

LegalLeaks



A GUIDE FOR JOURNALISTS
ON HOW TO ACCESS
GOVERNMENT INFORMATION



The **Legal Leaks Toolkit** was prepared by Access Info Europe and the Network for Reporting on Eastern Europe n-ost.

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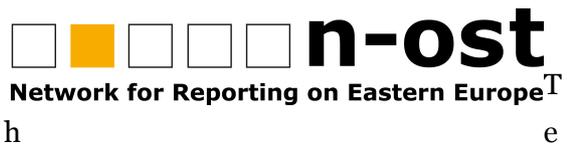


This toolkit is part of the Access Info Toolkits series, a set of guides on how to exercise the right of access to information.



[Access Info Europe](#) is an international human rights organisation, based in Madrid, which works to promote a strong and functioning right of access to information in Europe and globally.

Access Info's goal is for the right of access to information to serve as a tool for defending civil liberties and human rights, for facilitating public participation in decision-making, and for holding governments accountable.



Network for Reporting on Eastern Europe n-ost (www.n-ost.de) links 250 journalists and media initiatives from more than twenty European countries and is based in Berlin. Members of n-ost are against any restrictions that limit journalistic endeavour. The focus of n-ost is on detailed reports from and about Eastern Europe and on organizing Europe-wide journalistic projects on the promotion of media freedom and a European public sphere.



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THE LEGAL LEAKS TOOLKIT

OVERVIEW – IS THIS FOR ME?

This toolkit is designed for **journalists** working in any media – newspapers, radio, and television – as well as bloggers and other information professionals who need to get access to information held by public bodies for their stories.

The toolkit is for journalists making requests in their **own country** or considering submitting a request in **another country**. It is based on a comparative analysis of the access to information laws in the region covered by the [Organization for Security and Cooperation in Europe](#), which has 56 participating states in Europe, Central Asia and North America; of these 45 have legal provisions on the right of access to information held by public bodies which are reviewed in this analysis.

Most of these access to information laws are in line with international standards but there are exceptions and in the text we indicate where national law or practice deviates from the standards. For more detailed information on national legal frameworks, links are given in Annex B to each of the national access to information laws.

In Annex C you will find information about the relevant oversight body (Information Commission or Ombudsman), where they exist; these oversight bodies should be able to provide more in-depth information about the national access to information framework and assist requestors in their search for information.

Isn't this only for investigative journalists? No, all journalists can make use of the tool of access to information. Investigative journalists can make regular use of access to information laws and this toolkit will help anyone working on in-depth stories. At the same time, everyday stories such as a story about modernization of a local hospital or plans for the village school can be written with information obtained under access to information laws. Often these stories are as interesting to your readers, listeners, and viewers as a story about high level political intrigue or the fight against transnational organised crime.

Is this relevant to regional or local government? All government bodies hold information which is of some relevance to the public and sometimes the most important stories for members of the public come from what seem at first to be quite simple and obvious questions posed to a local or regional authority.

Is this relevant if I am writing about the European Union or other International Organisations? The EU access to documents rules are covered in this **Legal Leaks Toolkit** and we make reference to where you can find information about the access to information rules of other intergovernmental bodies.

I work in TV, I need images! Most access to information or freedom of information laws apply to all information “recorded in any form” held by public bodies. That means that the

right to information applies to **audio visual material** as well as to printed material. Documentary journalists can and do make use of this to get images and recordings information they need for their stories.

I don't have much time, is this still relevant? One of the biggest concerns that journalists have about access to information laws is the timeframes: having to wait 15 or 20 working days for an answer is an awfully long time when journalists' deadlines come every day or even every hour. With this toolkit we show how submitting requests for information can be **easy and fast**, and once you have sent off a few requests, you can get on with other work while waiting for an answer. When the information does come, it might turn out to be an unexpectedly good story which was worth the wait.

Why bother? They are not going to answer my questions! It's surprising what information does get released under access to information laws so it's often worth a try. And even if you get a refusal or just silence, you can make a story out of that: the government is formally refusing to release information on a particular topic or failing to respond to citizens. Turning refusals into stories is explored more in Section I, Point 13.

Really, I don't think they will answer – can I submit requests in another country? Yes, most countries allow anyone to submit an access to information request, and it can be a useful way of getting comparative data on levels of transparency to press your government to answer.

If I start submitting formal information requests, it will ruin my relationship with the spokesperson! It's not uncommon, especially in the early years of an access to information law, for government officials to get angry with journalists who start submitting formal requests. This problem is considered more in Section I, Point 1 along with some strategies that you can use to get around this problem.

I don't think my bosses will like it if I start using the law – they might think I am threatening to sue government officials and they will have to pick up the costs. It is sometimes necessary to convince your colleagues that it's worth using access to information laws. We give you some suggestions on how to change the newsroom culture and its attitude to access to information laws is explored in Section I, Point 2, along with some tips on what you can do in the meantime.

I am a foreign correspondent: can I still submit information requests? Yes, in most countries, the right to request information is a right for anyone. You may need to speak the language of the country however, but if you are based there, it's usually possible to find someone who can help you translate the request (see also next point).

I want to submit a request in another country but don't speak the language. In this case you should turn to the **Legal Leaks network** (you can find details at www.LegalLeaks.info) which will help you find a journalist in the relevant country who can translate your request or even submit it for you. See Section II, Point 4.

I am interested in getting access to entire databases, is this possible? Increasingly it is possible to get access to entire databases rather than just some information extracted from them. This presents huge potential to journalists who are ready to explore the data they contain. You can read more about recent releases of government databases in Section I, Point 5. Contact the **Legal Leaks team** to find out more about opportunities for training on Computer Assisted Reporting techniques.

I am concerned about the security of my data: If you are collecting data from many sources, including public institutions and other research, the combination of the information can become highly sensitive. Requests to public bodies that are involved in corruption can trigger aggressive and illegal behaviour from officials. Journalists may have their phones tapped, computers hacked, may be followed, or subject to other forms of harassment. Part of this is the risk of being an investigative journalist and the risks should be considered carefully in each country and in each case. Good data security techniques help reduce risks. More information can be found in the complementary data security toolkit from the **Tactical Technology Collective**: <http://security.ngoinabox.org/>.

TWENTY TOP TIPS

A Quick Guide to the Legal Leaks Toolkit for Busy Journalists

1. **Plan ahead to save time:** Think about submitting a formal access request whenever you set out to look for information. It's better not to wait until you have exhausted all other possibilities. You will save time by submitting a request at the beginning of your research and carrying out other investigations in parallel.
2. **Start out simple:** In all countries, it is better to start with a simple request for information and then to add more questions once you get the initial information. That way you don't run the risk of the public institution applying an extension because it is a "complex request".
3. **Submit multiple requests:** If you are unsure where to submit your request, there is nothing to stop you submitting the request with two, three or more bodies at the same time. In some cases, the various bodies will give you different answers, but this can actually be helpful in giving you a fuller picture of the information available on the subject you are investigating.
4. **Mention your right to information:** Usually the law does not require that you mention the access to information law or freedom of information act, but this is recommended because it shows you know your legal rights and is likely to encourage correct processing of the requests according to the law. We note that for requests to the EU it's important to mention that it's an access to documents request and it's best to make a specific mention of Regulation 1049/2001. It is also recommended that you use language and etiquette appropriate to any other professional communication in your country.
Remember: There is also no need to say why you want the information, nor to answer questions about the reason for asking or what you will do with the information.
5. **Tell them you are a journalist ...** If the law says only individuals can request information but you want to let the public institution know that you are a journalist, you could always write your request on your media organisation's letterhead. BUT before you do this you should be sure that this is acceptable with the organisation. Another option is to mention in the letter or e-mail that you are a journalist and/or who you work for.
6. **... or don't tell them that you are a journalist!** If you send an e-mail from your work address, it will often be obvious that you are a journalist, e.g.: jsmith@dailytimes.com. If you don't want to give the game away, it might be worth using a different address, such as a gmail/hotmail/yahoo account.
7. **Hide your request in a more general one:** If you decide to hide your real request in a more general one, then you should make your request broad enough so that it captures the information you want but not so broad as to be unclear or discourage a response. Specific and clear requests tend to get faster and better answers.
8. **Anticipate the exceptions:** If you think that exceptions might be applied to your request, then, when preparing your questions, separate the question about the

potentially sensitive information from the other information that common sense would say should not fall under an exception. Then split your question in two and submit the two requests separately.

9. **Check the rules about fees:** Before you start submitting a request, check the rules about fees for either submitting requests or receiving information. That way, if a public official suddenly asks you for money, you will know what your rights are.
10. **Ask for electronic documents to avoid copying costs:** To avoid costs for copying and posting information, mention in your request that you would prefer the information in electronic format. That way you will avoid paying a fee, unless of course the information is not available electronically, although these days it's usually possible to scan documents which are not already digitalised and then to send them as an attachment by e-mail.
11. **Ask for access to the files:** If you live near where the information is held (for example you live in the capital where the documents are kept), you can also ask to inspect original documents. This can be helpful when researching information that might be held in a large number of documents that you'd like to have a look through. Such inspection should be free of charge and should be arranged at a time that is reasonable and convenient for you.
12. **Keep a record!** We advise you to make your request in writing and to save a copy or a record of it so that in the future you are able to demonstrate that your request was sent, in case you need to make an appeal against failure to answer, for example. This also gives you some evidence of submitting the request if you are planning to do a story on it.
13. **Speed up answers by making it public that you submitted a request:** If you write or broadcast a story that the request has been submitted, it can put pressure on the public institution to process and respond to the request. You can update the information as and when you get a response to the request – or if the deadline passes and there is no response you can make this into a news story as well. Doing this has the additional benefit of educating members of the public about the right of access to information and how it works in practice.
14. **Prepare to appeal against refusals and silence:** Find out about appeals in advance, including the time-frame for presenting an appeal. If you are not sure what to do for the first stage of appeal, contact the office of your Information Commission/Commissioner or Ombudsman and they will be able to help you. If you don't have such a body, try phoning the institution which issued the refusal and asking them. If you still are having problems, then let Access Info know about it and we will try to help you, for example, by giving you the contact of an NGO or lawyer in the country.
15. **Make a story out of refusals:** The refusal to release information following a request is often a story in itself. Be creative and constructive with the fact that the information was refused, get examples from other countries, ask experts what they already know, discuss the public interest in the information and try to use the story to press for greater transparency.

