear internal responsibilities and regular coordination. It should not depend on one official or be treated solely as a website-management task. Documents and data are produced across the institution, while decisions about publication may require input from management, officials responsible for access to public documents, Data Protection Officers, communications staff, IT staff and the organisational units that produce or hold the information.

The Law on Access to Public Documents places responsibility for proactive publication on the public institution as a whole. It also requires institutions to appoint a unit or official responsible for access to public documents and assigns responsibilities relating to website content, open data and records management.

The exact organisational arrangements may differ between institutions. The purpose of this chapter is therefore not to prescribe a single administrative structure, but to ensure that the principal functions required for proactive publication are clearly assigned.

10.1 Head of the Institution

Senior management has an important role in ensuring that proactive publication is treated as a regular institutional responsibility**,** rather than an occasional activity carried out by individual units.

The Law defines the "Responsible Official" as the highest administrative official responsible for decision making within the public institution.

Within the proactive-publication framework, the head or highest administrative management of the institution should ensure that:

- appropriate internal responsibilities are assigned;
- organisational units cooperate in identifying information for publication;
- the official responsible for access to public documents can perform the relevant coordination function;
- personal-data and other legal safeguards are applied where necessary;
- resources and technical support are available for publication;
- identified deficiencies are followed up; and
- proactive publication is included in regular institutional monitoring.

The Open Government Action Plan illustrates the importance of management involvement by promoting structured internal monitoring, reporting to senior management and coordinated corrective action rather than relying on ad hoc publication practices.

10.2 Official Responsible for Access to Public Documents

All public institutions are required to appoint a unit or official responsible for access to public documents. Under Article 13, this official has responsibilities relating to receiving and reviewing access requests, identifying the organisational unit that holds the relevant document, maintaining records and preparing annual reports.

Although several of these statutory functions relate directly to access upon request, the official's knowledge of the institution's documents and access obligations makes this function particularly relevant to proactive publication.

For the purposes of these Guidelines, the official or responsible unit should support coordination by:

- contributing to the institutional mapping of documents;
- maintaining or supporting the Institutional Proactive Publication List;
- communicating publication requirements to organisational units;
- identifying information that may require assessment under Article 17;
- supporting application of the Damage and Public Interest Test where required;
- co-ordinating with the Data Protection Officer where personal-data issues arise;
- supporting monitoring and reporting; and
- helping ensure that proactively published information remains available and current.

The Law also provides that the responsible official should serve, among other functions, as a liaison official for the publication of open data.

These coordination functions should not be understood as transferring responsibility for all proactive publication to one person. Organisational units remain responsible for the information they produce or hold.

10.3 Data Protection Officer

The Data Protection Officer (DPO) should be involved where proactive publication raises questions concerning the lawful disclosure of personal data.

The Law on Protection of Personal Data assigns the DPO responsibilities including informing and advising the institution and its employees on data-protection obligations, advising on impact assessments where requested, cooperating with AIP and acting as a contact point for AIP on data-processing matters.

In the proactive-publication process, the DPO should provide specialised advice where necessary on issues such as:

- whether information constitutes personal data;
- the legal basis for disclosure;
- data minimisation;
- necessity and proportionality;
- redaction or anonymisation; and
- risks associated with publishing particular personal data.

The DPO should cooperate with the Official Responsible for Access to Public Documents while maintaining a distinct professional role. The access official focuses on implementation of access-to-information obligations, while the DPO advises on compliance with personal-data protection requirements.

10.4 Organisational Units Producing/Holding Documents

The organisational units that produce, receive, maintain or control documents have a central role because they know what information exists, when it is final and when it changes.

Each relevant unit should therefore:

- identify the documents and datasets it produces or holds;
- indicate which documents should be included in the Institutional Proactive Publication List;
- provide documents for publication within the applicable timeframe;
- verify the accuracy and completeness of the information;
- identify whether a document contains potentially protected information;
- inform the responsible publication function when documents are amended or replaced; and
- regularly review information for which the unit is responsible.

The Law itself recognises this operational role in the request-based context by requiring the Official Responsible for Access to Public Documents to identify the unit that holds the document and requiring the relevant unit to provide the document once access is granted.[3]

[3] See OSCE https://omik.osce.org/mission-in-kosovo/575781 and https://omik.osce.org/sites/default/files/f/documents/5/e/575781_0.pdf

10.5 Communication/Public Information Function

Where an institution has a communication, public-information or similar function, it should support the public presentation and accessibility of proactively published information.

Depending on the institution's organisation, this may include:

- publishing approved information on the institutional website;
- organising information within the transparency section;
- ensuring that titles and descriptions are clear;
- maintaining links and navigation;
- coordinating publication in the applicable official languages;
- ensuring that public-service and contact information is clearly presented; and
- supporting communication of important updates or newly published information.

The Law requires each institution to maintain an official email address for public communication and to assign a person to regularly check incoming information. It also provides that the same person may be responsible for updating and helping ensure the accessibility and credibility of information posted on the institution's website.

