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Access Info Europe and the Campaign for Freedom of Information (UK)

UK government will not sign World's First Treaty on Access to Information

Freedom of Information campaign groups today criticised the UK Government's decision not to sign the world's first binding treaty on access to official information. Despite the Prime Minister's recent statement promising greater freedom of information¹, the Government has confirmed it will not currently sign the Council of Europe Convention on Access to Official Documents.

The Campaign for Freedom of Information and Access Info Europe said there would be real benefits if the UK signed the Convention. First, it would encourage European countries with no or weak access to information laws to introduce effective legislation. Second, it would make it more difficult for any government in the UK to weaken the UK FOI Act.

"We're concerned that one possible reason behind the Government's decision is that it intends to introduce new exemptions to our FOI Act, which may not be compatible with the Convention. The Prime Minister recently announced that the Government would introduce two new exemptions to the Act for cabinet documents and communications with members of the Royal Family. In both cases the information would be excluded from the scope of the FOI Act altogether for 20 years, an extremely retrograde step" said Katherine Gundersen of the Campaign for Freedom of Information.

On 24 June the UK Government stated that it "does not intend to sign the Convention at this stage" adding that it "does not rule out signing in the future". An official statement from the Ministry of Justice observed that "*The UK's Freedom of Information legislation has been a success story, providing a regime for freedom of information that is among the most open and rigorous in the world. It already goes further than the standards of the Convention in a number of areas.*"

"This is clearly a spurious argument, because nothing stops any country having a higher standard than the Convention. The reluctance to sign the treaty sets a bad example for the new democracies of central and eastern Europe", said Helen Darbishire of Access Info Europe.

The UK was active in negotiating the Convention and worked to ensure that it did not go above the standard of the UK's FOI law. The Convention's drafters were also anxious to ensure it was capable of being accepted by the greatest number of Council of Europe member states, 40 out of 47 of which have access to information legislation.

¹ Interview with the Prime Minister, Today Programme, BBC Radio 4 10/6/09
Statement on Constitutional Renewal, 10/6/09

The Convention requires signatory states to recognise a right of access for anyone, on request, to official documents held by public authorities and take the necessary measures in domestic law to meet the minimum standards set out in the Convention. It was adopted by the Council's Committee of Ministers on 27 November 2008 and has so far been signed by 12 other European countries.

The 12 countries who signed the Convention at a ceremony in Tromsø, Norway, on 18 June 2009 are Belgium, Estonia, Finland, Georgia, Hungary, Lithuania, Macedonia, Montenegro, Norway, Serbia, Slovenia, and Sweden. The Netherlands announced on 19 June that it will also sign the Convention.

Notes for Editors

- A map of those countries who signed can be found at www.access-info.org
- The Convention on Access to Official Documents sets minimum standards on the right of access to information. The preamble to the Explanatory Report on the Convention states: *"Transparency of public authorities is a key feature of good governance and an indicator of whether or not a society is genuinely democratic and pluralist, opposed to all forms of corruption, capable of criticising those who govern it, and open to enlightened participation of citizens in matters of public interest. The right of access to official documents is also essential to the self-development of people and to the exercise of fundamental human rights. It also strengthens public authorities' legitimacy in the eyes of the public, and its confidence in them."*
- Signature of the Convention is the first step, and should be followed by ratification. The Convention contains optional provisions such as whether judicial and legislative bodies will be fully subject to the right to request and receive information. It will enter into force once 10 states have ratified.
- Slovenia is one country taking a lead on ratification, having already included ratification of the Convention in its legislative programme. It also plans to ratify the optional provisions on access to legislative and judicial information, setting a high standard for other European States.

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