

Access to Official Information

Sustainable Governance Indicators 2024



Indicator

Transparent Government

Question

To what extent can citizens and residents access official information?

30 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = There are no barriers, by law or in practice, for citizens seeking to access official information.
- 8-6 = Existing barriers, by law and in practice, pose no significant obstacles for citizens seeking to access official information.
- 5-3 = Existing barriers, by law and in practice, pose some significant obstacles for citizens seeking to access official information.
- 2-1 = Existing barriers, by law and in practice, pose many/various significant obstacles for citizens seeking to access official information.

Denmark

Score 10

The Access to Public Administration Files Act (1985) stipulates that “any person may demand that he be apprised of documents received or issued by an administration authority in the course of its activity.” However, there are exemptions, including matters of criminal justice, access to an authority’s internal case material, and material gathered for the purpose of public statistics or scientific research. The law further stipulates that access “may be subject to limitations” for information related to state security, defense of the realm, and the protection of Danish foreign policy and Danish external economic interests. The act requires that requests be dealt with quickly. If no decision has been made within 10 days, authorities must inform inquiring parties why their request has been delayed and when they can expect a decision. De facto, the rules are respected.

The parliamentary ombudsman can review decisions by administrative authorities regarding the disclosure of information. Although the ombudsman cannot change decisions, they can make recommendations, which authorities usually follow. If a ministry or municipality does not comply with the rules, the ombudsman can also take up the case.

The revised Access to Public Administration Act 2014, approved by a broad majority in parliament, has been criticized for reducing access to documents prepared by government officials in the process of developing new government policy (Krunke 2017).

Citation:

Act No. 572. 1985. The Danish Access to Public Administration Files Act. <http://www.unece.org/fileadmin/DAM/env/pp/compliance/C200828/response/DKAccessToPublicAdministrationFilesAct.pdf>

Helle Krunke. "Freedom of Information and Open Government in Denmark."
<http://ojs.imodev.org/index.php/RIGO/article/view/9/70>

Finland

Score 10

Public access to government information is, in principle, unrestricted. According to the Finnish Constitution, every Finnish citizen has the right to access public documents and recordings. This right includes access to documents and recordings held by government authorities, unless their publication has been restricted by a government act for a compelling reason. Section 12 of the constitution states: "Everyone has the freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone."

However, special categories are secret and exempt from release, including documents that relate to foreign affairs, criminal investigations, the police, security services and military intelligence. Such documents are usually kept secret for 25 years, unless otherwise stated by law.

One such document, the so-called Tiitinen's List, continues to be highly controversial. The list was given to Finland by West Germany in 1990, and it is assumed to contain the names of 18 people who allegedly collaborated with the East German intelligence and security service. Despite years of public debate and calls from top politicians, Finnish authorities have refused to release the document.

Finland was among the first countries to sign the Council of Europe Convention on Access to Official Documents in 2009. The 1999 Act on the Openness of Government Activities stipulates that individuals requesting information are not required to provide reasons for their requests and that responses must be provided within 14 days. Appeals of any denial can be taken to a higher authority and then to the Administrative Court. The chancellor of justice and the parliamentary ombudsman can also review the appeal.

Journalists have persistently exposed public authorities' attempts to hide contentious information.

Citation:

The Constitution of Finland. 1999. <https://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>

Lithuania

Score 10

The principle of freedom of information is upheld in Lithuania's constitution and legislation. For instance, the Law on the Provision of Information to the Public states that "every individual shall have the right to obtain from state and local authority institutions and agencies and other budgetary institutions public information

regarding their activities, their official documents (copies), as well as private information about himself.” Appeals can be made to an internal Appeals Dispute Commission and to administrative courts. Legal measures regarding access to government information are adequate and do not create any access barriers for citizens. Information-access provisions in Lithuania cover all levels of the executive but exclude the legislative branch. The right to request information applies to citizens of and legal residents within Lithuania and European Economic Area states, as well as to foreign nationals with a residence permit.

The conservative-liberal coalition government, formed in late 2020, included several provisions in its program on open data policy to enhance transparency and citizens’ access to data. It pledged “to make open data an essential element of the government’s decision-making and communication processes” and “to ensure that open data is provided to the population and businesses in an orderly and timely manner.” The aim was to allow fast and effective use of data by the public and researchers, enabling them to respond to new challenges and actively participate in the adoption of policy decisions.

In 2022, the Law on Official Statistics and State Data Governance was adopted, reforming the Department of Statistics into the State Data Agency and leading to more data pooling and its more effective and timely use. According to the annual report of the government on its activities in 2022, data from 43 registers and information systems have been integrated into the state data pool, with plans for continued data pooling updated for 2024.

Comparative OECD data show that Lithuania’s performance has improved due to government initiatives. In 2019, Lithuania ranked last in the OECD with regard to data availability and government support for data reuse, and fifth-worst with respect to data accessibility. Its overall index score was also the lowest in the OECD. According to the most recent report published in 2023, Lithuania is now among the top 10 OECD countries characterized by “very high performance” with a comprehensive approach to open data initiatives. Lithuania scored particularly high (fifth place) with regard to data availability and 10th for the accessibility of high-value datasets, although it scored somewhat lower on overall data accessibility (12th) and government support for data reuse.

Citation:

Republic of Lithuania. 1996. Law on the Provisions of Information to the Public. No. I-1418, as last amended on 23 December 2015, No. XII-2239.

The Seimas. 2020. “The Resolution on The Program of the Eighteenth Government of Lithuania.” No. XIV-72.

The Government Annual Report for 2022. 2023. (in Lithuanian) <https://epilietis.lrv.lt/lt/naujienos/seimui-teikiama-vyriausybes-2022-metu-veiklos-ataskaita>

OECD. 2019. “Open, Useful and Re-usable Data (OURdata) Index: 2019.” <https://www.oecd.org/countries/lithuania/open-useful-and-re-usable-data-ourdata-index-2019-45f6de2d-en.htm>

OECD. 2023. “2023 OECD Open, Useful and Re-usable data (OURdata) Index: Results and Key Findings.” OECD Public Governance Policy Papers, No. 43. OECD Publishing, Paris. <https://doi.org/10.1787/a37f51c3-en>

OECD. 2015. “Public Governance Review Lithuania – Fostering Open and Inclusive Policymaking Key Findings and Recommendations.” <http://www.opengovpartnership.org/blog/ogp/2014/02/12/three-cohort-2-countries-will-not-receive-irm-reports>

Norway

Score 10

A Freedom of Information Act was introduced in 1970, and the right for citizens to obtain information about the process of decision-making in public affairs was enshrined in the constitution in 2004. The main principle is that all documents are public, unless otherwise explicitly specified in the law. The existing restrictions are broadly considered legitimate, as they typically aim to protect private matters and national security.

Any refusal of an access to information request must be followed by a reconsideration by the body to whom the request was directed. If the refusal is maintained, the citizen can make a request at the next level of authority, and eventually to the court system for a final decision. A request for information shall be met without delay, normally within a couple of days. In general, access to information seems to work well. The right to information is most frequently used by the media, and there are few cases of denial and appeal.

