

## Access Info welcomes OAS Principles on Right of Access to Information and Calls for Council of Europe not to fall below this standard

Madrid, 11 August 2008 — Access Info Europe welcomes the adoption on 7 August 2008 by the Organization of American States (OAS) of a set of Principles on the right of access to information<sup>1</sup>, and calls on the Council of Europe to recognise the same high standard in its future Convention on Access to Official Documents, due to be finalised and adopted in the last quarter of 2008.

“The Organization of American States Principles accurately reflect the current state of law and practice for the right of access to information in the Americas and worldwide,” stated Helen Darbishire, Executive Director of Access Info. “The OAS Principles are a logical extension of the 2006 ruling by the Inter-American Court of Human Rights which confirmed the right of all persons to request and receive information held by government bodies<sup>2</sup>.”

A comparative analysis by Access Info shows significant differences between the OAS Principles and the draft Council of Europe Convention. In particular, the failure by the Council of Europe to guarantee that the right of access to information applies to all branches of government, including the legislative and judicial branches and private bodies operating performing public functions, and the failure to require that states define timeframes for responding to requests.

Element of the Right of Access to Information	OAS Principles	Draft Convention
Right applies to entire <b>executive/administrative</b> branch of government, at all levels of government	✓	✓
Right applies to <b>legislative</b> and <b>judicial</b> branches of government	✓	✗
Right applies to <b>all bodies which perform public functions</b> or which operate with public funds	✓	✗
<b>Information broadly defined</b> to include everything held in any format or medium (no possible exception for databases or which may not constitute “official documents”)	✓	✗
Processing of requests to be free and <b>fees for access limited</b> to the cost of reproduction and delivery of information.	✓	✓
Requirement that states set clear and reasonable <b>timeframes</b> for responding to requests	✓	✗
<b>Limited exceptions</b> as necessary in a democratic society, subject to proportionality/harm and public interest test	✓	✓
Requestors have a <b>right of appeal</b> to an administrative	✓	✗

body <u>and</u> to the courts		(Convention is either/or)
Clear requirement for <b>proactive dissemination</b> of information about core functions of public bodies, including activities, budgets, opportunities for public participation, and details of subsidies and contracts.	✓	✗
Requirement to take <b>positive measures to promote</b> the right including training and improving information management	✓	✓
<i>Chart by Access Info Europe, August 2008</i>		

"It is widely recognised that transparency is a fundamental component of modern democracies. The Council of Europe urgently needs to bring its human rights standard-setting into line with global trends and to protect fully the public's right to know in all 47 countries in Europe," concluded Ms. Darbshire.

***For further information, please contact:***

Helen Darbshire, Executive Director

Access Info Europe

Tel: + 34 667 685 319

e-mail: [helen@access-info.org](mailto:helen@access-info.org)

***Notes for Editors:***

1. The OAS Principles are contained in Inter-American Juridical Committee Resolution CJI/RES.147 (LXXIII-O/08) and can be found on line at [www.access-info.org](http://www.access-info.org).
2. The draft Council of Europe Convention on Access to Official Documents can be found at [www.access-info.org](http://www.access-info.org).
3. See Inter-American Court of Human Rights decision in the case of *Case of Claude Reyes and others vs. Chile*, Judgement of 19 September 2006.