The communication function should not make legal decisions about restricting information unless this responsibility has been formally assigned. Where legal or privacy questions arise, the relevant responsible officials should be involved before publication.

10.6 Information Technology Unit

The Information Technology (IT) function should provide the technical support required for reliable and accessible publication.

Depending on institutional arrangements, this may include:

- maintaining the technical functioning of the website;
- ensuring that documents and datasets can be uploaded and accessed;
- supporting appropriate publication formats;
- maintaining links to the Open Data Platform where relevant;
- helping ensure digital accessibility;
- supporting secure publication processes; and
- assisting with technical archiving and preservation of previous versions where applicable.

The Law distinguishes between content responsibilities and technical hosting responsibilities, assigning AIP a role concerning the content aspects of institutional webpages and the Agency for Information Society a role concerning technical hosting.

Within an individual institution, the same distinction is useful: IT should facilitate publication technically, while responsibility for the accuracy, legality and substantive content of the information remains with the appropriate institutional actors.

10.7 Internal Co-ordination

Proactive publication requires coordination because a single document may involve several functions.

For example, an organisational unit may produce the document; the access official may assess its publication status; the DPO may advise on personal data; management may approve a sensitive publication decision; communications staff may publish it; and IT may provide technical support.

Institutions should therefore establish a simple internal coordination mechanism. It does not need to create a new committee or complex procedure. Existing institutional structures should be used wherever possible.

At a minimum, internal arrangements should clarify:

Function	Main responsibility
Management	Ensure institutional responsibility and follow-up
Official Responsible for Access to Public Documents	Coordinate access/proactive-publication process and support legal assessment
Data Protection Officer	Advise on personal-data protection
Document-owning unit	Identify, prepare, verify and update information
Communication/Public Information	Present and publish approved information
IT	Provide technical publication and accessibility support
Archives/records function	Support records, version management and preservation where applicable

The Law also assigns the archives office responsibility for maintaining a register of public documents that are freely accessible to the public and updating that register every three months.

The OGP framework reinforces the value of internal coordination. It identifies weaknesses where publication has been managed separately by individual units without a structured mechanism and promotes regular internal reporting, feedback and coordinated corrective action.

11. Monitoring, Reporting and Self-Assessment

Monitoring is necessary to ensure that proactive publication is not treated as a one-time compliance exercise. Public institutions should regularly assess whether required information is available, complete, current, accessible and published in a form that can be effectively used by the public.

Monitoring should be based on consistent and comparable criteria that can be used both by public institutions for self-assessment and by the Agency for Information and Privacy (AIP) for oversight. Monitoring of the Open Data Platform should go beyond the availability of datasets and also consider their accuracy, currency, accessibility and usability.

The Open Government Action Plan 2026–2028, particularly Commitment 3, supports this approach by promoting standardised monitoring tools, regular reporting, feedback and corrective action as part of routine institutional workflows.

11.1 Purpose of Monitoring

The purpose of monitoring is to determine whether proactive publication obligations are being implemented consistently and effectively.

Monitoring should help institutions identify:

- information or documents that have not been published;
- information that is incomplete or difficult to find;
- outdated documents or datasets;
- gaps in publication in applicable official languages;
- accessibility or format problems;
- weaknesses in internal responsibilities or workflow; and
- areas requiring corrective action or additional staff support.

Monitoring should therefore focus not only on whether a document exists online, but also on whether it meets the practical standards set out in these Guidelines.

The OGP Action Plan identifies a particular problem where publication has been managed separately by organisational units without a structured internal process for assessing compliance, consistency, timeliness or quality. It promotes regular monitoring precisely to create a feedback loop and embed proactive transparency into ordinary institutional practice.

Practical rule
Monitoring should lead to improvement. Its purpose is not only to record non-compliance, but to identify gaps, assign corrective actions and follow up on whether they have been addressed.

11.2 Institutional Self-Assessment

Each public institution should periodically conduct a self-assessment of its proactive publication practices.

Self-assessment enables the institution to identify weaknesses before they are detected through external monitoring and helps ensure that responsibility for transparency remains within the institution itself.

The self-assessment should be based on a standard checklist or monitoring tool and should compare actual publication against:

- the requirements of the Law on Access to Public Documents;
- the Institutional Proactive Publication List;
- the standards established in these Guidelines; and
- any institution-specific publication obligations.

The assessment should involve the relevant institutional actors identified in Chapter 10, particularly the Official Responsible for Access to Public Documents and the organisational units responsible for the information concerned.

The OGP framework specifically promotes structured internal monitoring and institutional self-assessment, with monitoring results used as a documented basis for decision-making and corrective action.

11.3 Key Monitoring Indicators

Monitoring should use a manageable set of indicators that provide a consistent picture of institutional performance. At a minimum, the following areas should be considered:

Monitoring area	Key question
Availability	Is the required document, information or dataset published?
Completeness	Does the publication contain the information required by law or these Guidelines?
Timeliness	Was it published within the applicable timeframe?

