

Freedom of Information and Access to Government Records Around the World

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Overview

In the last decade, governments around the world have become increasingly more transparent. Over 40 countries now have comprehensive laws to facilitate access to state records; over 30 more are in the process of enacting such legislation.

Although freedom of information laws have existed since 1766, when Sweden passed its Freedom of the Press Act, the last 10 years saw an unprecedented number of states adopting access to information legislation.

There are a number of reasons for this. Since the 1980s, the collapse of authoritarianism and the emergence of new democracies have given rise to new constitutions that include specific guarantees of the right to information. These constitutional guarantees often require the adoption of new laws on information access. At the same time, older democracies such as the United Kingdom are seeing the wisdom of enacting legislation. International bodies such as the Commonwealth, Council of Europe and the Organization of American States have drafted guidelines or model legislation to promote freedom of information. The World Bank, the International Monetary Fund and other donors are also pressing countries to adopt access to information laws as part of an effort to increase government transparency and reduce corruption. Finally, there is agitation from media and civil society groups, both domestic and international, for greater access to government-held information and for more participation in governance.

In addition to comprehensive freedom of information laws, many countries have legislated access to specific types of information. In some countries, new "data protection" laws now enable individuals to obtain their own records held by government agencies and private organizations. In others, specific statutes give rights of access to information in such areas as health and the environment. There are also codes of practice that spell out the procedures for access.

The trend toward greater information access is bound to continue. Many countries in Eastern and Central Europe, Africa and Asia are currently reviewing proposals to adopt comprehensive acts. In Western Europe, only Germany and Switzerland lack legislation. Nearly all Central and Eastern European countries have adopted laws as part of their democratic transitions. Nearly a dozen Asian countries have either enacted laws or are on the brink of doing so. Similarly, in South and Central America, nearly a dozen countries are considering laws. Africa is also catching up. Many countries in southern and central Africa are following South Africa's lead, with varying proposals for formulating freedom of information laws.

The mere existence of an information act, however, does not always mean that access is possible. In many countries, the access and enforcement mechanisms are weak or unenforceable. Governments resist releasing information. They also delay the processing of information requests or impose unreasonable fees to discourage access. Sometimes, courts undermine the intent of the law, so citizens give up. In addition, independent bodies that process information requests can succumb to

political pressure or are made ineffective by lack of funds. In countries such as Zimbabwe, the access laws that have been enacted actually legislate censorship rather than freedom of information.

In Europe, new restrictions, such as those imposed by laws protecting classified information, are also being put in place. Many countries in Central and Eastern Europe are adopting these acts in order to qualify for North Atlantic Treaty Organization (NATO) membership. NATO, however, has so far refused to provide a copy of the draft legislation it is requiring the countries to enact. In addition, the European Union has also adopted new restrictive regulations to bar disclosure of classified information, but these restrictions are currently being challenged in court by the European Parliament.