16. **Appeal based on the public interest:** If you have been refused information that you wanted for a story you are working on, it might help to state in your internal administrative appeal that the information is needed for a media story and to state that there is a public interest in knowing that information. It's also important at this point to refer to your rights under the access to information law and/or constitution. (Of course, if you don't want the public authority to know you are working on a story, then don't mention it).
17. **Make a standard template for appeals:** Once you have drafted the first internal administrative appeal with references to the law and your rights, just keep the letter in your computer and you'll find that you have a template for future appeals. That will save you time as it should only need a little bit of changing depending on the content of the other requests.
18. **Get help to address problems with spokespersons:** If you are finding that official spokespersons are angry at you for using the access to information law, then talk to the Legal Leaks team and/or your local access to information organisation or journalists' union. These NGOs might be able to raise your concerns and perhaps organise a training session for spokespersons to explain journalist's rights under the law. They should also be able to support you in your discussions with government about giving proper treatment to formal access to information requests submitted by journalists.
19. **Involve your colleagues in using access to information:** If your colleagues are sceptical about the value of access to information requests, one of the best ways to convince them is to write a story based on information you obtained using an access to information law. Mentioning in the final article or broadcast piece that you used the law is also recommended as a way of enforcing its value and raising public awareness of the right.
20. **Submit international requests:** Increasingly requests can be submitted electronically, so it doesn't matter where you live. Alternatively, if you do not live in the country where you want to submit the request, you can sometimes send the request to the embassy and they should transfer it to the competent public body. You will need to check with the relevant embassy first if they are ready to do this – sometimes the embassy staff will not have been trained in the right to information and if this seems to be the case, it's safer to submit the request directly to the relevant public body.

I. RIGHT TO INFORMATION & JOURNALISTIC RESEARCH

In this section we guide you through submitting a request step by step, taking into consideration some strategic and tactical approaches relevant to journalists who want to integrate use of access to information laws into their information-gathering work.

1. When is the right time to submit a request?

If you are thinking of presenting an access to information request to a government body, it might mean that you have already tried other ways of getting the information and been frustrated. For many journalists, the first time they submit an information request it is only as a last resort once other methods have failed. It is something which tends to be done after the usual options of internet searches, phone calls, a conversation with a spokesperson, and talking to contacts inside the public institution. Many journalists prefer to try these “conventional” means before the sending off a formal legal request.

There are however occasions when you might not want to waste time with the other ways of getting information and you will go straight to submitting an information request:

- you are asking for information which is a bit sensitive and you want to be able to prove that you got it via legal channels using the law, in case the government later claims that the information was leaked or that it is incorrect or incomplete;
- you suspect that you won't get the information unless you use the formal legal mechanism of the access to information law;
- you suspect that you will be refused the information and you want to make sure that refusal is formal and in writing;
- you are submitting a request in a foreign country and you want to make sure that you are not discriminated against as a foreigner, so you show that you know your rights by submitting a formal request;
- you think access to information is a really good thing and you want to defend the right by using your access to information law as much as possible!

TIP! Plan ahead to save time: Think about submitting a formal access request whenever you set out to look for information. It's better not to wait until you have exhausted all other possibilities. You will save time by submitting a request at the beginning of your research and then carrying out other investigations in parallel.

2. The newsroom culture for access to information

Does your media organisation already have a culture of using the access to information law to get information? If not, you might be the first person to start doing so and you might need to change the newsroom culture. In particular, you might need to persuade your editors and bosses that submitting and pursuing access to information is not a waste of time but is actually a useful part of your journalistic activity. We hope that some of the points mentioned

in this **Legal Leaks Toolkit** will help you make those arguments.

If there seems to be a bit of resistance there are a few things that you can do which might help:

- Take your time to inform your colleagues about the access to information law and get support for building it into newsroom strategy before bringing it up in a meeting;
- Collect examples from your country or from other countries about how access to information can lead to strong stories and exclusives (see www.legal-leaks.info for more information on this);
- Explain to your colleagues that access to information is not only for investigative journalists but for all reporters researching a story and for all types of media outlet;
- Organise a training session and invite experts from your local access to information organisation to explain to your colleagues how the access to information law works and to demystify it so that it is not seen as something which will be too time-consuming (contact the Legal Leaks team for more information and to identify local experts for the training);
- Submit a few requests on your own initiative, and then write stories based on them. Share the experience with your colleagues and encourage them to try to use the access to information law.
- If you have foreign correspondents based in countries with strong access to information laws, talk to them about submitting some requests in those countries in order to get information and also to gather positive examples of how access to information laws can result in useful stories.

TIP! Involve your colleagues in using access to information: If your colleagues are sceptical about the value of access to information requests, one of the best ways to convince them is to write a story based on information you obtained using an access to information law. Mentioning in the final article or broadcast piece that you used the law is also recommended as a way of enforcing its value and raising public awareness of the right.

3. Information Requests and Spokespersons

If you are planning to submit an access to information request to a particular public institution for the first time, you might want to consider your relationship with the spokesperson of that organisation. The job of the spokesperson is to put a spin on information and to maintain good relationships with journalists; they may see the submission of an access to information request as an aggressive move which undermines their authority. Access Info knows of cases from Europe and Latin America where spokespersons have phoned journalists and complained in strong language about the fact that a request was submitted. Part of the complaint in one case was that the spokesperson would get into trouble with his bosses for not managing the media effectively.

So, depending on your relationship with the spokesperson, you might want to let them know

that you plan to submit a request, explaining that it's your legal right under the law, and that it's a different process from getting a comment and opinion via the spokesperson. Or you may decide just to keep these arguments in your mind in case you do get that angry phone call!

Another problem that can arise is that if it is obvious that the request comes from a journalist, it is passed to the spokesperson rather than being processed as an access to information request. This should not happen and if it does you should complain to the public institution and make clear that you would like your request to be treated on an equal basis with other requests.

Talk to other journalists and find out their experiences of submitting requests and if they have had the problem of receiving complaints from spokespersons or of requests not being treated as ordinary access to information requests. If this seems to be a common problem you might want to consider raising it with your professional association and getting them to complain to the government or Information Commissioner or Ombudsman. You might also want to make a story out of it.

TIP! Get help to address problems with spokespersons: If you are finding that official spokespersons are angry at you for using the access to information law, then talk to the Legal Leaks team and/or your local access to information organisation or journalists' union. These NGOs might be able to raise your concerns and perhaps organise a training session for spokespersons to explain journalist's rights under the law. They should also be able to support you in your discussions with government about giving proper treatment to formal access to information requests submitted by journalists.

4. Where should I submit my request?

Once you know what you want to ask for you need to identify the relevant public institution. In most cases this will be obvious, but in some cases you might have a slight doubt, in which case it's worth checking on the websites of the relevant bodies to see which seems to be responsible for that area of activity. A quick phone call to each institution might clarify further.

Remember: when you phone you don't have to mention that you are a journalist nor why you want the information, especially if you think that this might set some alarm bells ringing inside the institution.

TIP! Submit multiple requests: If you are unsure where to submit your request, there is nothing to stop you submitting the request with two, three or more bodies at the same time. In some cases, the various bodies will give you different answers, but this can actually be helpful in giving you a fuller picture of the information available on the subject you are researching. about what you are looking for.

TIP! For international requests, use the embassy: If you do not live in the country where you want to submit the request, you can sometimes send the request to the embassy

and they should transfer it to the competent public body. You will need to check with the relevant embassy first if they are ready to do this – sometimes the embassy staff will not have been trained in the right to information and it's safer to submit the request directly to the relevant public body.

5. Shall I let them know that I am a journalist?

There are pros and cons to letting the authorities know that you are submitting the request as a journalist.

PROS	CONS
More info: In some countries, journalists tend to get faster answers and more information than individuals – this is not how it should be, but it's a reality in practice and you could try to take advantage of this positive discrimination.	Refusals: Signalling that you are a journalist might increase resistance to providing an answer out of fear that the information will be used in a critical story.
Cheaper: In some countries journalists are entitled to information free of charge. This is the case in the USA, where search fees will be waived, and in Serbia, where journalists don't have to pay photocopying fees.	Data Destruction: Signalling that you are a journalist might encourage public officials to hide or even destroy information in order to cover up corruption or other wrongdoing.
Faster: In some countries journalists have a right to preferential treatment and to be provided with information in a shorter timeframe than other requestors.	Losing the story: If the records of requests submitted are public in your country (in some countries they are posted on line), then asking requests as journalist might tip off other journalists that you are on to a story.

TIP! Tell them you are a journalist ... If the law says only individuals can request information but you want to let the public institution know that you are a journalist, you could always write your request on your media organisation's letterhead, if this is acceptable with the organisation. Another option is to mention in the letter or e-mail that you are a journalist and/or who you work for. **... or don't tell them that you are a journalist:** if you send an e-mail from your work address, it will often be obvious that you are a journalist, e.g.: jsmith@dailytimes.com. If you don't want to give the game away, it might be worth using a different address, such as a gmail/hotmail/yahoo account.

6. What should I say in my request?

We recommend that your request be clear and specific about the information or documents you are looking for. In most cases it is not required by law to identify a specific document by any formal reference (Italy is an exception to this rule). At the same time, try to have in mind the job of the public official who has to answer your request: the clarity of your request will help him or her identify the information you need. A well-formulated request also gives

public authorities fewer reasons to reject your request for not being clear (although as we noted, in most laws public officials have a duty to clarify the request).

In the first requests you send, it's a good idea to keep the requests relatively simple and not ask for huge volumes of information nor include multiple requests in the same letter. That way you have a better chance of getting a quick answer and you can always make follow-up requests if necessary. If you have a lot of requests, you might want to submit a series of requests broken down by subject: this also helps the public institution forward the requests internally to the relevant departments so that they can prepare the response.

TIP! Mention your right to information: Usually the law does not require that you mention the access to information law or freedom of information act, but this is recommended because it shows you know your legal rights and is likely to encourage correct processing of the requests according to the law. We note that for requests to the EU it's important to mention that it's an access to documents request and it's best to make a specific mention of [Regulation 1049/2001](#).

It is also recommended that you use language and etiquette appropriate to any other professional communication in your country.

Here is an example of a typical **access to documents** request:

Dear Sir/Madam

I am writing to request the following information under the Law on Access to Administrative Documents (1996):

- ◆ Copies of the minutes of the meeting at which the decision was taken to grant planning permission for the construction of a new hotel on the site of the old park.

I would prefer to have this information electronically sent to my e-mail address which is given below.