In 2023, the government proposed amending the Freedom of Information Act to reduce the obligation to maintain a publicly available register including not only official case documents but also internal, preparatory documents elaborated by public administration at all levels (Ministry of Justice and Public Security, 2023a). The proposal faced considerable opposition and protests from a broad range of societal actors, including Norwegian media outlets. Although access to case documents would still be possible, there were concerns that removing the requirement to record cases in a publicly available register could hinder critical journalism, as issues that merited investigation might be overlooked in the future (Håndlykken et al., 2023). After assessing the written responses from the public consultation on the proposal, the government decided not to pursue the proposal further (Ministry of Justice and Public Security, 2023b).

Citation:

<https://lovdata.no/dokument/NLE/lov/2006-05-19-16>

Håndlykken et al. 2023. "Et kraftig varsku mot de foreslåtte endringene av offentlighetsloven." Aftenposten June 28. Available at <https://www.aftenposten.no/meninger/debatt/i/GMXm0Q/et-kraftig-varsku-mot-de-foreslaatte-endringene-av-offentlighetsloven>

Ministry of Justice and Public Security. 2023a. "Høring – forslag til endringer i offentleglova m.m. - innsyn i journalinnføringer m.m. som gjelder organinterne dokumenter." Available at: <https://www.regjeringen.no/no/dokumenter/horing-forslag-til-endringer-i-offentleglova-m.m.-innsyn-i-journalinnforinger-m.m.-som-gjelder-organinterne-dokumenter/id2970576/?expand=horingsnotater>

Ministry of Justice and Public Security. 2023b. "Gjør Ikke Endringer i Offentleglova." <https://www.regjeringen.no/no/aktuelt/gjor-ikke-endringer-i-offentleglova/id2994895>

Sweden

Score 10

The Freedom of the Press Act is underpinned by five principles: the freedom to express one's thoughts in print, the freedom to disseminate material, free access to this material, free access to official information, and the right of anonymity. Information is considered official if it has been received or created by a public authority. Such documents are freely available unless they are classified (Sveriges Riksdag, 2024).

The professional contact information for public servants working in municipalities or regions is readily available online, enabling public communication. Official websites are constantly updated, and the quality of information is very high. An increasing amount of information on these websites is available in English as well as other languages.

Even though media freedom and freedom of information in Sweden remain robust, issues with officials attempting to withhold information – or to hamper the expeditious handing over of such information – during the COVID-19 pandemic have been reported. More specifically, there have been reports of municipalities advising their employees in elder care homes not to convey information to journalists, as well as public servants purposefully delaying the conveyance of public material to the media (Centre for Media Pluralism and Media Freedom, 2022). Nevertheless, the transparency of government actions is remarkably high.

Citation:

Centre for Media Pluralism and Media Freedom. 2022. Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the Year 2021. Media Pluralism Monitor (MPM). <https://hdl.handle.net/1814/74712>

Sveriges Riksdag. 2024. "The Constitution." <https://www.riksdagen.se/en/how-the-riksdag-works/democracy/the-constitution/>

Switzerland

Score 10

Swiss authorities pursue very open strategies of information release. For example, the website of the federal administration offers access to major sources of political information.

Article 16 of the constitution, dealing with the issue of freedom of opinion and information, states that: "(1) The freedom of opinion and information is guaranteed; (2) Every person has the right to form, express and disseminate opinions freely; (3) Every person has the right to receive information freely, to gather it from generally accessible sources and to disseminate it."

The Federal Law on the Principle of Administrative Transparency (Loi sur la Transparence, LTrans) was approved in December 2004 and took force in July 2006. The law gives any person the right to consult official documents and obtain information from authorities. The authorities must respond within 20 days. If a request is refused, a citizen can seek redress from the Federal Delegate for Data Protection. However, this law's coverage is limited, applying only to public federal bodies, other organizations and persons who make decisions under the Administrative Procedures Act, and parliamentary services. The Swiss National Bank and the Federal Commission on Banks are exempted, as are the Federal Council (federal government) and the parliament as bodies. Similarly, the law also does not apply to official documents concerning civil or criminal law processes, documents relating to foreign policy, or political party dossiers relating to administrative disputes. Consumer organizations have argued that the law contains too many exceptions.

Given these qualifications, it is noteworthy that this law has gained some influence since the Federal Supreme Court has interpreted it in a liberal way. The cantons have similar laws on administrative transparency.

In systems of direct democracy, federal governments bear a particular burden in terms of ensuring proper information is provided for referendums and popular initiatives. In spring 2019, the Federal Supreme Court overturned a national referendum on how couples should be taxed because the information provided by the executive proved to have been incorrect. In its decision, the court pointed out that the information provided by the administration on the alternatives in referendums needs to be improved.

Citation:

Eveline Huegli, Marius Feiraud. 2014. Evaluation des Bundesgesetzes über das Öffentlichkeitsprinzip der Verwaltung (BGÖ). Schlussbericht im Auftrag des Bundesamts für Justiz. Bern: Büro Vatter.

Estonia

Score 9

The main principles of access to public and official information are laid out in the constitution. Additional regulations are provided in the Public Information Act and the Personal Data Protection Act. These acts are enforced by the Data Protection Inspectorate (DPI), which functions as an ombudsman, preliminary court, educator, adviser, auditor and law-enforcement agency. A recent study (Pild et al. 2022) highlighted the controversial role of the DPI in supervising state information holders while monitoring compliance with personal data protection.

The national strategic policy has been to advance access to information by using official websites and portals. Estonia maintains an official gateway to all government information and public services (eesti.ee). All municipalities, political parties and

government institutions must maintain a website containing at least the information defined by legal acts. The DPI monitors state authorities' web pages and document registries, as well as municipalities' websites.

Public access to information is expected to be prompt and straightforward, with restrictions strictly defined by law. Any citizen or resident can submit an oral or written information request to the government, and officials must provide a response within five working days. In the case of complex inquiries, the deadline may be extended to 15 working days. The obligations of authorities under the PIA are not only to provide information but also to assist the public in accessing documents. This concern becomes more acute as the amount of big data increases and its usage becomes technically more sophisticated. Another recent issue is the tendency of the public sector to limit access to documents. According to a report by Arenguseire Keskus, the wording of PIA emphasizes only the balancing of the rights and freedoms of the data subject, not of those requesting access. As a result, the number of occasions on which an institution can restrict public access to a document by labeling it "for internal use only" has increased from eight to 25 (Pild et al. 2022: 12).

Citation:

Pild, M., Turk, K., Kose, K., Lehemets, M. 2022. Avaliku teabe kasutamise võimalused. Uuring. https://arenguseire.ee/wp-content/uploads/2022/10/2022_avaliku-teabe-kasutamise-voimalused_uuring.pdf

Germany

Score 9

As of September 2006, Germany has a Freedom of Information Act (Informationsfreiheitsgesetz, IFG) that grants everyone the right to obtain information from federal authorities or other public bodies of the German government (Schaar, 2019). There are no prerequisites for accessing this information. Additionally, the requested information must be provided by the respective agency within one month, although it may involve a fee (BMI, 2023).