Updating	Is the information current and is the date of update clear?
Accessibility	Can the information be easily found and accessed?
Official languages	Is the information available in the applicable official languages?
Format and usability	Is it published in an appropriate, searchable or reusable format?
Metadata	Are title, source, publication date and update information provided where relevant?
Open data	Where appropriate, is the information also available as reusable open data?
Protection of restricted information	Have personal data and other protected interests been appropriately assessed?
Institutional responsibility	Is there a clearly identified unit or official responsible for the information?

11.4 Monitoring by AIP

The Agency for Information and Privacy (AIP) has an important oversight role in monitoring compliance with the Law on Access to Public Documents, including the implementation of proactive publication obligations.

AIP's monitoring should complement institutional self-assessment and support the identification of recurring compliance gaps, differences in institutional practices and areas requiring further guidance or improvement.

The use of common monitoring indicators, such as those proposed in Annex 7, can support a more consistent assessment of proactive publication across public institutions.

11.5 Monitoring of the Open Data Platform

Monitoring of open data should assess not only whether datasets have been published, but also whether they remain accessible, current, accurate and reusable.

Commitment 3 of the Open Government Action Plan 2026–2028 specifically links improvements in proactive publication with strengthened monitoring of the Open Data Platform.

Monitoring should therefore consider the availability and accessibility of datasets, their updating, the quality of metadata, the suitability of publication formats and their potential for reuse. Institutions should also ensure that links and versions remain consistent where datasets are available through both institutional websites and the Open Data Platform.

The relevant indicators are included in Annex 7.

11.6 Reporting and Follow-up

Monitoring should result in practical improvements to proactive publication and open-data practices.

Findings from institutional self-assessment or external monitoring should be documented and communicated to the relevant organisational units. Where shortcomings are identified, institutions should determine the corrective actions required, assign responsibility and follow up on their implementation.

Monitoring results should also inform improvements to internal procedures, clarification of institutional responsibilities and capacity-building activities.

12. Capacity Building and Continuous Improvement

Effective implementation of these Guidelines requires public officials to understand both the legal requirements for proactive publication and the practical procedures for applying them.

Public institutions should promote staff awareness and capacity building, particularly among officials and organisational units involved in identifying, reviewing, publishing and updating public documents and open data. This includes officials responsible for access to public documents, Data Protection Officers, communications and IT staff, records management personnel and relevant organisational units.

Training should be practical and focus on the application of these Guidelines, including:

- identifying documents and information for proactive publication;
- maintaining institutional publication lists and registers;
- selecting appropriate publication formats and identifying open datasets;
- assessing restrictions under Article 17 of the Law on Access to Public Documents;
- applying the Damage and Public Interest Test;
- protecting personal data through appropriate safeguards, including redaction and anonymisation; and
- using monitoring and self-assessment tools.

The annexes accompanying these Guidelines should serve as practical resources for training, institutional self-assessment and everyday implementation.

Capacity-building activities should also provide opportunities for officials to exchange experiences, discuss implementation challenges and identify practical solutions.

Training needs should be reviewed periodically, taking into account monitoring findings, changes in the legal and policy framework, guidance issued by AIP and lessons learned through institutional practice.

The Guidelines and their annexes should also be reviewed and updated, as appropriate, to reflect implementation experience and relevant legal or policy developments.

Annex 1 – Model Minimum List of Documents and Information for Proactive Publication

No.	Category	Documents / information to be considered for proactive publication
1	**Institutional mandate and functions**	Mission; mandate; functions and responsibilities of the institution; functions of subordinate units
2	**Organisational structure**	Organisational chart; organisational units; responsibilities of departments/divisions or subordinate bodies
3	**Legal and regulatory framework**	Basic legislation governing the institution; applicable laws; sub-legal acts; regulations; administrative instructions; internal normative acts intended for public application; register of applicable sub-legal acts
4	**Institutional activities and decisions**	Information on public activities; decisions; administrative decisions; other acts arising from the institution's legal mandate, subject to applicable restrictions
5	**Strategies, plans and programmes**	Institutional strategies; strategic plans; annual work/performance plans; action plans; integrity plans; inspection plans; risk-management plans; other approved planning documents
6	**Annual, periodic and thematic reports**	Annual reports; six-monthly or other periodic reports; implementation reports; monitoring reports; thematic reports; performance reports; audit reports
7	**Budget, expenditure and financial information**	Approved budget information; annual and periodic financial reports; expenditure reports; revenue information; other financial information required for publication
8	**Public procurement and contracts**	Procurement plans; procurement-related reports; information on implementation of public contracts; other procurement information required by applicable legislation
9	**Public services**	List and description of services; eligibility conditions; procedures; required documents; applicable fees; application forms; instructions; response deadlines; appeal deadlines and responsible appeal body
10	**Forms and practical guidance**	Application forms; complaint forms; authorisation forms; checklists; instructions; guides and other materials used by the public
11	**Recruitment and human resources information**	Vacancy announcements; recruitment notices; information on recruitment procedures; establishment of recruitment commissions where applicable; shortlists and final results where publication is legally permitted; other public HR information
12	**Agreements and institutional cooperation**	Memoranda of Understanding; cooperation agreements; information on cooperation with domestic, regional and international institutions; memberships in relevant organisations
13	**Public consultations, calls and notices**	Public consultations; public calls; announcements; invitations; notices; deadlines and relevant supporting documents