If you have any questions or need to clarify this request, please do not hesitate to contact me.

Yours faithfully,

Jane Smith
15 Old Town Street, Capital City
e-mail: jane@janesmith.com

Here is an example of an **access to information** request:

Dear Sir/Madam

I am writing to request the following information under the Law on Access to Information (2004):

- ◆ The total spent by the Ministry on the purchase of new colour printers in the financial

years 2007 and 2008.

I would prefer to have this information electronically sent to my e-mail address which is given below.

If you have any questions or need to clarify this request, please do not hesitate to contact me.

Yours faithfully,

Jane Smith
15 Old Town Street, Capital City
e-mail: jane@janesmith.com

Remember: There is also no need to say why you want the information, nor to answer questions about the reason for asking or what you will do with the information.

7. Hiding the “real request” in a more general one

If you are concerned that your request might indicate to the public institution that you are working on a particular story or looking for particular information, you might want to “disguise” your request by asking a more general question.

So, for the sample requests we gave above, you might want to change it to something more general, for example: “Copies of the minutes of all planning committee meetings held between July and September 2009” or “The expenditure reports for the Ministry’s purchase of IT equipment (including computers and printers) for the years 2007 and 2008.”

TIP! Hide your request in a more general one: If you decide to hide your real request in a more general one, then you should make your request broad enough so that it captures the information you want but not so broad as to be unclear or discourage a response. Specific and clear requests tend to get faster and better answers.

8. Anticipate possible exceptions

Ask yourself if any of the information you are looking for might fall under one of those exceptions we mentioned in Section I. Sometimes exceptions will be invoked because the information you are asking for is politically sensitive. Ask yourself: *Could the public body try to restrict access to that information by applying one of the exceptions?*

TIP! Anticipate the exceptions: If you think that exceptions might be applied to your request, then when preparing your questions, separate the question about the potentially sensitive information from the other information that common sense would say should not fall under an exception. Then split your question in two and submit the two requests separately.

For example: you want to ask about spending on new equipment for helicopters.

You can split this into one question on how much was spent, and a separate request about what it was spent on (e.g.: which types of missiles were purchased).

TIP! Make it public that you have submitted the request: Another strategy which journalists can use to avoid refusals is to write or broadcast a story that the request has been submitted. This can put pressure on the public institution to process and respond to the request. *For example:* if your radio station is following a controversial story about a shortage of medicines in a local hospital, when you submit the request for information about the spending on medicines, you might want to announce this on air and also post news about the request on your website. You can update the information as and when you get a response to the request – or if the deadline passes and there is no response you can make this into a news story as well. Doing this has the additional benefit of educating members of the public about the right of access to information and how it works in practice.

9. What information about myself do I have to give?

Your name and address are usually required, and it's a good idea to give your e-mail address if you want the information electronically or if you live outside the country where you are requesting the information so that the public officials can be in touch with you.

It's also a good idea to give a phone number in case the public official wishes to contact you to clarify your request: that could speed up the process of getting the information.

In some countries there is no obligation to identify yourself with a real name (anonymous requests), although we advise you to provide a name and some address or contact details so that there is no obstacle to receive the information or documents requested or in case the public authority needs any clarification to answer your request.

TIP! Visit the public body to inspect the files: If you live near where the information is held (for example you live in the capital where the documents are kept), you can also ask to inspect original documents. This can be helpful when researching information that might be held in a large number of documents that you'd like to have a look through. Such inspection should be free of charge and should be arranged at a time that is reasonable and convenient for you.

10. How do I make my request?

In general, to submit a request is simple and there are not many formalities.

Requests can always be submitted in writing. This generally means either sending by post or hand-delivering a written request to the public institution. In many countries you can also present requests by e-mail. A list of countries which permit e-mail requests is given in the chart below. Note that in some cases e-mail requests are a matter of practice rather than law (Netherlands, Serbia). In other countries requests can be submitted via web-based forms (this system is used in Turkey for example).

In the case of oral requests you can do them either by phone or in person. The practice is quite varied on this although in some countries it is permitted by law. Note, however, that in some of these countries (Slovenia) the request is not seen as formal for the basis of a legal appeal. In other countries (Armenia, Romania) the rules are slightly different for oral and written requests. It is therefore recommended that requests be submitted in writing in order to have a record of the request in case an appeal is necessary.

Box E: Oral Requests and E-mail Requests

Oral requests	e-mail requests
Albania, Armenia, Austria, Bulgaria, Denmark, France, Germany, Hungary, Macedonia, Moldova, Netherlands, Romania, Serbia, Slovakia, Slovenia.	Armenia, Austria, Belgium, Bulgaria, Croatia, Denmark, Finland, France, Germany, Hungary, Macedonia, Moldova, Montenegro, Netherlands, Romania, Serbia, Slovenia, Sweden, United Kingdom + European Union

We advise you to make your request in writing and to save a copy or a record of it so that in the future you are able to demonstrate that your request was sent, in case you need to make an appeal against failure to answer, for example. This also gives you some evidence of submitting the request if you are planning to do a story on it. There are a number of ways that you can do this:

- ❑ If you deliver the request by hand, take two copies and get one of them stamped
- ❑ If you send it by post, we suggest using recorded or registered mail
- ➔ If you send an e-mail, do it with an automatic “return receipt”, but be aware that in many countries this is not yet a legal proof like a formal record of delivery by mail – and some people switch off that function on their computers.
- ➔ It is also worth checking what the law is in your country: Is a simple e-mail a legal document? Is there a system for electronic signatures?

TIP! Use the copy. You might want to scan a copy of your request before posting it or scan the request that has been submitted which has the official stamps on it. This makes a good image to illustrate your story and to post on your website.

Formal Acknowledgements: In some countries public authorities are required under the access to information law to issue a reference number to confirm that they received a letter or e-mail. This is the case, for example, at the EU level.

11. Do I have to pay a fee to ask for information?

Submitting your request for information should always be free of charge. The right to submit requests free of charge is confirmed by the Council of Europe Convention on Access to Official Documents, which permits requests only for the costs of copying and delivery.

The majority of countries comply with this rule. There are however a few exceptions:

- In **Ireland** a fee may be charged, which is generally €15 per request. An internal review appeal is €75 and the fee for an appeal to the Office of the Information Commissioner is €150. In addition, the search for the information may be charged at €20.95 per hour, although this fee will be waived if the information being requested would help a group or individual understand an issue of “national importance”. Fees will not be charged if the cost of collecting them will be more than the fee itself.
- In **Germany** a fee of between €30 and €250 may be charged, and if the authority has to carry out significant work in answering the request (for example for blacking out sensitive information) this can rise to as much as €500. However, according to the Fees Regulation (*Informationsgebührenverordnung*) the fee (but not the additional costs) can be reduced by half or completely omitted on grounds of public interest.
- In **Canada** there is a \$CA 5 fee that must be sent with each request (and which is refunded if the information which answers the requests cannot be found).

For the remainder of countries in the Council of Europe region, submitting a request should be free of charge. If a public official tries to charge you, this is an abuse of office and should be denounced – or it could make a good story!

TIP! Check the rules about fees: Before you start submitting a request, check the rules about fees. That way, if a public official suddenly asks you for money, you will know what your rights are.

12. Fees for receipt of information

It is quite usual that national access to information laws allow public institutions to charge requestors for charges for the photocopying and postage costs related to answering requests. In many cases, if the answer is just a few pages, there will be no charge. In Estonia the law provides that the first 20 pages shall be free of charge. Electronic delivery of information is normally free of charge.

In some cases you will be asked to pay for receiving information in another format (like copies, DVDs, etc.) and in these cases the authority should only charge you the official cost of copying or of reproduction of the information into any given format, as well as the cost of the material (DVD, CD).

This is something which is also endorsed by the Council of Europe Convention on Access to Official Documents which states at Article 7:

A fee may be charged to the applicant for a copy of the official document, which should be reasonable and not exceed the actual costs of reproduction and delivery of the document. Tariffs of charges shall be published.

Note: The fee charged for photocopying, postage or for materials such as a CD or DVD should be in accordance with already published official rates. If you suspect you are being charged too much, raise a concern with the public body and/or with the Ombudsman or Information Commissioner.

TIP! Avoid copying costs: To avoid copying costs, mention in your request that you would prefer information in electronic format. That way you will avoid paying a fee, unless of course the information is not available electronically, although these days it's usually possible to scan documents which are not already digitalised and then to send them as an attachment by e-mail.

13. How will I receive the information?

You can get access to the requested information in different formats, including:

- inspection of originals
- photocopies sent by post or collected
- e-mails
- attachments to e-mails
- DVDs or CDs

In almost all cases you can specify the format you prefer and you have a right to receive the information in that format, unless it is impossible or too expensive. For example, the cost of transcribing a police training video is high and so it is unlikely that you would receive a transcript even if you requested it, but you should be able to get a copy of the video in any case.

TIP! State which format you prefer. In your request state politely but firmly which format you prefer. If you want information electronically, make sure to give your e-mail address. The advantage of electronic information is that it usually saves you from paying the photocopying and postage fee, and delivery of the information is often faster.

14. When will I receive the information?

Around Europe there is a huge range of timeframes for answering requests and for providing information, and for notifications of extensions or for the issuing of refusals. The average is about 15 working days, or about 3 weeks. See Annex E for more details.

The countries with the shortest response periods are Norway and Sweden where the access to information laws do not establish a time frame but, in practice, requests should be answered

within about 1-3 days. In Sweden requests should be answered “immediately” and in Norway administrative silence can be appealed after 2 weeks. At the other end of the scale, in Albania public institutions have 40 days to respond and in Austria the law establishes an eight week (60 calendar day) timeframe. Another exceptionally long timeframe is Spain, which does not have an access to information law but where the administrative law gives public authorities 3 months to respond to requests for access to public archives and registers.

The European Union Regulation 1049/2001 establishes 15 working days for responding to requests; an extension of up to 15 additional working days may be applied in “exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents.”

Note: Under the Aarhus Convention rules, the timeframe for providing environmental information is one month. You will need to check your national law to see if there is a specific timeframe for environmental information.

Extensions in case of complex requests: Most countries permit public bodies to extend the timeframes for a few days or even up to a month if the request is particularly complex. In all cases the requestor should be notified of the delay and the reasons should be given. More details are found in Annex E.

TIP! Start out simple. In all countries, it is better to start with a simple request for information and then to add more questions once you get the initial information. That way you don’t run the risk of the public institution applying an extension because it is a “complex request”.