According to Articles 3 to 6 of the Act, there are four key exceptions to access. First, intelligence services are not required to disclose information. Additionally, the right to information does not include data of third parties, business secrets and intellectual property, or information concerning ongoing administrative procedures. Federal agencies, however, must state and justify both the reasons for exemptions from the obligation to inform and any delays that exceed the time limit (BMI, 2023).

In 2022, 491 inquiries after § 12 Abs. 1 IFG were filed, a decrease from the previous year. Most of these inquiries were directed to either the Federal Ministry of Health or the Federal Ministry of the Interior (BfDI, 2023). Simultaneously, as the point of contact for people who believe their rights have been violated, the federal commissioner for data protection and freedom of information reported 310 cases in which individuals claimed a violation of their right to official information according to the IFG (BfDI, 2023).

Citation:

BfDI. 2023. Tätigkeitsbericht 2022, 31. Tätigkeitsbericht für den Datenschutz und die Informationsfreiheit.

BMI, Bundesministerium des Inneren und für Heimat. 2023. "Informationsfreiheitsgesetz." <https://www.bmi.bund.de/DE/themen/moderne-verwaltung/open-government/informationsfreiheitsgesetz/informationsfreiheitsgesetz-node.html>

Schaar, P. 2019. Freedom of Information and Transparency in Germany. Eschborn: Deutsche Gesellschaft für Internationale Zusammenarbeit.

Latvia

Score 9

The constitution (Satversme) provides individuals with the right to receive information. According to the constitution, any individual can address the government and local authorities.

The Freedom of Information Act, approved in 1998, aimed to establish the right to request information. Institutions are generally required to provide information within 15 days if no additional data processing or collection is needed. If the agency needs to gather information, a 30-day limit is set for responses. Additionally, individuals generally do not need to justify their need for the information.

All draft laws and draft regulations are available online for free, either on the TAP portal (tapportals.lv) or the parliament database. This enables citizens to follow all stages of the legislative process and provide comments and suggestions.

The numerous tools for public consultation on new legislation set out in government regulation are usually followed in practice. The new government regulation for public participation is expected to be issued in 2024, replacing the current government regulation (No. 970) on public participation and access to information. The new regulations broaden public participation, regardless of whether a person acts as an individual citizen or as an NGO member.

The parliamentary, government, and local council meetings and agendas are publicly available, including online broadcasting.

In addition, numerous regulations target the accountability of public officials and political parties. These regulations govern political-party donations, require public officials to declare their annual income, and mandate transparency in public spending and public procurements.

The Open Data Portal, where institutions can publish relevant data, is based on a proactive information delivery approach.

A new whistleblowing law was introduced in February 2022 to address violations against public interest. Additionally, the Law on Transparency of Interest Representation was approved in January 2023. This law aims to increase

transparency in lobbying, including establishing a special lobby register at the State Enterprise Register (Trauksmes celšanas likums, 2023).

Appeal procedures are in place and effective. Residents can appeal government decisions in administrative court.

Citation:

https://tapportals.mk.gov.lv/public_participation/ef4128a0-05fa-44d7-a2b7-6a0ee1c8410b

Open data portal. <https://data.gov.lv/lv>

Law on Transparency of Interest Representation. <https://likumi.lv/ta/en/en/id/336676-law-on-transparency-of-interest-representation>

Trauksmes celšanas likums. <https://likumi.lv/ta/id/329680-trauksmes-celsanas-likums>

Slovakia

Score 9

The three critical Slovak pillars of transparency – the law on free access to information, the existence of the registry of public contracts which stipulates that a contract can only be executed after being published in this registry, and the registry of public sector partners (only private bodies from this registry are eligible to receive grants from any level of the government over a certain value or sign a contract with any public body) – remained untouched and functional during the evaluated period (Nemec, 2022).

Access to government information remains “free.” The questioned body can only charge direct costs associated with providing the requested information. The court decides in cases of potential noncompliance (for detailed information about all aspects of the free access to information legislation, see Wilfling, 2012).

The earlier report by Transparency International Slovakia (TIS) indicates that Slovak public institutions generally respond adequately to citizens’ requests for information. The standard response time is a maximum of eight days. The report also suggests that state enterprises and, to some extent, self-government may try to conceal some eligible information, though not on a mass scale (Riapošová and Dančíková, 2015).

Citation:

Wilfling, P. 2012. Zákon o slobodnom prístupe k informáciám. Pezinok: VIA IURIS.

Nemec, J. 2022. Public Administration and Governance: Slovakia. Brussels: European Union.

Riapošová, L., and Z. Dančíková. 2015. Analýza vymáhateľnosti infozákona v štátnych a mestských firmách - Slovensko, Česká republika, Maďarsko, Poľsko, Estónsko. Bratislava: Transparency International Slovakia.

www.crz.gov.sk

www.rpvs.gov.sk

Slovenia

Score 9

The Law on Access to Public Information from 2003 guarantees citizens free and easy access to official information, with only a few exceptions for national security and classified data. Citizens can request public information by telephone, email, or in

writing. The authorities must decide on the request without delay, but at the latest, within 20 working days. This right is frequently exercised, including by journalists in their role as the fourth estate. These cases attract significant public attention. In 2023, Slovenia finally ratified the Council of Europe Convention on Access to Official Documents, having already signed it in 2009.

As an autonomous institution, the Information Commissioner is responsible for guaranteeing citizens and media access to information while ensuring personal data protection. It can use various appeal mechanisms or supervisory powers to guarantee citizens' access. A report published by the commissioner shows that in 2022, 696 complaints were received regarding access to public information, compared to 639 in 2021. The total number of complaints for silence on the part of the concerned institution was slightly lower in 2022 (241) than in 2021 (244). The number of complaints against state authorities decreased in 2022 (283 complaints in 2022 compared to 338 in 2021). However, state authorities remained the largest group of institutions against which the commissioner received the most complaints.

Citation:

Informacijski pooblaščenec. 2023. Letno poročilo Informacijskega pooblaščenca 2022. https://www.ip-rs.si/fileadmin/user_upload/Pdf/porocila/LP2022.pdf

Czechia

Score 8

The Freedom of Information Act, passed in 2000 (106/1999), mandates that state, local administrative bodies, and public institutions provide citizens with information relevant to their functions. This information is either publicized online or is available through a request form. State institutions often implement the law unenthusiastically, but refusal to comply can lead to court action. In the past, some smaller municipalities faced significant financial penalties for failing to disclose requested information.

Over time, public bodies have learned what can and cannot be kept secret. Most ministries and larger public bodies now include a special section with information provided upon request. For example, Prague's city administration body for administering roads and communications received 71 information requests in 2023, seeking explanations for even detailed changes in traffic rules, such as the placement of road signals. It made these requests and responses public on a website, although it did not provide detailed information in cases it considered trivial.