14	**Public information and communication**	News; information on institutional activities; media information; press releases; public announcements; calendars of relevant public activities where applicable
15	**Contacts**	Institutional address; official email; telephone numbers; general contact information; contacts of relevant organisational units; contact of the Official Responsible for Access to Public Documents and other designated public contact points
16	**Registers and other institutional records**	Public registers, lists, catalogues and inventories maintained by the institution, to the extent that they may lawfully be published
17	**Statistical information**	Statistics produced or maintained by the institution; implementation statistics; service-use statistics; monitoring data and other statistical information relevant to the institution's mandate
18	**Open datasets**	Datasets suitable for publication and reuse; datasets already available through the Open Data Platform; associated metadata and information on updating
19	**Other mandate-specific documents and information**	Other documents, datasets or information produced, received, maintained or controlled by the institution that are relevant to transparency and are not subject to a lawful restriction

Annex 2 – Publication and Updating Deadlines Matrix

Category of information/document	Initial publication	Updating trigger / recommended review	Practical responsibility
Mission, mandate and functions	Within the applicable legal deadline	Whenever mandate or functions change; otherwise review annually	Responsible organisational unit
Organisational structure	Within the applicable legal deadline	Following an approved organisational change; review annually	HR / administration
Laws and applicable legislation	Within the applicable legal deadline	When legislation is adopted, amended, repealed or replaced	Legal unit
Sub-legal acts, regulations and institutional acts	Within the applicable legal deadline	Following adoption, amendment, repeal or replacement	Legal / responsible unit
Decisions intended for proactive publication	Within the applicable legal deadline	Following adoption/finalisation; replace or link amended decisions where necessary	Decision-producing unit
Strategies and action plans	Within the applicable legal deadline following approval	When amended, replaced or updated	Responsible policy/planning unit
Annual and periodic plans	Within the applicable legal deadline following approval	According to the planning cycle or when formally amended	Responsible unit
Annual reports	According to any specific legal deadline; otherwise within the general publication deadline once approved/finalised	Annually	Responsible/reporting unit
Periodic reports	According to the applicable reporting cycle	Following each reporting period	Responsible/reporting unit
Budget and financial information	According to applicable financial legislation and reporting requirements	Following approval, revision or applicable reporting cycle	Finance unit
Expenditure information	According to applicable requirements	According to the relevant reporting cycle	Finance unit
Public procurement information	According to applicable procurement legislation	At each relevant stage or when information changes	Procurement unit
Public services	As soon as the information is approved/available	Immediately when procedures, requirements, fees, forms,	Service-owning unit

		deadlines or contact information change; review periodically	
Forms, applications and guidance	As soon as approved for use	Immediately following amendment or replacement	Responsible unit
Recruitment information	According to applicable recruitment procedures and deadlines	At each relevant stage of the recruitment process	HR unit
Public consultations and public calls	In accordance with the applicable procedure and before the relevant deadline	When deadlines, documents or other relevant information change	Responsible unit
Institutional contacts	As soon as available	Immediately following a change; periodic verification recommended	Administration / communications
News, notices and public information	According to the relevance and timing of the activity	When correction or additional information is required	Communication/Public Information
Registers and public lists	Within the applicable legal deadline	According to changes in the underlying information and any legally prescribed cycle	Register-owning unit
Statistical information	According to the relevant production/reporting cycle	Each time new statistics become available	Data-producing unit
Open datasets	As soon as prepared and approved for publication	According to the dataset's production cycle and whenever new data become available	Dataset owner / open-data liaison
Other institution-specific documents	Within the applicable legal deadline unless a specific rule applies	When amended, replaced or no longer current	Document-owning unit

Annex 3 – Model Institutional Register of Documents and Information for Proactive Publication

No.	Document / information	Responsible unit	Publication location	Format	Publication deadline / trigger	Update / review cycle	Open-data potential	Restrictions / safeguards	Status
1	Institutional mandate and functions								
2	Organisational structure								
3	Applicable legislation								
4	Sub-legal acts and regulations								
5	Institutional decisions								
6	Strategies and action plans								
7	Annual and periodic plans								
8	Annual and periodic reports								
9	Budget and financial information								
10	Procurement information								
11	Information on public services								
12	Forms and practical guidance								
13	Recruitment information								
14	Agreements and cooperation documents								
15	Public consultations, calls and notices								
16	Institutional contacts								

17	Public registers and lists								
18	Statistical information								
19	Open datasets								
20	Other institution-specific documents/information								

Instructions for completing the Register

Document / information
Specify the document, dataset or information to be proactively published. Institutions should move beyond broad categories where possible. For example, instead of only recording "Reports", the institution may separately record "Annual Performance Report", "Annual Financial Report" and other recurring reports.