15. What happens if I don't get the information I asked for?

There are a number of ways in which you can be disappointed with an information request:

- You only get part of the information you asked for (but no formal refusal) - this is called an "incomplete answer";
- You are told that the information "is not held" by that government department;
- You are granted partial access but some information is withheld on the basis of exceptions;
- You are refused access to all the information or documents that you asked for;
- You don't get any reply at all ("administrative silence" or a "mute refusal").

In all these cases you have a right to appeal. The mechanisms for appeals are discussed in Section I and the chart in Annex D.

Before appealing an incomplete answer check that your question was in fact clear enough or whether it was possibly open to misinterpretation. If you think that it was not clear, then you might want to go back to the public body informally and try to clarify.

In the case of information not held you need to check if you think the answer is credible. If you think that the public body does hold the information but maybe does not want to answer your request (or maybe just that the public official was badly informed themselves) then you could decide between an informal or formal appeal. It might be worth trying an informal clarification about what you wanted before launching a formal appeal. If, however, you think that there was deliberate obstruction going on, a formal appeal is recommended.

In the case of partial access, full refusal or administrative silence, the best option is often to appeal. The first stage is to appeal to the body which refused to give you the information or which failed to answer you. You should check what your national access to information law says, but normally the appeal letter can be sent to the head of the institution. In countries which have good access to information laws, there will be a simple and clear system for submitting appeals. The second stage of appeal is either to the courts or – if your country has one – the Information Commission or Commissioner, or the Ombudsman.

TIP! Find out about appeals in advance. If you are not sure what to do for the first stage of appeal, contact the office of your Information Commission/Commissioner or Ombudsman and they will be able to help you. If you don't have such a body, try phoning the institution which issued the refusal and asking them. If you still are having problems, then let Access Info know about it and we will try to help you, for example, by giving you the contact of an NGO or lawyer in the country.

Making a story out of refusals. The refusal to release information following a request is often a story in itself. In the UK, the government's refusal to release legal advice relating to the Iraq War was a story that ran and ran. The reluctance of the UK Parliament to release MPs expenses in spite of court rulings to do so was also an ongoing story – and when the information was eventually leaked it was a major scandal which caused quite a few members

of parliament to resign, resulted in an order to MPs to pay back a total of as much as €1.5 m ... and sold a lot of newspapers in the meantime!

Check list before writing a story about incomplete answers and refusals:

- ✓ Look carefully at the request to see whether it was clearly worded and whether the public authority might have misunderstood what you were asking for: you don't want to criticise a public body for failing to answer a request that was badly written or confusing. If you are not sure, ask a couple of your colleagues.
- ✓ Check carefully which information you were given (if any) as well as what you were refused. That way you can make a clearer story focusing on what the government is actually refusing to provide.
- ✓ Be very clear if you are planning to appeal or not: it's not clever to state in an article or on the air that you are planning to appeal against a decision and then to do nothing – public authorities will get used to the empty threats and may be even less inclined to grant information in future if they think that they can get away with it. You may need to discuss with your media organisation's lawyers before you take a decision on whether or not to appeal, or talk to a specialist access to information organisation.

TIP! Appeal based on the public interest: If you have been refused information that you wanted for a story you are working on, it might help to state in your internal administrative appeal that the information is needed for a media story and to state that there is a public interest in knowing that information. It's also important at this point to refer to your rights under the access to information law and/or constitution. (Of course, if you don't want the public authority to know you are working on a story, then don't mention it).

TIP! Make a standard template for appeals: Once you have drafted the first internal administrative appeal with references to the law and your rights, just keep the letter in your computer and you'll find that you have a template for future appeals. That will save you time as it should only need a little bit of changing depending on the content of the other requests.

Legal Leaks Help Desk: If you have submitted a request for information and it has been ignored or denied, we'd like to hear about it. We will try to find a way to help you, for example by giving you advice on how to appeal or finding an access to information expert or lawyer in your country.

[Click here to write to the Legal Leaks Help Desk.](#)

II. STEP-BY-STEP GUIDE TO THE RIGHT OF ACCESS TO INFORMATION

1. What is access to information?

The principle behind the right of access to information is that public bodies are elected by the people and sustained by taxpayers' funds, so the public should have a right to know how that power is being used and how that money is being spent.

The Government's Duty: To Publish and to Answer: This right of access to information places two key obligations on governments. First, there is the obligation to publish and disseminate key information about what different public bodies are doing. Second, governments have the obligation to receive from the public requests for information and the obligation to respond, either by letting the public view the original documents or by sending them copies of documents and information held by the public bodies.

So, access to information is a right with two parts to it:

i. Proactive

The positive obligation of public bodies to provide, to publish and to disseminate information about their main activities, budgets and policies so that the public can know what they are doing, can participate in public matters and can control how public authorities are behaving.

ii. Reactive

The right of all persons to ask public officials for information about what they are doing and any documents they hold **and** the right to receive an answer. The majority of information held by public bodies should be available, but there are some cases where the information won't be available in order to protect privacy, national security or commercial interests.

Many countries around the world have now adopted access to information laws to give effect to the right of access to information. The first law was the Swedish law in 1766, but after that it took a while for the idea to catch on: Finland adopted its access to information law in 1951 and the United States in 1966. There was a small but steady growth in laws during the 1970s and 1980s but the real expansion was after 1989 when civil society groups in central and eastern Europe started claiming this right as part of the shift of power during the post-Communist transitions.

This chart shows how the number of laws regulating the right of access to information has grown significantly in recent years. It shows the total number of laws in a series of years from the world's first law (Sweden, 1766) through to the most recent laws to enter into force (Russia, January 2010). More details of the laws and dates can be found in Annex A and Annex B.

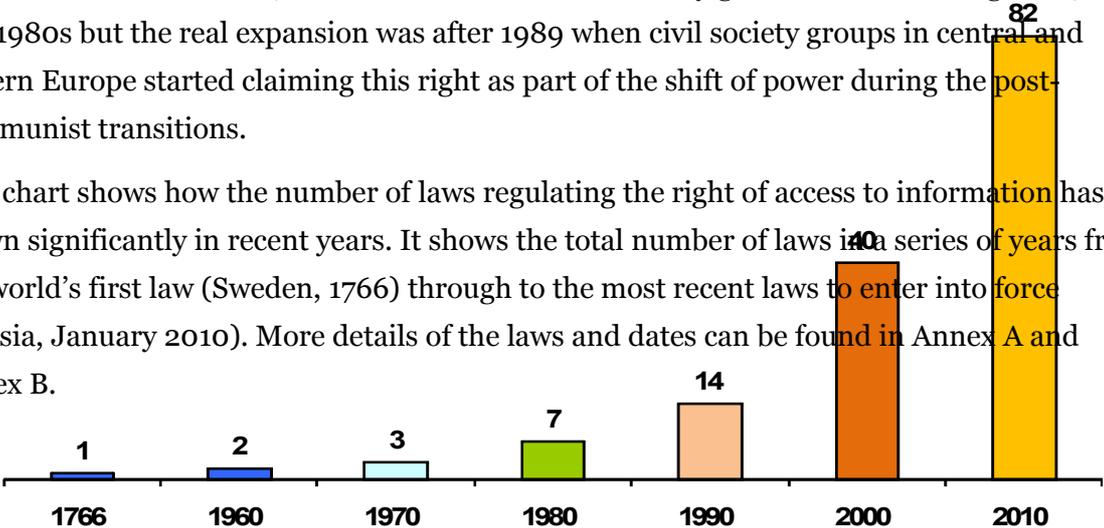


Figure 1: The growth of global access to information laws

2. What is transparency? Is it the same as access to information?

People often talk about access to information and transparency in the same breath, but what is the difference?

A government is transparent when the great majority of the information that it holds about its activities, policies, etc., is available to the public. Therefore, **transparency** is the result of information being available.

A transparent public body is one that is characterized by visibility or accessibility of information by people. Usually, this means not only that the public body is good and fast at answering requests for information from the public, but also that they publish a large amount of information without the need for requests, for example by publishing on their internet site and in official journals as well as in user-friendly leaflets and reports.

It doesn't really matter too much if the words "transparency" or "access to information" are used, as the result is similar, but it helps to be specific.

Transparency has numerous benefits:

Transparency for accountability: The public has the right to hold the government and public officials accountable for their actions and for the decisions they take. To do this, information is needed. The role of the media is particularly important here because journalists play the role of "public watchdogs" – something which they have a right to do as confirmed repeatedly by the European Court of Human Rights.

Transparency for participation: In a democracy it is essential that people can access a wide range of information in order to participate in a real and effective way in the matters that affect them. That means not just participating in elections but also participating in public debate and decision-making between elections, and in order to participate in a meaningful way we need information.

Transparency for efficiency: Responding to requests for information also has the

benefit of encouraging public institutions to organise their information. In particular, proactive disclosure of information encourages better information management. This in turn should result in better, more fact-based decision-making inside each institution, as well as more effective communication between public bodies.

3. I've been thinking: is access to information really a human right?

Yes! The right of access to information is a fundamental, universal human right.

And it's not just us saying this: there are plenty of decisions by national and international courts confirming that access to information is a human right. In the OSCE region 45 of the 56 participating states now have specific access to information laws (those that don't are: Andorra, Belarus, Cyprus, the Holy See, Kazakhstan, Luxembourg, Malta, Monaco, San Marino, Spain, and Turkmenistan). In addition a total of 25 European constitutions recognise some kind of right of access to official documents or information and a total of 35 include the right either of access to information or "freedom of information". The European Union has a set of rules on access to EU documents and the new [EU Treaty of Lisbon](#) also establishes a right of access to EU documents.

In 2009 the European Court of Human Rights also recognised that there is a fundamental right of access to information held by public bodies protected by Article 10 of the Convention, which is the article on freedom of expression:

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

The Court said that the right to information is especially protected when these bodies are the only ones who hold this information (an "information monopoly") and when the information is needed by media or by civil society organisations who are using the information to facilitate public debate and to hold governments accountable. For more information about these cases see Section IV.

The European Court rulings echoed a 2006 decision by the Inter-American Court of Human Rights which confirmed that the American Human Rights Convention (Article 13) protects the "right of all individuals to request access to State-held information ..." and that there is a "right of the individual to receive such information and the positive obligation of the State to provide it ..."