The pandemic tested the government's ability to provide citizens and experts with access to information. Litigation by the investigative NGO Watchman (Hlidac státu) was required for the former government of Andrej Babiš to release relevant health statistics, especially on the availability of hospital beds and frontline personnel. Media and citizens utilized the law on freedom of access to information regarding PPE acquisition. The data revealed significant irregularities, clientelism, and corruption. Controversies on these issues have been relatively minor since then.

Citation:

<https://texty.hlidacstatu.cz/o-serveru/>

<https://www.tsk-praha.cz/wps/portal/root/o-spolecnosti/o-spolecnosti-TSK-Praha/poskytnute-informace-as/>

France

Score 8

The right of access to information is solidly assured since it was strengthened in 1978 through the establishment of an independent agency, the Commission d'Accès aux Documents Administratifs (CADA). This body guarantees that any private or public entity is entitled to be given any document requested from a public administration or service – regardless of the legal status of the organization (private or public) – if the institution operates a public service.

However, some restrictions have been established, mainly in relation to issues regarding the private sphere, the protection of intellectual property, or business information relevant to safeguarding competition between companies (Marique and Slautsky 2019). The main and more controversial issue is the refusal to issue documents by citing security or defense concerns – a concept that can be applied broadly, with limited room for court challenges.

The institution in question must deliver the requested document within a month. After that deadline, inaction is considered to be a rejection that can be challenged in court and/or by submitting a request to the Défenseur des Droits (Defender of Civic Rights, effectively the ombudsman). In some cases, the solutions adopted reflect political elites' inability to adopt clear-cut policies; for instance, it is possible to review the declarations submitted by members of parliament of revenues and property, but divulging this information is considered to be a criminal offense. This is a telling illustration of the reluctance to set up a full transparency policy.

In general, a large range of governmental (or public bodies') information, including official drafts, reports and audits, are freely accessible via the internet and on a dedicated platform, data.gouv.fr. Beyond the legal rules, two media outlets in particular – *Canard enchaîné* and *Mediapart* – have specialized in leaking information that public authorities would prefer to keep secret. This has become an important part of the transparency process.

Citation:

Marique, Y., and E. Slautsky. 2019. "Freedom of Information in France: Law and Practice." In *The Laws of Transparency in Action: A European Perspective*, eds. D. Dragos, B. Marseille, and P. Kovac, 73-118. Palgrave. Available at <http://dx.doi.org/10.2139/ssrn.3033917>

New Zealand

Score 8

Access to government information is regulated by the Official Information Act (OIA) of 1982, which has been reviewed several times. There are restrictions regarding the protection of the public interest, for instance in cases having to do with national security or international relations, as well as for the preservation of personal

privacy. Clear procedures exist for how queries are handled by public bodies, including a timeframe of 20 working days to respond. The Office of the Ombudsman reviews denials of access upon request. Following several precedent-setting decisions by the Ombudsman in recent years, access to official information is now far-reaching, including access to politically sensitive communications between political advisers and ministers as soon as these communications are made.

The latest Global Right to Information (RTI) rating awards New Zealand's OIA 94 points out of 150, putting it ahead of many other OECD countries, including Australia (87) and the United States (83). The RTI concludes that New Zealand's access-to-information regime "functions better in practice than its legal framework would suggest. The law's major problems include its limited scope (it does not apply to the legislature, the courts, or some bodies within the executive) and the fact that it allows information to be classified by other laws" (Global Right to Information 2020). In recent years, however, government agencies have quietly and proactively released material on their websites, albeit with redactions, to meet transparency requirements and reduce the number of OIAs received (PSC n.d).

The media continue to demand changes to the OIA. In particular, government agencies have been criticized for taking longer to respond to information requests than the OIA allows. The National Party committed to reviewing the OIA before the 2023 election (Traylen 2023), but only time will tell whether – and how – the new three-party government will follow up on this promise.

Citation:

Global Right to Information. 2020. "New Zealand." <https://www.rti-rating.org/country-detail/?country=New%20Zealand>

PSC [Te Kawa Mataaho Public Service Commission]. n.d. "Proactive Release." <https://www.publicservice.govt.nz/guidance/official-information/proactive-release/>

Traylen, J. 2023. "Nats commit to OIA review – Labour won't." BusinessDesk, October 11. <https://businessdesk.co.nz/article/policy/nats-commit-to-oia-review-labour-wont>

Portugal

Score 8

Article 48 of the Portuguese constitution, along with comprehensive legal regulations such as Law 26/2016, safeguards the right to participate in public life and access official information. If access is required, the process is outlined in this law, necessitating a written request to the relevant entity or body. Restrictions on official information access are outlined in Article 6 of Law 26/2016. These restrictions take the form of exemptions and are justified.

Citizens can appeal to the Commission on Access to Administrative Documents (Comissão de Acesso aos Documentos Administrativos, CADA) if they have any complaints. This entity oversees access to administrative documents and information.

Official information is readily available online, even in public spaces such as municipal libraries. However, barriers like disorganized information presentation may hinder citizens' access. The government's Simplex system – particularly its 2023 edition – has demonstrated positive outcomes by modernizing public administration through digitalization, thus offering citizens better and simpler access to information.

Citation:

Law No. 26/2016. 2016. Diário da República no. 160/2016, Série I de 2016. <https://diariodarepublica.pt/dr/legislacao-consolidada/lei/2016-106603618>

Simplex. n.d. " <https://www.simplex.gov.pt>"

United States

Score 8

The Freedom of Information Act (FOIA) was first enacted in 1966 after many years of campaigning by public disclosure advocates. The FOIA has become one of the most important tools for the ascertainment of public information in the United States and sets a high standard. The federal and state governments generally maintain transparency and release a significant volume of information into the public domain (Hopkins 2018).

Requesting information through the Freedom of Information Act is relatively straightforward, though experiences can vary depending on the agency and the volume of the request. Legally, agencies are required to respond within 20 days, but unequal resources can cause delays. This has occasionally led citizens to take agencies to court for their slow response times.

One area of controversy is the declassification of documents. Many public documents are not fully released for reasons of national security. In these instances, citizens may seek redress through the court system, and there have been high-profile cases where the courts have forced the government to declassify more than it had originally intended.

Citation:

WW Hopkins. 2018. *The Freedom of Information Act at 50*. New York: Routledge.

Austria

Score 7

Austria was the last EU member state without a freedom of information law. However, in October 2023, the ÖVP-Green federal government initiated a Freedom of Information bill ("Informationsfreiheitsgesetz"). In December, the largest opposition party, the SPÖ, signaled its support for the bill, which requires a two-thirds majority for legislative approval, after successfully negotiating several changes to the original draft. The bill was passed by the Nationalrat on January 31, 2024, following an extended parliamentary debate that highlighted the new legislation's weaknesses and strengths (see *Der Standard*, 31.01.24).