Responsible unit
Identify the organisational unit that produces, receives, maintains or controls the information and is responsible for ensuring that it is accurate and provided for publication.

Publication location
Indicate where the information is published, for example the transparency section of the institutional website, another specific website section or the Open Data Platform.

Format
Record the publication format, such as searchable PDF, DOCX, XLSX, CSV or another appropriate accessible or reusable format.

Publication deadline / trigger
Indicate the applicable legal deadline or the event that triggers publication. The general deadline under Article 6 should be applied unless a specific legal requirement provides otherwise.

Update / review cycle
Specify when the information should be reviewed or updated—for example, following a change, according to its reporting cycle, or according to another applicable requirement.

Open-data potential
Indicate whether the information also has potential for publication as structured open data. A simple classification such as Yes / No / To be assessed may be used.

Restrictions / safeguards

Identify whether publication may require an assessment under Article 17, a Damage and Public Interest Test, a personal-data assessment, redaction, anonymisation or another safeguard. This field should identify the need for assessment rather than create a general exclusion from publication.

Status

Record the current publication status. Institutions may use a simple classification such as:
Published / To be published / Update required / Under assessment / Not applicable

Annex 4 – Proactive Publication Checklist

A. Identification and Publication Requirement

No.	Check	Yes	No	N/A	Action / Comment
1	Has the document/information been identified in the Institutional Proactive Publication List/Register?	☐	☐	☐	
2	Does the document fall within a category required for proactive publication under Article 5 or other applicable legislation?	☐	☐	☐	
3	If not specifically listed by law, is publication appropriate considering the institution's mandate and the principle of openness?	☐	☐	☐	
4	Is the responsible organisational unit clearly identified?	☐	☐	☐	
5	Is the document final, approved or otherwise ready for publication?	☐	☐	☐	

B. Content and Quality

No.	Check	Yes	No	N/A	Action / Comment
6	Has the responsible unit verified that the information is accurate?	☐	☐	☐	
7	Is the information complete enough to be understood and used?	☐	☐	☐	
8	Is the published version the current and authoritative version?	☐	☐	☐	
9	Are the title, date and responsible institution/unit clear?	☐	☐	☐	
10	Where relevant, is the date of the latest update indicated?	☐	☐	☐	

C. Restrictions and Protected Information

No.	Check	Yes	No	N/A	Action / Comment
11	Has the document been checked for information that may fall under Article 17 of the Law on Access to Public Documents?	☐	☐	☐	
12	If a restriction may apply, has the specific protected interest been identified?	☐	☐	☐	
13	Has the institution avoided relying only on general labels such as “confidential”, “internal” or “sensitive”?	☐	☐	☐	
14	Where required, has the Damage and Public Interest Test been conducted?	☐	☐	☐	
15	Has partial publication been considered before deciding not to publish the entire document?	☐	☐	☐	

D. Personal Data

No.	Check	Yes	No	N/A	Action / Comment
16	Does the document or dataset contain personal data?	☐	☐	☐	
17	If yes, has the legal basis for disclosure been identified?	☐	☐	☐	
18	Is publication of the personal data necessary for the purpose of disclosure?	☐	☐	☐	
19	Has the principle of data minimisation been applied?	☐	☐	☐	
20	Have redaction, anonymisation or aggregation been considered where appropriate?	☐	☐	☐	
21	Where the issue is complex or involves significant privacy concerns, has the Data Protection Officer been consulted?	☐	☐	☐	

E. Publication Format and Accessibility

No.	Check	Yes	No	N/A	Action / Comment
22	Is the information being published in an appropriate format?	☐	☐	☐	
23	Where a PDF is used, is it searchable rather than image-only where possible?	☐	☐	☐	
24	Where the information consists of structured data, has a reusable/machine-readable format been considered?	☐	☐	☐	
25	Is the document accessible and easy to read and navigate?	☐	☐	☐	
26	Is the information available in the applicable official languages?	☐	☐	☐	
27	Are the required metadata provided?	☐	☐	☐	

F. Open Data

No.	Check	Yes	No	N/A	Action / Comment
28	Has the information been assessed for open-data potential?	☐	☐	☐	
29	If suitable as open data, is it available in an appropriate reusable format?	☐	☐	☐	
30	Does the dataset include sufficient metadata to explain its content, source and currency?	☐	☐	☐	
31	Where applicable, has publication through the Open Data Platform been considered/completed?	☐	☐	☐	
32	Has the responsible unit and update cycle for the dataset been identified?	☐	☐	☐	