This is exciting news for journalists: it is now clearly established that the right to freedom of expression, which includes the right to media freedom, is directly linked to the right of access to information held by public bodies. This means that any journalist who is requesting information from a public body has a right to that information linked to international protection for media freedom. It does not mean that journalists have a stronger

right than other citizens – freedom of expression is a right of everyone, of course – but it does make a very strong legal case when you need to go to court to defend any refusals to provide you with information.

This right to information is also recognized in many international and regional treaties and conventions on human rights. In the majority of the cases it is recognized within the right to freedom of expression, which includes the right to seek, receive and impart information and ideas.

If you are interested in the human rights treaties, check out the following (you can click on each title for more information):

[Universal Declarations of Human Rights](#) - Article 19

[International Covenant on Civil and Political Rights \(ICCPR\)](#) - Article 19



[International Covenant on Human Rights](#) - Article 13

[International Covenant on Human Rights](#) - Article 10

[African Charter on Principles on Freedom of Expression in Africa](#) - Article IV

Constitutions that guarantee the right to know: In addition, many countries have recognized the right to information or access to administrative documents in their constitutions, either within the right to freedom of expression or separately as a stand-alone right of access to documents or access to information. At least 51 countries around the world have Constitutions which make this clear.

Have you ever read your country's constitution? If you want to know more, visit the website www.Right2INFO.org. There's lots of legal stuff there and you can find extracts from Constitutions from around the world.

Examples of the provisions on access to information in some European constitutions can be found in Box A.

TIP! Go to www.Right2INFO.org to check the language of your national constitution and see whether it gives you a right of access to information, or at least mentions “freedom of information” or “freedom of expression”. Knowing this can be useful if you are trying to persuade a public official that you know your rights and are ready to defend them in order to get the information you are looking for.

4. Who has the right to submit information requests?

The right of access to information is a fundamental right and therefore it's a right of everyone, no matter which country they live in. Almost all national access to information laws

recognise this and state that “anyone” may submit an access to information request.

Furthermore, in many countries, the only formalities for submitting a request are a name and either a postal or an e-mail address, so the request process is open to everyone.

One notable exception among the worlds’ largest democracies is Canada where only citizens and residents may submit requests. For requests submitted to the European Union, anyone may submit a request but only citizens, residents, and businesses registered inside the Union have the right to appeal to the Ombudsman. Other requestors have to appeal to the Court of First Instance, which is a more complex procedure requiring the assistance of a lawyer.

In practice, however, a major obstacle to the transnational exercise of the right of access to information is that requests normally have to be submitted in the **official language(s)** of the country. Very few countries accept access to information requests in languages other than official languages. An exception is Sweden with its long tradition of transparency. The Swedish Administrative Act, Section 8 requires that “When an authority is dealing with someone who does not have a command of the Swedish language or who has a severe hearing impairment or speech impediment, the authority should use an interpreter when needed.” The Ministry of Justice reports that they quite often receive applications written in English for access to documents and that this has never constituted a problem.

Another example of a country which is ready to receive information requests in English is Slovakia, which has a contact form on its website for submitting access to information requests in English: http://www.foreign.gov.sk/en/contact_us/mfa_contact.

In general however, it’s advisable to find a journalist or NGO in the country who can help you submit your request. The **Legal Leaks network** will help with this by providing you with contact persons in other countries.

BOX A: National and International Guarantees for the Right to Information

Treaty on the Functioning of the European Union (Treaty of Lisbon)

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union institutions, bodies, offices and agencies, whatever their medium, subject to the principles and the conditions to be defined in accordance with this paragraph.

Constitutions that guarantee the right to know:

Many countries have recognized the right to information or access to documents in their constitutions, either within the right to freedom of expression or separately as a stand-alone right of access to information/documents. At least 50 countries around the world have Constitutions which make this clear.

For example in **Finland**, Section 12(2) of the Constitution (2000) states:

Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an Act. Everyone has the right of access to public documents and recordings.

And similarly in **Norway**, the Constitution (as amended in 2004) states at Article 100:

Everyone has a right of access to the documents of the State and of the municipal administration and a right to be present at sittings of the courts and elected assemblies. The law may prescribe limitations to this right in regard to the right to privacy or other weighty considerations.

Poland at Article 61 of the 1997 Constitution states:

A citizen shall have the right to obtain information on the activities of organs of public authority as well as persons discharging public functions.

Soon after the fall of Communism, **Romania** enshrined the Right to Information in Article 31 of the 1991 Constitution

1. A person's right of access to any information of public interest shall not be restricted.

2. The public authorities, according to their competence, shall be bound to provide correct information to the citizens in public affairs and matters of personal interest.

5. Which information or documents does the right apply to?

In principle, all information held in a recorded form by public authorities can be accessed under access to information laws, unless there is a strong reason to refuse access (See Point 8 below on exceptions).

Some laws refer to “access to information” and others to “access to documents”. Normally the definitions overlap and both are very wide concepts and include many kinds of formats on which information is held (including photographs, videos, DVDs, etc.) In practice there is little difference, but it is useful to know what the law says so that you can formulate your request in a way that is most likely to result in an answer.

The new [Council of Europe Convention on Access to Official Documents](#) defines “official documents” as “*all information recorded in any form, drawn up or received and held by public authorities*” (Article 1.2.b).

The [EU Regulation 1049/2001](#) defines “document” as “*any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility*” and this applies to “*to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.*”

Note: Requests to the EU should specifically mention “documents” or they may be processed under the Code of Good Administrative Procedure which refers to the “right to information” but does not have the same timelines nor appeals possibilities.

Box B: Access to Information or Documents?

Access to Documents	Access to Information	Both Documents and Information
European Union, Belgium, Denmark, France, Greece, Italy, Kosova, Liechtenstein, Sweden, Switzerland Canada, USA	Armenia, Austria, Azerbaijan, Bosnia & Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Germany, Hungary, Kyrgyzstan, Latvia, Moldova, Montenegro, Romania, Serbia, Slovakia, Slovenia, Tajikistan, Ukraine, Uzbekistan, United Kingdom	Albania, Finland, Iceland, Ireland, Lithuania, Macedonia, Netherlands, Norway, Poland, Portugal, Russia, Turkey

Note: It is important to know if your law is an access to documents or access to information

law because this can affect how you formulate the question – more advice about this is given in Section III.

6. What about access to an entire database?

The right of access to information clearly applies to all documents and to other materials stored in other formats, such as audio-visual materials stored on tapes, CDs or DVDs.

A question arises when it comes to access to information stored in databases. This issue is very important for journalists who may want to get at more detailed information rather than a simple answer to a question.

In general, public authorities are not required to generate new documents or information in response to requests. They normally will be ready to extract some information from a database using a simple search. This is something which is required following decisions of the Information Commissioners in countries such France and Slovenia.

In some countries, a database is considered to be a “document”; in other countries a document is limited to a coherent set of information which can be extracted from a database. Access to information and open government data campaigns are now arguing that access should be granted to entire databases, not just the information contained in them. In the meantime, this is something which **journalists** should be aware of and check the situation in your country if you are planning to ask for an entire database.

At the same time, **something very exciting is happening to government databases** which should be of interest to all journalists: the “Open Government Data Revolution” in which public institutions are releasing entire databases to the public by putting them on line in central web portals. See Box C on Open Government Data. Good training in **Computer Assisted Reporting Techniques** is now essential in order to make the most of these new information resources.

Box C: Open Government Data

What is open government data?

The release of databases and other collections of information by government departments in formats that can be freely used, reused and distributed. Release is generally proactive, without the need for access to information requests.

- **An example:** In 2007, the UK government released a database with locations of bicycle accidents around the country. This information was linked by members of the public to maps, making it possible for cyclists to plan safer journeys avoiding the black spots.
- **Another example:** In Australia, in January 2010, the government released the National Public Toilet Map which shows the location of more than 14,000 public and private toilet facilities with data such as opening hours, availability of baby changing rooms, and accessibility for people with disabilities. Sounds funny? Think of the possibilities: associations of disabled persons can provide a database for their members to plan journeys; mothers could access a service by mobile phone to locate the nearest baby changing room.

What are governments doing to promote access to datasets?

There are currently a number of initiatives to release government data in bulk, these include:

- **United States:** On 21 May 2009 the US Government launched Data.gov whose purpose is to give direct public access to machine-readable datasets generated by the Executive Branch of the US Federal Government. An initial 47 datasets are online, of the thousands planned for release.
- **United Kingdom:** Working with Tim Berners-Lee, one of the inventors of the World Wide Web, the UK government has created Data.gov.uk, a single online access point for government data, launched on 21 January 2010.
- **Australia:** the data.australia.gov.au website links to numerous databases and encourages users to “make government information even more useful by mashing-up the data to create something new and exciting!”
- **New Zealand:** a portal for accessing government databases is located at data.govt.nz. Recent releases include a database from the food safety authority with a breakdown of the major causes of food recalls, and the total number of recalls from 200 to 2009, as well as hospital performance data from the Ministry of Health. In addition, an independent website, the Open Data Catalogue, provides a portal to local government datasets in NZ.
- **Denmark:** The Danish National IT and Telecom Agency has created a meta-portal to link, Digitaliser.dk, to guide users to available public data.

What are other issues for journalists to be aware of?

There are potential obstacles to accessing full government data:

- Information that is stored using proprietary rather than open source software, so users will have to spend money on the software to be able to read the information;
- Information released in formats that can't be read by computers is difficult to reuse;
- Data or the database itself is subject to copyright or other licences;
- Data is released under public sector information reuse licences for which users have to pay.

These problems are still being resolved by open government data activists in discussions with governments. In the meantime, where governments have released data, such as on the portals listed above, **journalists** might want to start surfing through, while thinking creatively about what stories it might generate.

7. Does the right apply to all public bodies?

In Europe the right of access to information is firmly established as applying to all **administrative bodies**, at the central, regional and local level. There are rare exceptions to this – in Ireland the police force is exempted for example, but this is an unusual case.

In addition, as the right has developed, the scope has been progressively broadened to apply also to **legislative and judicial bodies**. Almost all countries grant access to administrative information held by legislative and judicial bodies, and most grant access to all information held by legislative bodies.

In many countries **private bodies performing public functions or operating with public funds** also have the obligation to respond to requests for information.

For example, the legislation of Macedonia, one of the last countries in the region to adopt an ATI law (2006), encompasses the government and administration at national and local level but also legislative bodies and judicial authorities, private bodies (natural and legal persons) that perform public functions and all other bodies and institutions that are established by law (such as different independent Commissions and regulatory bodies).

