

Spain: Government promises access to information law before summer Current draft would not guarantee greater mayor transparency

Madrid, 22 June 2011- Responding to the demands of the “15 May” movement, the Spanish government on 21 June confirmed that it will present an access to information law to the parliament.

Access Info Europe, an NGO specialising in government transparency, welcomed this move, but noted that the current draft law has been severely criticised by national and international experts for falling below the Council of Europe minimum standards.

Access Info Europe today called on all political parties to ensure that the future access to information law will fully guarantee the fundamental right of access to information, as protected by international treaties and the laws of over 80 countries worldwide. The most recent countries to adopt access to information laws were Nigeria (28 May 2011) and Mongolia (16 June 2011).

“The ‘true democracy’ the protesters in the Madrid’s central plaza, the Puerta del Sol, are calling for is a democracy in which citizens can know what the state is doing with their money,” commented Victoria Anderica de Access Info Europe. *“With the draft which was leaked to Access Info Europe last year, this will be impossible.”*

The shortcomings in the leaked law mean that it will:

- Not apply to all public bodies
- Not apply to all information held by public bodies
- Not guarantee a reasonable timeframe for receiving information

The draft also fails to recognise that the right to know is a fundamental right guaranteed by international treaties and hence by the freedom of expression and information provisions of the Spanish Constitution.

As a result, information which would not be accessible if the current draft were to be adopted includes:

- Background information such as notes, drafts, opinions, summaries, and – most seriously – reports, which means that it will not be possible to know the basis for decisions taken by public authorities;
- Statistics (of any kind!);
- Public registers, such as the Company and Land registers, for example.

Furthermore, the law does not apply to bodies such as the State Audit Authority, which means that the public will not be able to access essential information necessary to scrutinise spending of public funds or the annual reports on political party finances.

“The future law should be an instrument against corruption and in favour of public participation in decision making,” stressed Helen Darbshire, Director of Access Info Europe.

“As Minister of the Presidency Ramón Jáuregui noted this week, they will in some cases be conflicts between Access and other rights and legitimate interests. But the exceptions must be clearly drawn in line with the Council of Europe Convention on Access to Official Documents and must be applied on a case by case basis,” explained Darbshire. “Blanket exceptions are impermissible: openness is the rule, secrecy is the exception!”

For more information, please contact:

Victoria Anderica Caffarena

Project Coordinator, Access Info Europe

victoria@access-info.org | +34 699 354 215

Helen Darbshire, Executive Director, Access Info Europe

helen@access-info.org | +34 667 685 319

Access Info Europe c/Principe de Anglona 5, 28005 Madrid, Spain

+34 91 365 2634 info@access-info.org registration number: 587828 CIF G84816610