G. Publication and Recording

No.	Check	Yes	No	N/A	Action / Comment
33	Is the information being published as soon as available and within the applicable legal deadline?	☐	☐	☐	
34	Is it published in the correct section of the institutional website or other designated platform?	☐	☐	☐	
35	Is the information easy for users to locate?	☐	☐	☐	
36	Has the publication date been recorded?	☐	☐	☐	
37	Has the publication location/link been recorded in the Institutional Register?	☐	☐	☐	

H. Updating and Archiving

No.	Check	Yes	No	N/A	Action / Comment
38	Has responsibility for future updating been assigned?	☐	☐	☐	
39	Has an update/review trigger or cycle been identified?	☐	☐	☐	
40	Where the document replaces an earlier version, is the current version clearly identifiable?	☐	☐	☐	
41	Where appropriate, has the previous version been archived rather than deleted?	☐	☐	☐	
42	Is relevant historical information still accessible and clearly identified as such?	☐	☐	☐	

Final Publication Decision

After completing the checklist, the responsible official/unit should record the outcome:

Decision	Select
Publish in full	☐
Publish after redaction/anonymisation	☐
Publish in aggregated form	☐
Publish partially	☐
Further assessment required	☐
Do not proactively publish – legal basis documented	☐

Responsible unit: _____
Official/person completing the checklist: _____
Date of assessment: _____
Date of publication, where applicable: _____
Comments / action required:

Annex 5 – Damage and Public Interest Test Form/Checklist

A. Basic Information

Field	Information
Institution	
Document / information assessed	
Responsible organisational unit	
Date of assessment	
Official(s) involved in the assessment	
Reason for conducting the test	

B. Step 1 – Identify the Protected Interest

Does publication potentially affect an interest protected under Article 17(2)?

☐ Yes
☐ No

If No, the Damage and Public Interest Test does not provide a basis for restricting publication. Continue with the normal publication process and any other applicable checks.

If Yes, identify the relevant protected interest:

Protected interest under Article 17(2)	Select
Life, health and public security	☐
National security, defence and international relations	☐
Prevention, investigation and prosecution of criminal activities	☐
Disciplinary investigations	☐
Inspection, control and supervision by public institutions in cases involving classified information	☐
Privacy and the right to erasure ("right to be forgotten")	☐
Commercial confidentiality	☐
Intellectual property rights	☐
State economic, monetary and exchange policies	☐
Statistical confidentiality	☐
Equality of parties in court proceedings and efficient administration of justice	☐
Protected deliberations within or between public institutions concerning examination of an issue containing a classified document	☐

These are the protected interests established by Article 17(2). The Guidelines should not be used to create additional grounds for restriction.

Specific information requiring protection:

_____

Explain why the selected protected interest applies:

Check: Has the institution identified a specific Article 17(2) interest rather than relying only on a general label such as “confidential”, “internal” or “sensitive”?
☐ Yes ☐ No

C. Step 2 – Assess the Potential Damage

Describe the concrete damage that could result from publication.

What harm could publication cause?

Who or what could be affected?

How likely is the damage to occur?
☐ Low
☐ Medium
☐ High

How serious could the damage be?
☐ Limited
☐ Significant
☐ Serious

Is there a clear connection between publication of the information and the anticipated damage?
☐ Yes
☐ No

Explanation:

The assessment should be based on the specific information and circumstances. Article 17 requires restrictions to be applied in accordance with the principle of proportionality.

Key question:
What concrete damage is reasonably likely to occur if this specific information is published?

D. Step 3 – Identify the Public Interest in Disclosure

Public-interest consideration	Yes	No	N/A
Transparency of public decision-making	☐	☐	☐
Accountability of public institutions or officials	☐	☐	☐
Use or management of public funds	☐	☐	☐
Performance of public functions	☐	☐	☐
Quality or delivery of public services	☐	☐	☐
Implementation of laws, policies or programmes	☐	☐	☐
Public health or safety	☐	☐	☐
Environmental matters	☐	☐	☐
Identification of possible misconduct or misuse of public authority	☐	☐	☐
Informed public participation or debate	☐	☐	☐
Other relevant public interest	☐	☐	☐

Describe the public interest served by disclosure:

Particular attention should be given to the categories identified in Article 17(3), including documents relating to public expenditure, the discharge of public functions or employment relationships of public officials—subject to the safeguards established by law—and specified environmental information.

Key question:
What benefit would disclosure provide to the public in understanding, scrutinising or participating in the work of public institutions?

E. Step 4 – Balance the Competing Interests

Compare the potential damage identified in Section C with the public interest identified in Section D.

Does the damage to the protected interest outweigh the public interest in disclosure?

☐ No – the public interest in disclosure prevails

☐ Yes, but only for part of the information

☐ Yes – the protected interest outweighs the public interest

Reasoning:

Article 18 requires the institution to determine whether the damage caused to the protected interest overrides the public interest in publication.

F. Consider Less Restrictive Alternatives

Before deciding against publication, determine whether the protected interest can be safeguarded while allowing some information to be made public.