There are however exceptions – the Norwegian parliament for example or court documents in a few countries – so it's important to check these before planning a request strategy. The chart in Annex C gives the details of the current situation in 26 countries.

TIP! Follow the money: If the body you are interested in is not covered by the scope of the access to information law in your country, then try to think if it has to present reports to another body. For example, some private bodies which operate with public funds have to submit reports to the ministry which is providing the funding. So use the principle of follow the money and ask for those reports.

8. What about inter-governmental organizations?

Many inter-governmental bodies hold information about decisions which affect our lives. These include the European Union and financial bodies such as the World Bank, the Inter-American Development Bank, the African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development and the United Nations Development Programme.

The EU has access to documents rules, which makes sense because it is a supranational rather than an intergovernmental body. There is still a lot of discussion about whether the right of access to information applies to intergovernmental organizations because they are outside the scope of national laws and also do not sign international human rights treaties. Thanks to the work of campaigning groups such as the Global Transparency Initiative, many of the key inter-governmental organizations that are active in the aid world do have internal rules which are a bit like national access to information laws. These are called “disclosure policies” or “access to information policies”. For example, the World Bank's new [Access to](#)

[Information Policy](#) comes into force on 1 July 2010. For more information visit the Global Transparency Initiative website: www.ifitransparency.org.

9. But can I get access to all information held by public bodies?

No. The right of access to information is **not an absolute right**. There may be some small quantities of information that public bodies hold that would cause harm if they were released, at least if released at this point in time. So although the right applies in principle to all information, in fact there are **exceptions**.

For example, to release all information about an ongoing police criminal inquiry might harm the possibility that the police will catch the criminal suspect. After the enquiry is finished and the criminal arrested, the information can be released without it causing any harm.

This is an example of information being withheld to protect what is known as a “legitimate interest”. To justify withholding information public bodies must demonstrate that there would be harm to a predefined interest specified by law.

The common grounds for exceptions found in access to information laws fall into the following three groups:

Exceptions to protect state interests:

- Protection of national security and defence of the state;
- Protection of international relations;
- Protection of public safety or public order;
- Protection of the economic, monetary and exchange rate policies of the state;

Protections aimed at ensuring effective government:

- protection of internal deliberations within public authorities prior to decision-making – this is known as the “space to think” exception;
- Protection of criminal investigations;

Exceptions to protect private interests, human rights and other rights:

- Protection of privacy and other legitimate private interests;
- Protection of commercial and other economic interests, such as protecting trades secrets or the ability of a private company to compete effectively in the marketplace;
- protection of the environment [such as locations of endangered species];
- guaranteeing the equality of parties in court proceedings or the effective administration of Justice

Wow! All these reasons? This seems like a long list, and can be a bit off-putting, but if properly applied, only a small percentage of all the information held by public bodies should be exempted from disclosure. And even when a document contains some sensitive information, some or all of it may still be released because the public body has to consider two other key factors which are detailed below:

(i) Partial Access or “Give me the non-sensitive stuff!”

Even if an exception applies, that doesn't mean you can't get any information. In most countries, public bodies are obliged to black out or otherwise remove the sensitive information and give you the rest of the document. If the information is in electronic form, then the sensitive information can be removed electronically, but in that case the public body should tell you that they have done some "editing" and mark where that was and they should justify in detail why it was necessary.

The right to have partial access to documents is part of the right to information because it's a right to know all non-sensitive information. This is a right projected by the Council of Europe Convention on Access to Official Documents and national and international jurisprudence.

For **journalists**, even partial access to information can be useful for two reasons. First, you can make use of the information you get and you can write a story about what the government is not giving you. Second, you can use the information you have received to make a follow-up request for the remaining information or you can use it in an appeal to an Information Commissioner or the Courts (see Point 9 on Appeals).

(ii) Exceptions to Exceptions: When Transparency Trumps Secrecy

Sometimes information may be a bit sensitive but it is really important to make it public so that we know how the government is working or how our taxes are being spent.

For example, information about a contract between a public body and a private contractor will contain information about the money paid for the services of that contractor. If the contractor offered the government a very low price for its services, they might not want to disclose that information as it would hurt their ability to negotiate a higher price with other clients in the future. But on the other hand, the public has a right to know how public funds are being spent, and there is a strong public interest in knowing that taxpayer's money is being used properly, so the information should be disclosed.

In this kind of example, public officials have to apply what is called the "**public interest test**". They have to consider the exceptions, and the possibility of not releasing the information, and then they have to consider the public's interest in knowing the information. Many access to information laws have this kind of test built into them. In other cases the Information Commissioner or Courts will consider the public interest when there is an appeal. In a well functioning access to information regime, there will be many cases when transparency overrides secrecy.

(iii) What about copyright problems if I reuse or publish the information?

Copyright and rules on reuse of public sector information are important issues which journalists need to be aware of.

Generally if information is released from public authorities under freedom of information laws, it may be reused by the media for stories and radio and TV programmes and for posting on blogs. Because of the importance of freedom of expression, in some countries this is considered to be "fair use" of the material and not subject to copyright to reuse licences. You need to check the rules in your country. Also, if you plan to make use of a large volume of

information such as an entire database, then you may need to check with the public institution about the rules on reuse.

If you receive material which is copyrighted (in some countries all government information carries copyright) then you need to know about the rules of getting reuse licences (sometimes these can be obtained on-line and are called “click licences”).

10. Appeals against silence and refusals

If your request is not answered (“administrative silence”), or if the public institution refuses to provide you with the information, or if the answer doesn’t really answer your question, you may want to appeal.

The rules for appealing vary from country to country. Annex D has a list of the 45 countries in the OSCE region which have access to information rules and summarises the appeals procedure as well as giving links to the relevant oversight bodies. It is advisable to check the rules and timeframes for appealing in your country before you submit a request or as soon as you have submitted it. That way you will know when to expect a response and you will be ready to present the relevant appeal.

There are four main appeals mechanisms:

- **Internal or Administrative Appeal:** this is an appeal to the same body which issued the denial or to the immediately superior administrative body. It may seem strange to appeal to the same body, but it signals to them that you are serious about defending your right and can often result in a change of mind. In any case, in most countries the request for internal review is required before submitting an appeal to the Information Commissioner, Ombudsman, or Courts. Sometimes however, an appeal may be made directly to the Information Commissioner or Ombudsman. Box D lists these options.
- **Administrative Court Appeal:** in many countries, particularly those without an Information Commission or Ombudsman responsible for overseeing the access to information law, the next step is an appeal to the courts. Normally access to information appeals are regulated by administrative law, and so appeals should be made to the regional or national administrative court, with a further appeal to a higher court usually possible. In 11 Council of Europe countries court appeals are the only option.
- **Information Commission/er:** these are specialised bodies whose role is to defend the public’s right to know. Often the body is combined with that of a data protection oversight body. 13 Council of Europe countries have a specialised oversight body. Some can issue binding decisions, others can only make recommendations. In some countries, the decisions of the Information Commissioners can be appealed to the courts.
- **Ombudsman:** In many countries the Ombudsman plays the role of protecting the

rights of citizens and residents in their interactions with public bodies. In 13 of these countries, the Ombudsman also has the role of receiving complaints related to the access to information requests. Often the Ombudsman's Office can only issue recommendations although their power to criticise means that in many countries the public authorities will comply with these recommendations. At the EU level as well, the European Ombudsman will process complaints related to access to documents requests.

Box D: Appeals mechanism in the countries of the Council of Europe region.

You can find out more details in Annex D.

Court Appeal	Information Commission/er	Ombudsman
Bulgaria	Belgium	European Union
Czech Republic	Canada	Albania
Georgia	France	Armenia
Latvia	Germany	Austria
Liechtenstein	Iceland	Bosnia
Moldova	Ireland	Croatia
Netherlands	Italy	Denmark
Poland	Macedonia	Estonia
Romania	Portugal	Finland
Russia	Serbia	Greece
Slovakia	Slovenia	Kosovo
Ukraine	Switzerland	Lithuania
	Turkey	Norway
	United Kingdom	Sweden

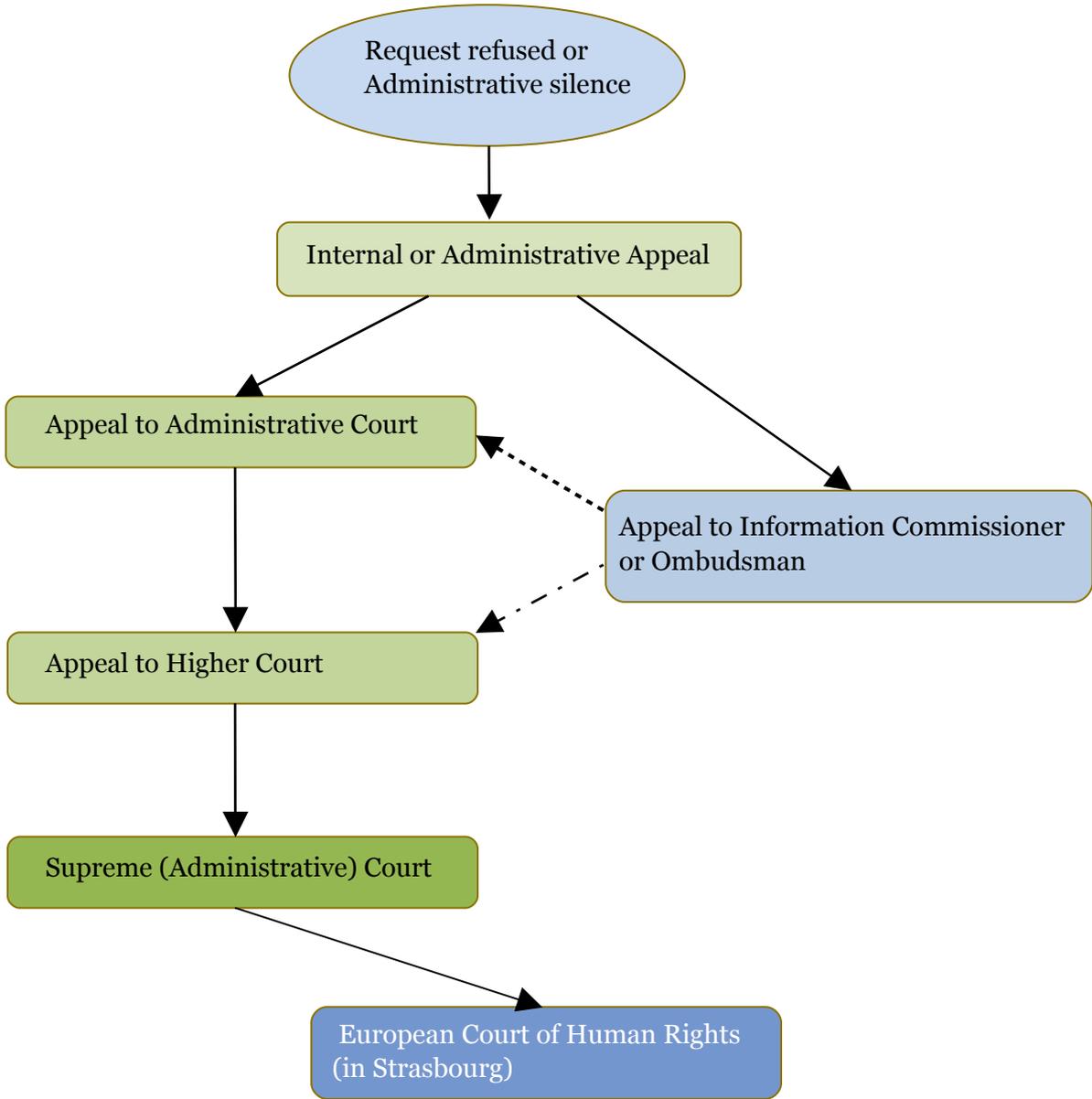


A good place to find out more about the law on access to information and your legal rights is a national access to information organisation. The Freedom of Information Advocates Network, has