The bill, which will come into force in 2025, was hailed by government ministers as a “transparency revolution.” However, a careful assessment suggests that several key issues are not really being resolved by this bill. The bill stipulates a proactive duty of the administration and other public agencies to provide reasonable information in an accessible way on any issues of general interest – however, importantly, only unless there is reason to keep this information secret. Moreover, the reasons for which it is possible to withhold information from the public have been expanded; they would now also include matters that would seem to bear the risk of inflicting major economic or financial damage to any administrative unit. This means that a minister has the right to refuse to provide any information if he or she feels they could otherwise be confronted with major damage claims.

Also, for municipalities with populations of less than 5,000, there is no requirement to proactively publish relevant information. This implies that citizens in these areas would awkwardly need to challenge local authorities to secure information pertinent to them. According to data from the Association of Austrian Municipalities (2019), exactly 1,843 municipalities out of a total of 2,096 would be exempt under this new regulation. Given that many decisions affecting residents most directly are made at the municipal level, such exemptions weigh heavily on this legislative proposal.

Further, the bill seeks to establish a specific procedure for citizens to request information, including the possibility of taking matters to the Constitutional Court. However, while the timeline is being tightened somewhat, the basic procedure has been in place since the late 1980s. Additionally, based on related experience, it must be assumed that the Constitutional Court, if invoked, is highly likely to leave matters to be settled by the administrative courts. Notably absent from the proposed rules is the creation of an ombudsperson for information matters. Finally, a significant issue is that, according to this bill, any single Austrian state could veto any amendment to the proposed Freedom of Information Act.

Despite all that, the recent developments undoubtedly mark a major step forward.

Citation:

Der Standard. 2024. “Nationalrat stimmt für Informationsfreiheit – den NEOS ist es nicht geil genug.” Der Standard, January 31.

<https://rsf.org/en/country/austria>

<https://www.bundestkanzleramt.gv.at/bundestkanzleramt/nachrichten-der-bundesregierung/2023/10/verfassungsministerin-edtstadler-der-moderne-staat-ist-da-mit-einem-grundrecht-auf-information-und-auge-mass-fuer-die-verwaltung.html>

<https://www.derstandard.at/story/3000000190759/die-transparenzrevolution-ist-abgesagt>

<https://www.vienna.at/experten-kritisieren-neues-informationsfreiheitsgesetz/8335711>

<https://orf.at/stories/3343466/>

<https://www.derstandard.at/story/3000000190968/informationsfreiheitsgesetz-in-der-ausnahme-liegt-die-kraft>

Israel

Score 7

The Freedom of Information Act, legislated in 1998, allows anyone to request information from any authority without having to explain the purpose of the request. Several exemptions to the law include issues related to security, privacy and difficulty in obtaining the information. When an authority declines a request, it must provide a written explanation. The authority has 30 days to respond to the request and can receive an additional 30-day extension. In practice, 50% of requests are answered in less than 14 days and another 30% within 30 days. A person whose request for information is declined can petition the courts. In 2022, 469 petitions were filed.

To receive information, a person should file a request and pay a fee. Some organizations, such as research institutions, are exempt from the fee. Each authority has a member of staff who is responsible for freedom of information. In addition, each authority must issue a detailed annual report of its activities. The Unit for Freedom of Information in the Ministry of Justice is responsible for enforcing the legislation. However, the unit includes only one director and two students, making it difficult to enforce the legislation across departments. In addition, the unit lacks the legal tools to enforce the provision of information.

Each authority has to submit an annual report of its activities. Only 70% of the authorities submitted a report in 2022. In 2022, there were 13,028 requests submitted. The respective authority provided full information to 50% of requests and partial information to 16% of requests, while 17% of requests were declined. The most common reasons for declining a request were violation of privacy (21% of requests), unavailability of the requested information (20%), another authority holding the information (15%) and lack of a legal requirement to provide the information (20%).

If the respective authority does not provide the information on time or provide an explanation for declining the request, a person can file a complaint with the Ministry of Justice. In 2022, there were 203 complaints, of which 116 were found to be justified (Ministry of Justice 2022).

Citation:
Ministry of Justice Freedom of Information Report. 2022.
https://www.gov.il/BlobFolder/reports/annual_reports/he/freedom_of_information_accessiblegovernment.pdf

Spain

Score 7

Spain's first specific law enabling free and easy access to government information was approved in 2013. This transparency law covers requests for information and access to public documents. In 2023, a new law on whistleblower protection was

adopted. Law 2/2023, which transposes the Whistleblowing Directive, establishes an authority to protect whistleblowers and a regime of sanctions to address actions that might hinder whistleblower reports. The specifics of this law are still being developed. At the regional level, several lobby regulations and whistleblower protections have already been adopted.

Citizens can enforce their right to access information through several appeal and oversight mechanisms, such as the Spanish and regional ombudsmen or the transparency councils. In 2023, two measures related to the new integrity system – a code on good administration for civil servants and a code on good government – were adopted. However, the legislative debate on the new law on Transparency and Integrity has been postponed until 2024 due to the dissolution of parliament in May. Additionally, the government has been working on a draft law on access to classified information but did not submit the legislative project to parliament in 2023.

According to the European Commission, the efficiency of the Council of Transparency and Good Governance has improved. During the review period, a new document management system was introduced to enhance transparency and reduce formalities, ensuring adequate and prompt access to information. However, following the regional elections in May 2023, the regional government of the Community of Madrid introduced a legal amendment to reduce the autonomy of the Council of Transparency.

Under the Transparency Law, public administration has one month to reply to a citizen's request for information. If the citizen is not satisfied with the response, they can file a complaint with the Council for Transparency and Good Governance. The council has three months to decide whether the requested data can be provided. However, during the review period, the council took an average of seven months to respond to citizens' complaints to the state administration (El País 2023). This delay is mainly due to the council receiving four times more complaints in 2023 and 2022 than in 2015, when it started its activity, while the number of staff has hardly changed (Council of Transparency and Good Governance 2023).

Citation:

European Commission. 2023. "Rule of Law Report."

https://commission.europa.eu/system/files/2023-07/23_1_52576_coun_chap_spain_en.pdf

Council of Transparency and Good Governance. 2023. "Data Activities During the Year 2023."

https://www.consejodetransparencia.es/ct_Home/gl/Actividad/Datos-actividades/Estadisticas2023/Estadisticas-Globales-2023.html

El País. 2023. "The institution that oversees transparency in Spain." <https://elpais.com/espana/2023-10-10/el-organismo-que-vela-por-la-transparencia-en-espana-atascado-duplica-los-plazos-legales-para-contestar-a-los-ciudadanos.html>

United Kingdom

Score 7

The UK Freedom of Information (FOI) Act, passed in 2000, and the Scottish Parliament's Act of 2002, are designed to promote transparency and public access to information. As explained by the Information Commissioner's Office, an independent body established to uphold information rights, the UK FOI law allows access to official information in two ways: public authorities must publish certain information about their activities, and members of the public can request information from public authorities. The Scottish Parliament's Act goes even further in favoring the release of information.

The passing of the UK FOI Act marked a significant shift in the government's approach, which had previously leaned more towards withholding information. Interestingly, then-Prime Minister Tony Blair later expressed regret in his memoirs about enacting the law, calling it a vivid example of "stupidity" and expressing concerns that it could be abused by journalists looking for scandalous information.