Alternative	Considered	Applicable
Partial publication	☐	☐
Redaction	☐	☐
Anonymisation	☐	☐
Aggregation	☐	☐
Publication without annexes or specifically protected sections	☐	☐
Other appropriate safeguard	☐	☐

If none of these measures can be applied, explain why:

Where only part of a document is covered by an exception, Article 17 requires access to the remaining parts.

Key question:
Can the protected interest be safeguarded without withholding the entire document?

G. Final Decision

Based on the assessment above:

Decision	Select
Publish in full	☐
Publish partially	☐
Publish after redaction	☐
Publish after anonymisation	☐
Publish in aggregated form	☐
Do not proactively publish the protected information	☐

Legal basis for the decision:

Brief justification:

Where publication is restricted, identify the specific information affected:

H. Record of Assessment

Assessment completed by: _____

Position / organisational unit: _____

DPO consulted, where relevant: ☐ Yes ☐ No ☐ N/A

Other unit/official consulted: _____

Date: _____

Final publication location, where applicable: _____

Annex 6 – Personal Data, Redaction and Anonymisation Checklist

A. Identification of Personal Data

No.	Check	Yes	No	N/A	Comment
1	Does the document or dataset contain information relating to an identified or identifiable natural person?	☐	☐	☐	
2	Does it contain direct identifiers, such as a name or personal identification number?	☐	☐	☐	
3	Does it contain indirect identifiers that could enable identification when combined with other information?	☐	☐	☐	
4	Does it contain private contact information, such as a personal address, telephone number or email address?	☐	☐	☐	
5	Does it contain financial, employment or other information relating to an identifiable individual?	☐	☐	☐	
6	Does it contain special categories of personal data or information requiring particular protection?	☐	☐	☐	
7	Could an individual still be identified even if their name were removed?	☐	☐	☐	

B. Legal Basis and Purpose of Disclosure

No.	Check	Yes	No	N/A	Comment
8	Has the purpose of proactive publication been clearly identified?	☐	☐	☐	
9	Is publication required by a specific legal obligation?	☐	☐	☐	
10	Is disclosure necessary for the performance of a task carried out in the public interest or exercise of official authority?	☐	☐	☐	
11	Has the specific legal basis for disclosure been recorded?	☐	☐	☐	
12	Are the personal data relevant to the transparency purpose being pursued?	☐	☐	☐	

C. Necessity, Proportionality and Data Minimisation

No.	Check	Yes	No	N/A	Comment
13	Is publication of the personal data necessary to achieve the purpose?	☐	☐	☐	
14	Is the amount of personal data limited to what is necessary?	☐	☐	☐	
15	Could the transparency purpose be achieved by publishing fewer personal details?	☐	☐	☐	
16	Could the transparency purpose be achieved without identifying the individual?	☐	☐	☐	
17	Have the possible consequences for the individual been considered?	☐	☐	☐	
18	Is disclosure proportionate to the legitimate transparency purpose?	☐	☐	☐	

D. Selecting the Appropriate Safeguard

Safeguard	Considered	Applicable
Publish without modification	☐	☐
Partial publication	☐	☐
Redaction of specific personal data	☐	☐
Anonymisation	☐	☐
Aggregation	☐	☐
Other appropriate safeguard	☐	☐
Non-publication of the protected information	☐	☐

E. Redaction Check

No.	Check	Yes	No	N/A
19	Have only the personal data requiring protection been redacted?	☐	☐	☐
20	Does the remaining document retain useful and understandable information?	☐	☐	☐
21	Has unnecessary redaction been avoided?	☐	☐	☐
22	Has the published file been checked to ensure that redacted information cannot be technically recovered?	☐	☐	☐
23	Where appropriate, is it clear to the user that information has been redacted?	☐	☐	☐

F. Anonymisation Check

No.	Check	Yes	No	N/A
24	Have direct identifiers been removed or appropriately modified?	☐	☐	☐
25	Have indirect identifiers been considered?	☐	☐	☐
26	Could the individual still be identified by combining the remaining information?	☐	☐	☐
27	Has the risk of identification from small groups or unusual characteristics been considered?	☐	☐	☐
28	Has the institution checked the final version before publication?	☐	☐	☐

G. Aggregation Check

No.	Check	Yes	No	N/A
29	Can the information be published as totals, percentages, ranges or statistical categories?	☐	☐	☐
30	Would aggregated publication still fulfil the transparency purpose?	☐	☐	☐
31	Are the categories sufficiently broad to reduce the risk of identifying individuals?	☐	☐	☐
32	Has the risk of identification from very small groups been considered?	☐	☐	☐

Annex 7 – Institutional Transparency and Open Data Monitoring Indicators

A. Assessment Categories

The following categories may be used when completing the monitoring matrix:

Assessment	Meaning
Compliant	Requirement is met
Partially compliant	Requirement is partly met, but improvement is required
Not compliant	Requirement is not met
N/A	Requirement is not applicable to the institution or information assessed