160 members worldwide. See www.foiadvocates.net

Figure 2: Appeals Process step-by-step

In most countries there are two or three steps to the appeals process, shown in the diagram below:



Presenting internal administrative appeals is normally quite easy and free of charge (there are exceptions such as Ireland where it costs €75 which is a huge disincentive to defending your right to know!). Sometimes it helps however to have the advice of a lawyer or specialist organisation. If in doubt, contact the **Legal Leaks Team** and we will try to put you in touch with someone in your country who can help you.

Appeals to higher courts and to the European Court of Human Rights can take a long time (even years!) but are well worth considering for two reasons. First, they contribute to the long term development of the right of access to information. Second: **launching an appeal makes a good story** and can have immediate political impact even though you are still waiting for the formal legal decision!

ANNEX A: ADOPTION OF ACCESS TO INFORMATION LAWS 1766-2010

Year	Countries*	Number of Countries Adopting Access to Info law this period	Cumulative Total
1766-1950	Sweden	1	1
1951-1960	Finland	1	2
1961-1970	United States	1	3
1971-1980	Denmark, Norway, France, Netherlands	4	7
1981-1990	Australia, Canada, New Zealand, Colombia, Greece, Austria, Italy	7	14
1991-2000	Hungary, Ukraine, Portugal, Belgium, Belize, Iceland, Lithuania, South Korea, Ireland, Thailand, Israel, Latvia, Albania, Portugal, Czech Republic, Georgia, Greece, Japan, Liechtenstein, Trinidad & Tobago, Bulgaria, Estonia, Moldova, Slovakia, South Africa, United Kingdom	26	40
2001-2010	Bosnia & Herzegovina, Poland, Romania, Serbia, Jamaica, Angola, Mexico, Pakistan, Panama, Peru, Uzbekistan, Tajikistan, Zimbabwe, Armenia, Croatia, Kosovo*, Slovenia, Turkey, St. Vincent & Grenadines, Dominican Republic, Ecuador, Switzerland, Antigua & Barbuda, Azerbaijan, Germany, India, Montenegro, Taiwan, Uganda, Honduras, Macedonia, Jordan, Kyrgyzstan, Nepal, Nicaragua, China, Chile, Cook Islands, Uruguay, Indonesia, Bangladesh, Russia	42	82

*Kosovo is the only non-UN, non-OSCE member country in this list; it is recognised by 65 UN Members, including 22 of 27 EU Countries and the United States.

ANNEX B: Access to Information Laws in the 56 OSCE participating states

Country	Name of the Act Date of adoption (other)	Year
Albania	Law on the Right to Information over the Official Documents Law in Albanian	1999
Armenia	Law on Freedom of Information (unofficial translation) Law in Armenian	2003
Austria	Duty to Grant Information Act Auskunftspflichtgesetz, BGBl Nr.287 Law in German (and English)	1987
Belgium	Belgian Constitution (See Article 32) Law on the right of access to administrative documents – no English translation Law in French and Flemish	1994
Bosnia and Herzegovina	Freedom of Access to Information Act (unofficial translation)	2000
Bulgaria	Access to Public Information Act	2000
Canada	Access to Information Act (in English and in French)	1985
Croatia	Act on the Right of Access to Information Law in Croatian	2003
Czech Republic	Law on Free Access to Information Law in Czech	1999
Denmark	Access to Public Administration Files Act (No. 572 of 1985) Law in Danish	1985
Estonia	Public Information Act Law in Estonian	2000
Finland	Act on the Openness of Government Activities Law in Finnish	1999
France	The Right of Access to Administrative Documents Law in French	1978
Georgia	Law of Georgia “On Freedom of Information” – The General Administrative Code of Georgia (See Chapter 3)	1999
Germany	Federal Act Governing Access to Information held by the Federal Government - (Freedom of Information Act) Law in German	2005
Greece	Code of Administrative Procedure Law in Greek	1999
Hungary	Act LXIII OF 1992 on the Protection of Personal Data and the Publicity of Data of Public Interest Law in Hungarian	1992
Iceland	Information Act (No. 50/1996) Law in Icelandic	1996
Ireland	Freedom of Information Act 21 April 1997, entered into force 21 April 1998 Law in Gaelge	1997
Italy	New provisions on administrative procedure and right to access to administrative documents, Law 241/90 Law in Italian	1990
Kosovo	Law on Access to Official Documents Law in Albanian Law in Serbian	2003
Kyrgyz Republic	Law on Access to Information held by State Bodies and Local Self-Government Bodies	2007
Latvia	Freedom of Information Law Law in Latvian	1998
Liechtenstein	Information Act Law in German	1999

Lithuania	Law on Provision of Information to the Public (No. I-1418) 2 July 1996 Law in Lithuanian	1996
Macedonia	Law on Free Access to Public Information Law in Macedonian	2006
Moldova	Law on Access to Information Law in Moldovan/Romanian	2000
Montenegro	Law on Free Access to Information of Public Importance	2005
Netherlands	Act on Public Access to Government Information	1978
Norway	Freedom of Information Act (No.69, 1970) Law in Norwegian	1970
Poland	Act on Access to Public Information	2001
Portugal	Law of Access to Administrative Documents Law in Portuguese	1993
Romania	Law Regarding the Free Access to the Information of Public Interest (No. 544) Law in Romanian	2001
Russia	Law on Providing Access to Information on the Activities of State Bodies and Bodies of Local Self-Government Law in Russian	2009
Serbia	Law on Free Access to Information of Public Importance	2003
Slovakia	Act on Free Access to Information and Amendments of Certain Acts Law in Slovak (and English)	2000
Slovenia	Act on the Access to Information of Public Character Law in Slovene	2003
Sweden	Freedom of the Press Act	1766
Switzerland	Transparency Law Law in German Law in French Law in Italian	2004
Tajikistan	Law republic of Tajikistan on the right to access to information	
Turkey	Law on the Right to Information (No. 4982) Law in Turkish	2003
Ukraine	Law on Public Access to Information Law in Ukrainian	1992
UK	Freedom of Information Act	2000
United States	U.S. Department of State Freedom of Information Act (FOIA)	1966
Uzbekistan	Law on the Principles and Guarantees of Freedom of Information	2002

ANNEX C: The Scope of the Right of Access to Information

Country	Government and National Administration all levels	Legislative & Judicial – admin.info	Legislative Bodies, other info	Judicial Bodies, other info	Private bodies performing public functions
Albania	Yes	Yes	Yes	Yes	Yes
Armenia	Yes	Yes	Yes	Yes	Yes
Belgium	Yes	Yes	No	No	Yes
Bosnia & Herzegovina	Yes	Yes	Yes	Yes	Yes
Bulgaria	Yes	Yes	Yes	Yes	Yes
Canada	Yes	Yes	Yes	Yes	Yes
Croatia	Yes	Yes	Yes	Yes	Yes
Czech Republic	Yes	Yes	Yes	partial	Yes
Denmark	Yes	Yes	No	No	Some
France	Yes	Yes	No	No	Yes
Georgia	Yes	Yes	yes	partial	Yes
Germany	Yes	Yes	No	No	Yes
Hungary	Yes	Yes	Yes	partial	Yes
Ireland	Yes	Yes	Yes	partial	Yes
Kosovo	Yes				
Kyrgyz Republic	Yes	Yes	Yes	Yes	Yes
Latvia	Yes	Yes	Yes	Yes	Yes
Macedonia	Yes	Yes	Yes	Yes	Yes
Moldova	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes
Netherlands	Yes	Yes	Yes	Yes	Yes
Norway	Yes	Not parliament	No	Partial	Yes
Romania	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes
Slovakia	Yes	Yes	Yes	Partial	Yes
Slovenia	Yes	Yes	Yes	Yes	Yes
Sweden	Yes	Yes	Yes	Yes	Yes
Tajikistan	Yes				Yes
Turkey	Yes	Yes	No	No	Yes
United Kingdom	Yes	Yes	Yes.	Partial	Yes
United States	Yes	No	No	No	No
Uzbekistan	Yes				