Despite the FOI laws, there is evidence that the government can still be slow to respond or may "stonewall" requests. A 2020 assessment by Open Democracy identified five key problems and criticized the Cabinet Office for trying to control and deter requests. The issue of FOI has resurfaced during the early stages of the COVID-19 pandemic inquiry, launched in 2023, particularly concerning allegations that UK ministers and their advisers deleted WhatsApp and other messages to avoid scrutiny of their informal decision-making processes.

In the past decade, the government has improved access to information by creating a single portal, ".gov.uk," for all public information. This central website is considered a success, with the government frequently citing its high rankings in international transparency indexes, such as the Open Data Barometer, which in 2018 ranked the UK second only to Canada.

Citation:

<https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-freedom-of-information/what-is-the-foi-act/>

<https://www.opendemocracy.net/en/freedom-of-information/how-uk-government-undermining-freedom-information-act/>

https://opendatabarometer.org/?_year=2017&indicator=ODB

<https://covid19.public-inquiry.uk/>

Belgium

Score 6

The Belgian constitution was amended in 1993 to include the right of access to government documents. However, the FOI law applies only to administrative functions and documents in the executive, legislative, and judicial branches

(EuroPAM). Banisar (2006, 48) identifies several weaknesses in implementing that framework: “The protection of the right of access to the official documents is not ensured enough... People are not familiar enough with the right of access.” He also points to the civil servants’ lack of training.

Beyond federal-level issues, the federal law only applies to federal entities. The Belgian regions, which are federated entities, have their own freedom of information laws. Mabillard et al. (2023) tested their implementation by sending information requests to a large number of municipalities (each subject to its region’s laws). Their results show that barriers to information disclosure remain widespread, with most municipalities either not responding to the requests, arguing the requests are not specific enough, claiming they do not have the resources to respond, or, in a few cases, asking for fees to disclose information.

Furthermore, academic research is often impeded by individual data protection regulations, leading to a lack of genuinely open data. For example, it is impossible to assess wealth inequality in Belgium because the data are not available, not necessarily for privacy reasons but due to a lack of willingness to make the data publicly available. This restricts the capacity to stimulate evidence-based policymaking or evaluate policy performance.

Citation:

Banisar, David. 2006. Freedom of Information Around the World 2006: A Global Survey of Access to Government Information Laws. Privacy International. Available at SSRN: <https://ssrn.com/abstract=1707336> or <http://dx.doi.org/10.2139/ssrn.1707336>

European Public Accountability Mechanism: https://europam.eu/?module=country-profile&country=Belgium#info_FOI

Mabillard, Vincent, Giovanni Esposito, Lorenzo Ciccatiello, Giuseppe Gaeta, and Martial Pasquie. 2023. Barriers to Freedom of Information: Insights from an Experiment in Belgium. ULB Mimeo.

Greece

Score 6

The right to access information is constitutionally guaranteed in Greece (Article 5A of the Constitution). Legally, there are few barriers for citizens seeking access to official information. The Freedom of Information Act, first adopted in 1986 and amended several times (most recently in 2022), governs this right, with certain exemptions justified on the grounds of defense, security, and foreign policy.

However, in practice, public services may refuse to supply official information, often citing personal data protection concerns for civil servants and government officials. The response time to information requests varies significantly and can be lengthy, depending on the efficiency of the public service involved. As a result, the public administration often does not promptly respond to citizens’ requests for information. Citizens can, however, resort to administrative courts and the Greek ombudsman to enforce their right to access information.

Citation:

The Freedom of Information Act adopted in 1986 was Law 1599/1986. It has been amended several times, including in 2022, by Law 5003/2022. See <https://www.kodiko.gr/nomothesia/document/46824/nomos-1599-1986>

Ireland

Score 6

Comprehensive Irish Freedom of Information (FOI) legislation was initially enacted in 1997 but was amended in 2003 to restrict access to data and information about decision-making in several key areas, including defense, government meetings and areas of commercial sensitivity. These restrictions, which appeared unjustified, were removed in the Freedom of Information (Amendment) Act 2013. The 2013 Act extended FOI to all public bodies, including the National Treasury Management Agency, the National Asset Management Agency, An Garda Síochána, and the Central Bank of Ireland (Murphy 2021, 676-677). Mechanisms exist for citizens to appeal their right to access information, and the 2013 Act reduced the costs of internal review and appeal fees. While the existing FOI legislation has been effectively used by individuals and the press, concerns remain about the number of redactions and refusals of ‘sensitive’ information on commercial and other grounds.

There are fears that cultural practices have emerged to limit the legislation’s effectiveness, such as not recording decisions and discussions. It is unclear how adequately the government fulfills citizens’ requests for information. Although responses are relatively prompt, there can be delays. Government departments, ministries and agencies now have information officers to channel information to the public, but there are instances of ‘spinning,’ where biased interpretations are put on events to suit political agendas. A review of the Freedom of Information Act was recently undertaken, with a progress update published at the end of 2022, but no further information has been provided since. A key issue influencing transparency is the high degree of centralization, with a significant percentage of government expenditure managed through central mechanisms (Boyle et al. 2022).

Citation:

Boyle, R., O’Leary, F., and O’Neill, J. 2022. *Public Sector Trends*. Dublin: IPA.

HCC. 2023. *Greater than Fear*. Dublin: Hope and Courage Collective.

Murphy, G. 2021. “Open Government.” In *The Oxford Handbook of Irish Politics*, eds. Farrell, D., and N. Hardiman, 668-682. Oxford: Oxford University Press.

McMahon, B. 2021. “Working Group on the International Protection Process, Dublin.” Department of Justice. <https://www.gov.ie/en/organisation-information/b1c0c-working-group-on-the-protection-process/>

Scott, C. 2021. “Politics of Regulation in Ireland.” In *The Oxford Handbook of Irish Politics*, eds. Farrell, D. and N. Hardiman, 647-668. Oxford: Oxford University Press.

Italy

Score 6

In 2016, Italy introduced the right of generalized civic access to government information, often referred to as FOIA (Freedom of Information Act, Legislative Decree 97/2016). This amendment to Legislative Decree 33/2013 empowers citizens and civic associations to request existing data and documents from the public

administration without demonstrating a specific or immediate interest or providing justification for their request.

The scope of this legislation encompasses national, regional, and local public administrations, as well as public economic entities, publicly controlled companies, publicly held companies, and associations and private law entities engaged in public service activities, though with certain limitations. The law only applies to existing data and information. Access requests must clearly specify the documents to be reviewed or provide sufficient details for their identification. Generic requests or those that attempt some form of control over the administration's actions are not allowed.

Access to information can be denied under specific circumstances, such as safeguarding national security or protecting privacy. FOIA complements the already existing right of documental access, which concerns documents valid for the personal interest of the person making the request (Law 241/1990), and simple civic access, aimed at obtaining the publication of documents and information of public interest (Legislative Decree 33/2013).