B. Proactive Publication Indicators

No.	Indicator	Assessment	Evidence / Finding	Corrective Action
1	The institution maintains a clearly identifiable transparency/proactive publication section on its official website.			
2	Information on the institution's mission, mandate and functions is published.			
3	The organisational structure and responsibilities of organisational units are published.			
4	Applicable legislation and relevant sub-legal acts are published and current.			
5	Strategies, plans and other relevant planning documents are published.			
6	Annual, periodic and other relevant reports are published.			
7	Relevant budget, expenditure and financial information is published in accordance with applicable requirements.			
8	Relevant procurement information is published in accordance with applicable requirements.			
9	Institution-specific decisions and other public documents are proactively published where applicable.			
10	Public calls, consultations, notices and announcements are published where applicable.			

C. Public Service Information

For institutions providing services directly to the public:

No.	Indicator	Assessment	Evidence / Finding	Corrective Action
11	Public services are clearly identified and described.			
12	Eligibility conditions and procedures are explained.			
13	Required documents are clearly listed.			
14	Applicable fees/costs are clearly indicated.			
15	Application forms and instructions are available.			
16	Applicable response deadlines are provided.			
17	Appeal possibilities and relevant deadlines are explained.			
18	Contact information for the responsible service/unit is available.			

D. Timeliness, Accuracy and Updating

No.	Indicator	Assessment	Evidence / Finding	Corrective Action
19	Documents are proactively published within the applicable legal deadline.			
20	Published information is accurate and complete.			
21	Information that changes regularly is kept up to date.			
22	Publication and/or latest update dates are identifiable where relevant.			
23	Outdated information is updated, replaced or clearly identified as historical.			
24	Current versions of documents can be distinguished from previous versions.			
25	Relevant historical documents remain accessible where appropriate.			

E. Accessibility, Languages and Usability

No.	Indicator	Assessment	Evidence / Finding	Corrective Action
26	Proactively published information is easy to locate from the institutional website.			

27	Information is organised in clear and understandable categories.			
28	Information is available in the applicable official languages.			
29	Documents are published in appropriate and accessible formats.			
30	Searchable electronic documents are used where possible instead of image-only scans.			
31	Document titles and links clearly describe their content.			
32	Basic metadata, including title, responsible institution and relevant dates, are provided where applicable.			
33	Key information is presented in a manner that supports access by users relying on assistive technologies, where applicable.			

F. Protection of Personal Data and Other Protected Interests

No.	Indicator	Assessment	Evidence / Finding	Corrective Action
34	Documents are checked for personal data and other legally protected information before publication where necessary.			
35	Restrictions are linked to a specific legal basis rather than general labels such as “confidential” or “internal”.			
36	The Damage and Public Interest Test is conducted where required.			
37	Partial publication is considered before an entire document is withheld.			
38	Redaction, anonymisation or aggregation is used where appropriate.			
39	DPO advice is sought where complex personal-data issues require it.			

G. Open Data Indicators

No.	Indicator	Assessment	Evidence / Finding	Corrective Action
40	The institution has identified information and datasets with open-data potential.			
41	Relevant datasets are published and accessible.			
42	Datasets are published in an appropriate reusable/machine-readable format where applicable.			
43	Datasets are sufficiently complete and accurate.			
44	Appropriate metadata accompany published datasets.			

45	The responsible institution/unit is clearly identified for each dataset.			
46	The date of publication/latest update is provided.			
47	Datasets are updated according to the relevant production/update cycle.			
48	Relevant datasets are available through or linked with the Open Data Platform where applicable.			
49	Links and downloads to datasets function correctly.			
50	Open datasets have been checked for personal data and other protected information.			

H. Institutional Responsibilities and Internal Management

No.	Indicator	Assessment	Evidence / Finding	Corrective Action
51	An Official Responsible for Access to Public Documents has been designated.			
52	Organisational units understand their responsibilities for providing and updating information.			
53	The institution maintains an Institutional Register/List of documents for proactive publication.			
54	Responsibility for each major category of published information is identifiable.			
55	Internal coordination exists between relevant functions, including access to documents, data protection, communications and IT where appropriate.			
56	The institution periodically conducts a self-assessment of proactive publication.			
57	Monitoring findings are communicated to responsible units and/or management.			

These guidelines translate the legal requirements for the proactive publication of public documents and open data into practical, day-to-day steps for public institutions.

They provide a clear framework to help institutions identify publishable information, ensure accessible formats, apply lawful data protection safeguards, and establish internal responsibilities.

By establishing standardised requirements for proactive disclosure, this publication helps public authorities deliver clear, complete and user-friendly information while continuously improving the accuracy, accessibility and updating of data made available to the public.

ENG

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Congress of Local and Regional Authorities is an institution of the Council of Europe, responsible for strengthening local and regional democracy in its 46 member states. Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees, it brings together 612 elected officials representing more than 130 000 local and regional authorities.

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