ANNEX D: Appeals Options and Oversight Bodies

Country	Appeal Options	Oversight Body
European Union	<ul style="list-style-type: none"> FIRST Administrative appeal to the same body, called “confirmatory application” THEN either Ombudsman OR Court of First Instance 	European Ombudsman
Albania	<p>FIRST, administrative appeal</p> <p>THEN, judicial appeal OR complaint to Ombudsman</p>	People’s Advocate (Ombudsperson) – decisions are not binding
Armenia	<p>Administrative appeal followed by appeal to the Courts (recommended)</p> <p>OR Ombudsperson</p>	Human Rights Defender of the Republic of Armenia (Ombudsperson) – decisions are not binding
Austria	<ul style="list-style-type: none"> Administrative appeal followed by appeal to the courts 	Austrian Ombudsman Board Volkanwaltschaft
Belgium	<p>FIRST, Request for reconsideration to the administrative body AND at the same time request to the Commission for Access to Administrative Documents for advisory opinion</p> <p>THEN, application to Administrative Court for annulment of refusal to grant information</p>	<p>Commission d’Accès aux Documents Administratifs (there is no website but reports can be found at : www.ibz.rrn.fgov.be)</p> <p>http://www.ibz.rrn.fgov.be/fileadmin/user_upload/DGIP/rapports_annuels/2007/legislation.pdf</p> <p>Commission d’accès aux documents administratifs http://www.cada.cfwb.be/</p>
Bosnia Herzegovina	<p>FIRST, appeal to head of the public authority that issued the decision.</p> <p>THEN either apply for judicial review, OR complaint to Ombudsman</p>	Ombudsman for Human Rights (in Bosnian languages only)
Bulgaria	<p>Administrative Appeal</p> <p>OR (depending the body) Regional courts or Supreme Administrative Court</p>	No oversight body – appeal to courts
Canada	<p>FIRST, complaint to the Information Commissioner</p> <p>THEN, appeal to the courts</p>	Office of the Information Commissioner of Canada
Croatia	<p>FIRST, administrative appeal to head of the body</p> <p>THEN, Administrative court</p> <p>OR, Ombudsman</p>	Ombudsman
Czech Republic	<p>Appeal to superior body of the public body that issued the decision (or should have done).</p> <p>If the latter has rejected the appeal a court can review this.</p>	No oversight body – appeal to courts
Denmark	<ul style="list-style-type: none"> FIRST administrative appeal THEN to courts 	Folketingets Ombudsman

	<ul style="list-style-type: none"> • OR to Ombudsman 	
Estonia	<p>Appeal to Supervisory body OR, Administrative court. OR, Data Protection Inspectorate</p>	<p>Estonian Data Protection Inspectorate - oversees implementation of the Public Information Act</p>
Finland	<ul style="list-style-type: none"> • FIRST appeal to a higher authority • THEN to the Administrative Court • OR apply to Parliamentary Ombudsman for review of the decision. 	<p>Parliamentary Ombudsman</p>
France	<ul style="list-style-type: none"> • FIRST Administrative appeal (“recours gracieux”) AND/OR appeal direct to Commission (CADA) • THEN Conseil d’Etat to challenge a decision of the CADA 	<p>Commission on Access to Administrative Documents (CADA) – decisions are not binding but can appeal to the Administrative Tribunal for enforcement of a CADA decision</p> <p>Commission d’Accès aux Documents Administratifs (CADA) (in French only)</p>
Georgia	<ul style="list-style-type: none"> • FIRST, internal administrative appeal • THEN, Administrative Court • THEN, Supreme Court 	<p>No oversight body</p>
Germany	<ul style="list-style-type: none"> • FIRST administrative appeal THEN court appeal • OR appeal to Information Commissioner 	<p>The Federal Commissioner for Data Protection and Freedom of Information</p> <p>Some German Länder also have Freedom of Information laws overseen by Commissioners:</p> <ul style="list-style-type: none"> • Berlin • Brandenburg • Bremen • Hamburg • Mecklenburg-Vorpommern • Nordrhein-Westfalen • Saarland • Sachsen-Anhalt • Schleswig-Holstein
Greece	<ul style="list-style-type: none"> • FIRST, internal appeal • THEN, Ombudsman’s office 	<p>Greek Ombudsman</p>
Hungary	<ul style="list-style-type: none"> • There is no administrative appeal. Applicant has option to launch judicial appeal (first and second instance) • OR to appeal to the Data Protection and FOI Commissioner 	<p>Hungarian Parliamentary Commissioner for Data Protection and Freedom of Information</p> <p>- decisions are not binding</p>
Iceland	<ul style="list-style-type: none"> • Denials can be appealed to the Information Committee. Government bodies are required to comply with the decisions but can appeal to the courts. 	<p>Information Committee (In Icelandic only)</p>
Ireland	<ul style="list-style-type: none"> • FIRST, application for internal review of the decision (costs €75) • THEN, appeal to the Information 	<p>Office of the Information Commissioner</p> <p>– the Information Commissioner can</p>

	<p>Commissioner (application fee of €150).</p> <ul style="list-style-type: none"> • THEN, appeal to High Court 	order disclosure.
Italy	<ul style="list-style-type: none"> • FIRST, Appeal to regional administrative court • THEN, Council of State 	Commissione Per L'accesso Ai Documenti Amministrativi (in Italian)
Kosovo	<p>FIRST, internal administrative appeal</p> <p>THEN, Administrative Court</p> <p>OR Ombudsperson Institution</p>	Ombudsperson Institution
Kyrgyz Republic	<p>Administrative appeal, to a superior officer</p> <p>OR to the Ombudsman</p>	Ombudsman of the Kyrgyz Republic - Tas@global.kz
Latvia	<p>FIRST, Appeal to manager of the institution, or to a higher institution where one exists;</p> <p>THEN, Court (takes 3-4 years and is rarely used for information requests).</p>	Latvian Ombudsman's Office – but not responsible for the access to information law!
Liechtenstein	<p>FIRST, Administrative appeal to the body handling the request,</p> <p>THEN, appeal according to the administrative law.</p>	No oversight body
Lithuania	<p>FIRST, appeal to internal Appeals Dispute Commission</p> <p>THEN, Administrative Court</p> <p>OR, Seimas Ombudsman</p>	The Seimas Ombudsmen's Office
Macedonia	<p>FIRST, appeal to the Information Commission</p> <p>THEN, administrative dispute before administrative court</p>	Commission for the Protection of the Right to Free Access to Information - can order disclosure
Moldova	<p>FIRST Apply to top management of body and/or higher body</p> <p>THEN, apply to courts</p>	No oversight body
Montenegro	<p>Appeal either to a supervisory body if one exists or directly to the Administrative Court, which can order disclosure.</p>	No oversight body
Netherlands	<p>FIRST Administrative appeal</p> <p>THEN Court Appeal</p> <p>THEN High Court Appeal</p>	(National Ombudsman) The Ombudsman has no specific mandate to oversee the access to information law, so the normal appeal procedure is via the courts.
Norway	<ul style="list-style-type: none"> • FIRST Appeal to superior administrative body followed by appeal to courts OR to Ombudsman 	Sivilombudsmannen
Poland	<ul style="list-style-type: none"> • FIRST, internal appeal • THEN, Administrative Court 	No oversight body – Office of the Commissioner for Civil Rights Protection (Ombudsman) has been active in calling for transparency

Portugal	Committee of Access to Administrative Documents Administrative court	Commission on Access to Administrative Documents
Romania	Public authority or manager Administrative Court Court of Appeal	No oversight body – appeal to courts, which can order disclosure.
Russia	FIRST, appeal to higher body or to higher official according to established legal procedures relevant for that body; THEN, appeal to court	No oversight body
Serbia	<ul style="list-style-type: none"> FIRST, administrative appeal THEN, Information Commissioner THEN, administrative court 	Commissioner for Information of Public Importance and Personal Data Protection The Commissioner's rulings are binding, final and enforceable. Requestors can apply to the Government to enforce the Commissioner's rulings.
Slovakia	FIRST Administrative appeal THEN appeal to the courts	No oversight body – appeal to courts which can return decision to the administrative body for review.
Slovenia	FIRST Administrative appeal THEN Information Commissioner THEN Administrative Court	Information Commissioner - decisions become binding upon the expiry of the term for launching an administrative dispute.
Sweden	FIRST, internal appeal THEN administrative court of appeal THEN Supreme Administrative Court ALSO can apply to the Parliamentary Ombudsman	Parliamentary Ombudsman Riksdagens Ombudsmän - issues recommendations
Switzerland	<ul style="list-style-type: none"> FIRST appeal to Federal Data Protection and Information Commissioner for mediation THEN, if not happy with outcome, apply for a formal decision from the public body THEN appeal that decision to the federal administrative tribunal 	The Federal Data Protection and Information Commissioner - mediates and issues recommendations which can then be appealed before the courts if the public body does not act on them or if they are not in favour of the requestor.
Tajikistan	<ul style="list-style-type: none"> To a superior officer OR in court 	
Turkey	<ul style="list-style-type: none"> No internal appeals mechanism. FIRST Appeal to the Board of Review of Access to Information THEN, apply to Administrative Court 	Board of Review of Access to Information
Ukraine	<ul style="list-style-type: none"> FIRST, internal administrative appeal THEN, administrative court 	No oversight body
United Kindom	<ul style="list-style-type: none"> FIRST Administrative appeal to same body 	The Information Commissioner's Office

	<ul style="list-style-type: none"> • THEN Information Commissioner's Office (ICO) • THEN Information Tribunal, a special court which reviews ICO decisions. 	In Scotland for Scottish bodies: Office of the Scottish Information Commissioner
United States	<p>FIRST Administrative appeal, to the head of the relevant public body.</p> <p>THEN to the courts.</p>	
Uzbekistan	Can be appealed to the courts	

ANNEX E: Access to Information Timeframes

Country	Working Days	Calendar Days	Extension
European Union	15		15
Environmental Info under the Aarhus Convention		30 (one month)	
Albania		40	10
Armenia	5		25
Austria		60 (eight weeks)	
Belgium		30	
Bosnia and Herzegovina	15		15
Bulgaria		14	14
Canada		30	30 (if more, notice to be given to Info. Commissioner)
Croatia	15		30
Czech Republic	15		10
Denmark	10		allowed not specified
Estonia	5		15
Finland		14	16
France		30 (appeal after 1 month)	
Georgia	10		
Germany		30	
Greece		30	
Hungary	15		
Iceland		7	
Ireland		30	
Italy		30	
Kosovo	15		15
Kyrgyzstan		15	15
Latvia	15		10

Lithuania	20		20
Liechtenstein		14	
Macedonia		30	
Moldova	15		5
Montenegro		8	14
Netherlands		28	28
Norway	without undue delay - appeal after 2 weeks		
Poland		14	
Portugal	10		
Romania	10		30
Russia		30	
Serbia	15		
Slovakia	10		10
Slovenia	20		30
Sweden	immediately		
Switzerland	20		
Tajikistan		30	
Turkey	15		15
Ukraine	10		30
United Kingdom	20		20
United States	20		10
Uzbekistan		30	30 (one month)

Note 1: Albania, Hungary and Romania have different time limits for decisions to grant or deny access. Time limits for decisions to deny access are shorter: 15, 8 and 5 days respectively.

Note 2: Timeframes are sometimes defined in weeks or months. For the purpose of comparability 1 month equals 30 calendar days and 1 week is 7 calendar days in the chart.