Each administration's website typically features a dedicated "transparent administration" section that provides comprehensive information on the various access options and the procedures for submitting applications to the relevant offices. Additionally, all administrative bodies, both at the national and local levels, have established specialized units called Public Relations Offices explicitly tasked with handling information on access requests.

The administration is mandated to submit a decision on an access request within 30 days. If an access request is denied, the administration must provide a well-founded justification for its decision. In the event of denial, a request for reconsideration can be submitted to the relevant administration's Head of Prevention and Corruption and Transparency, who must respond within 20 days. If the request for access remains denied after reconsideration, an appeal can be filed to both judicial and non-judicial bodies.

Among non-judicial bodies, there is the Commission for Access to Public Documents under the Presidency of the Council of Ministers, which functions as an appeals panel. The commission, composed of parliamentarians and technical experts, possesses limited coercive powers, relying primarily on moral persuasion to influence outcomes. The commission submits an annual report to parliament outlining its activities. The most recent report, covering 2021 data, highlighted a persistent rise in citizens' appeals and documented the body's responses.

An independent assessment conducted by the non-governmental organization OpenPolis indicates that not all administrative bodies have embraced the new legislation similarly. This resistance manifests in delayed responses and an overly

broad interpretation of the legal limitations to access, particularly in international security and public order matters. In several instances, obtaining the requested documentation requires a formal ruling from an administrative judge. Overall, the implementation of FOIA legislation exhibits significant disparities across administrations, with substantial delays, inconsistencies in the type of data available, and discrepancies in response times.

Citation:
Annual report of the Commission for Access to Public Documents:
<https://www.commissioneaccesso.it/media/dzlhtuug/relazione-al-parlamento.pdf>

OpenPolis FOIA monitoring: <https://www.openpolis.it/cosa/foia/>

Australia

Score 5

Australia has well-respected Freedom of Information (FOI) rules, enabling public and media access to information influencing public debates. However, there are significant loopholes, such as cabinet deliberations being exempt from FOI, creating incentives for important discussions to be channeled through cabinet processes to avoid FOI requirements. There is also evidence of decreasing resources for servicing FOI requests, leading to longer wait times for information releases. For example, approximately 30% of FOI requests were not dealt with within the required 30 days (Australia Institute 2023). Additionally, there is increasing rejection of FOI requests and more extensive redaction of released material (Knaus and Bassano 2019). Consequently, public support for the FOI system is declining, with only one in five Australians highly confident that the FOI system provides access to all government information they are entitled to (Australia Institute 2023).

Citation:
Australia Institute. 2023. "Lengthy Delays Undermine Confidence in Australian FOI Process."
<https://australiainstitute.org.au/post/lengthy-delays-undermine-confidence-in-australian-foi-process>

Knaus, C., and J. Bassano. 2019. "How a Flawed Freedom-of-Information Regime Keeps Australians in the Dark." The Guardian January 2. <https://www.theguardian.com/australia-news/2019/jan/02/how-a-flawed-freedom-of-information-regime-keeps-australians-in-the-dark>

Japan

Score 5

Access to official information in Japan is regulated by the Act on Access to Information Held by Administrative Organs of 1999, and the Public Records and Archives Management Act of 2009. Administrative organs are obliged to disclose documents requested by any person within 30 days. Exemptions, however, are quite extensive. They include information concerning specific individuals, national security, international relations, the interests of corporations and law enforcement activities. Not only do the heads of administrative bodies enjoy considerable discretion in refusing disclosure requests, but there are also no sanctions for

impeding access to information. In practice, most requests are rejected. Appeals are possible either to the Information Disclosure Review and Personal Information Protection Review Board – whose decisions are not binding – or to the district courts, which is time-consuming and problematic.

The Bill on Protection of Specially Designated Secrets, enacted in 2014, introduced severe punishments for disclosing information designated as a “special secret.” The bill was criticized for vesting too much power in governmental institutions to arbitrarily decide which documents to designate, while granting insufficient prerogatives to the Information Oversight Audit Committees in the Diet responsible for overseeing this process.

Citation:

“Country Report: The Right to Information in Japan.” Article 19, 6 October 2015. <https://www.article19.org/resources/country-report-the-right-to-information-in-japan/>

Ministry of Internal Affairs and Communications. 1999. “Act on Access to Information Held by Administrative Organs.” https://www.soumu.go.jp/english/gyoukan/engv1_03.pdf

Shindô, Muneyuki. 2019. *Kanryôsei to Kôbunsho. Kaizan, Netsuzô, Sontaku no Haikei* [Bureaucratic System and Official Documents. Manipulation, Forgery, Sontaku]. Tokyo: Chikuma Shobô.

Netherlands

Score 5

Since May 2022, there has been a new information regime in place based on a new Law on Open Government (Wet open overheid, WOO). All administrative bodies are obliged to proactively publish certain categories of information on a national Platform for Open Government Information (PLOOI). As under the older law, every citizen (but in practice mostly journalists) may request specified items of information. Every administrative body has a contact person tasked with helping citizens look for the information they require. In addition, there will be a special advisory body on publicity and information to help government apply the new law, which will also mediate in conflicts between government and the media.

The government is obliged to provide requested information unless there are compelling reasons not to. Under the old law, this included the personal policy opinions of officials as expressed in internal deliberations. The new law offers greater scope for providing such opinions in anonymous form. New grounds for refusal have been added, such as the “proper functioning of the state,” and protections for information shared by companies has also been expanded.

The new law appears not to have changed the culture of withholding information in government. In fact, the law stipulates five absolute grounds for information refusal (internal or external state security, confidential business or manufacturing data, and personal data within the meaning of the Data Protection Act); and nine relative grounds for exclusion (e.g., security data, personal policy views of officials and government officials, investigation and prosecution of criminal offenses, etc.). This

expansion of formal grounds for exclusion reflects a problem in government thinking, confirmed by different research reports, in which government employees see themselves as primarily serving the minister, with any obligations to journalists and citizens deemed secondary at best. Some researchers have described seeing “fear” among officials.

Deadlines to provide the information requested have been shortened. However, research by the Open State Foundation (OSF) and the Institute for Social Innovation recently showed that the average processing time of a request under the new law (167 days) is even longer than that under the older law. The NL is an average European performer in this regard. While the law requires active disclosure, this does not as yet take place in practice yet. Moreover, the plug has been pulled on PLOOI, the platform on which active disclosure is supposed to take place.

Citation:

Leijten, NRC-H. 2022. “De Wob wordt de Woo: terugblik op 40 jaar primeurs, zwartgelakte pagina’s en politieke willekeur.” NRC-H May 1.

Business.gov.nl. “Information for Entrepreneurs, Requesting Information from the Government (WOO Request); Objecting to and Appealing Against a Government Decision.”

Retera. 2022. “Inspectie: premier Rutte overtrad Archiefwet met het dagelijks wissen van sms’jes.” NRC-H, October 3.

NRC-H, Kouwenhoven, Kuiper. 2022. “Oud-privacyfunctionaris: bij de overheid heerst een cultuur van achterhouden.” NRC Handelsblad June 15.

Binnenlands Bestuur, van der Sluis. 2022. “Hoe de ambitieuze wetgever zijn eigen doelen ondermijnt.” 19 oktober.

van der Sluis. 2022. “Hoe de ambitieuze wetgever zijn eigen doelen ondermijnt.” Binnenlands Bestuur, October 19.

Canada

Score 4

Freedom of Information acts exist at the federal level and in most provinces in Canada. The principal act at the federal level is the Access to Information Act (ATIA), which allows individuals to request access to eligible government records. This legislation aims to promote transparency by giving citizens and residents the right to access government information, subject to certain limitations and exemptions.

However, there are many exemptions that restrict public access to government documents, including broad categories such as “affecting federal-provincial relations,” “national security,” and criminal matters. Many types of information, such as medical records, are also excluded on privacy grounds. Additionally, wait times for the fulfillment of document requests are typically well beyond guidelines, and many departments have very poor track records in this area (Roberts, 1998).

Other “Open Government” initiatives also exist. These initiatives involve making government data and information available to the public through online platforms,

but the record of activity in this area varies widely by government agency and over time. Some government agencies and departments provide a great deal of information through their official websites, for example, which may be linked to internal data resources and reports (Clarke and Margetts 2014).

Canada also has national and provincial libraries and archives that preserve and provide access to historical and government records. These institutions often offer public access to a variety of materials, but typically only after very long embargo periods, such as 75 years for Cabinet documents.

Citation:

Roberts, Alasdair S. 1998. "Limited Access: Assessing the Health of Canada's Freedom of Information Laws." SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.2091495>

Clarke, Amanda, and Helen Margetts. 2014. "Governments and Citizens Getting to Know Each Other? Open, Closed, and Big Data in Public Management Reform." *Policy & Internet* 6 (4): 393–417. <https://doi.org/10.1002/1944-2866.POI377>

Hungary

Score 4

While existing law, especially the constitution, provides for far-reaching access to government information, the Orbán governments have made it increasingly difficult for the public and the media to obtain such information. The amendments to the Freedom of Information Act (autumn 2022) were meant to speed up litigation, but still include barriers to quick handling of cases, such as secrecy. Formally, the public has access to information, but in practice, there are severe limitations. The government and the democratic opposition have constantly fought over access to government data and documents, and many of these cases have gone to court, triggered by complaints from parties or civil society. For example, the European Court of Human Rights ruled against the Hungarian government in a case involving Index.hu, an online newspaper, and Hungarian President János Áder. Information on public procurement has been especially contested, as there is a clear link to corruption within government ranks. Even though watchdog and media organizations such as Transparency International Hungary and K-Monitor have created several online databases to make procurement data more transparent, they routinely encounter obstacles in identifying final beneficiary owners (FBOs) due to the secrecy of wealth management funds.

During the COVID-19 pandemic, access to information was limited, and laws were established that allegedly aimed at preventing the spread of disinformation, but in essence served to secure the government's grip on political discourse. The state of emergency has been prolonged ever since, and many restrictions rooted in the pandemic have been upheld. The establishment of an office for the protection of sovereignty, a process currently underway, may serve as yet another institutional safeguard for furthering the government's discursive agenda and as an instrument to restrict the opposition and civil society's presentation of alternative opinions. Several

other institutions meant to be independent of the government, such as the State Audit Office and the Ombudsman Office, do not live up to the promise of independence. Ever since the government secured a two-thirds parliamentary majority and controlled the spread of information via parliamentary scrutiny, barriers to accessing information have grown. The public's information rights are seriously curtailed, a problem exacerbated by the fact that key government officials, including the prime minister, refuse to give interviews to independent media outlets, and only disclose information through pro-government media or top-down press conferences and media releases. The government has also attempted to misuse the whistleblower protections to allow denunciation of sexual practices, with such efforts aimed at the LGBTQ+ communities. Public consultations on specific policies are rarely held, and the government organizes fake "national consultations" featuring dubious questions to garner support for government action (Bátory and Svensson 2019, Mikola 2023, Pócza and Oross 2022). It remains to be seen how the upcoming digitalization act will influence the spread of information from the government to citizens. Undoubtedly, access to relevant administrative units will become easier, but that does not necessarily mean those administrators will provide more information than before.

Citation:

Bátory, A., and S. Svensson. 2019. "The Use and Abuse of Participatory Governance by Populist Governments." *Policy & Politics* 47(2): 227-244.

Mikola, B. 2023. "Fabricating Public Support for Illiberal Policies: The Case of 'National Consultations' in Hungary." Paper presented at the IPSA Conference, July 15-19, Buenos Aires, Argentina.

Pócza, K., and D. Oross. 2022. "From Deliberation to Pure Mobilisation? The Case of National Consultations in Hungary." *Politics in Central Europe* 18(1): 79-109.

Poland

Score 4

Access to public information is a fundamental political right granted to citizens under the Polish Act of September 6, 2001. Individuals can exercise these rights without providing justification, and public information is provided promptly upon request, within 14 days. Requests can be submitted in any form, including electronically. The Bulletin of Public Information (BIP) is a unified system for disseminating information. Citizens can also seek assistance from the Ombudsman for Civil Rights or obtain information through the Government Information Center, which is responsible for information and press services.

This right is closely tied to state organ transparency, particularly in managing public property, and is linked to privacy rights. Courts encounter challenges in interpreting the broad definition of "public information" and identifying the obligated entity, as state tasks extend beyond state bodies. These issues sometimes result in premature request rejections, leading to court complaints. Valid reasons for refusal include the protection of classified information, privacy or personal data.

The lack of proper access to information about the actions and decisions of state authorities was evident from 2022 to 2023. As the Supreme Audit Office revealed, between 2019 and 2021, the number of complaints filed with administrative courts regarding local government bodies' inaction or delays in matters related to requests for access to public information increased. Despite the duty to inform the press, public authorities refused this right to anti-government media. For example, the Ministry of Finance declined Gazeta Wyborcza's request for information regarding the budget execution for August 2023. As a result, the non-governmental organization Public Information (InformacjaPubliczna.org), created by the Citizens Network Watchdog Poland, issued a letter to Polish parliamentarians in 2022, stating that the law in its current form does not protect the freedom of access to information for citizens.

Poland ranks high in international rankings related to public data provision. In the European Union's 2023 Open Data Maturity Report, Poland advanced to second place, just behind France. In the Digital Economy and Society Index 2022, which assesses the digital economy and digital society, Poland scored 95% compared to the EU average of 81%. Meanwhile, according to the Open Data Inventory 2022 – 2023, Poland secured second place globally regarding the availability and openness of statistical data published by the Central Statistical Office (Watchdog.org 2023).

Citation:

InformacjaPubliczna.org. 2022. "List do parlamentarzystów – postulaty." <https://informacjaPubliczna.org/analysis/list-do-parlamentarzystow-postulaty/>

Watchdog.org. 2023. "Raport o stanie jawności w Polsce 2023." <https://publicystyka.ngo.pl/raport-o-stanie-jawnosci-w-polsce>

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