

“Legal Leaks”

Access to information and data security for journalists: toolkits, training and legal support.

Journalists play a central role in initiating and stimulating public debates but face constant challenges in accessing information from public bodies, particularly when that information relates to issues such as corruption and organised crime, violations of human rights, controversial international relations, environmental contamination, relationships with business and lobby groups, and the more sensitive aspects of EU integration.

These challenges are increasing due to limitations on freedom of expression and access to information resulting from new counter-terrorism and security measures. At the same time increased use of electronic surveillance technologies by public (and private) bodies is making it harder for journalists to protect their investigations and confidential sources making them vulnerable to legal and extra-legal pressures to desist from investigations and to reveal sources of information.

Access Info Europe and *n-ost* are working to empower journalists to recoup their role as public watchdogs through exercise of their right of access to information in both their own country and other countries. Our goal is also to protect media freedom by promoting techniques by which journalists can protect the security of their data and of confidential sources of information. We are also working to promote cross-border collaboration between journalists from across Europe, the project will strengthen networks of journalists who will help each other file requests for information in each other's countries and cooperate on investigations.

The long-term goal of these activities is to invigorate and strengthen European journalism thereby contributing to better access to information, to higher quality public debates, to increased public participation in decision-making, and thereby to more open and democratic societies.

Project Activities

- **Legal Leaks Toolkit – how to file access to information requests across Europe** as part of their research work. There will be a general toolkit how to use access to information laws from all EU countries and on how to use the EU's access to documents rules. Each national version of the toolkit will have a detailed section on the national access to information law, with sample letters for filing requests and guidance on how to appeal refusals or failures to answer access to information requests. The toolkit will include case studies and strategies on how to integrate access to information into daily journalistic work and investigative reporting. There will also be a section on managing access to information requests for editors (editors in chief/managing editors/senior editors). An online version of the toolkit will include videos and additional materials.

- **Legal Leaks Website:** The website will provide an easily accessible repository for the toolkits and other resource material including detailed information about national access to information laws, as well as about data security and computer assisted reporting techniques. Importantly, the website will be a forum for media managers and journalists seeking information in other countries and needing to make contact with journalists or NGOs in who can help them file the request. The website will provide contact information for the Access Info helpdesk and links to a network of expert lawyers across Europe.
- **Discussion list:** The Legal Leaks website will be accompanied by a discussion list which will enable journalists from around Europe to exchange information and seek help and advice from colleagues and from access to information specialist in other countries.
- **Trainings for journalists on access to information** strategies for requesting information in their own country, in other European countries and from the bodies of the European Union;
- **Training for journalists on data security techniques**, particularly protecting electronic communications from surveillance and protection of sources of information;
- **Training on computer assisted reporting techniques** and how these link to their access to information research strategies;
- **Legal support (Helpdesk):** international experts and national access to information organisations will offer advice and legal assistance to journalists. The support provided will include guidance on information request strategies, assistance formulating requests and drafting administrative appeals, provision of legal assistance and in case that a request goes to court, provision of legal support and representation. We will also provide legal advice and assistance in filing requests for European Union documents and, where necessary, appeals to the European Ombudsman or European Court of Justice.
- **Networking between access to information organisations and journalists** in order to promote long-term cooperation on defending media freedom and the right of access to information; cross-border networking between journalists.

Background:

In first quarter of 2009, Access Info and n-ost conducted a survey of journalists training organisations, media freedom and human rights groups and access to information CSOs across 15 countries in Europe. The survey results indicate there is still a widespread ignorance and low use of this potentially powerful tool (exceptions include the UK and one or two countries in central and eastern Europe such as Bulgaria). Our research has found that in addition to a continuing need for skills-building and support on use of ATI laws at the national level, there is a need across Europe for training on how to use the access to documents rules of the European Union.

The survey also identified that for journalists there are issues related to access to information, particularly the need for capacity building on research and data processing techniques (such as

computer assisted reporting skills) and on data security mechanisms (the ability to protect information from surveillance and the need to protect information which would reveal sources).

This project has been developed by Access Info and n-ost in response to the findings of this survey. Some additional project components will be delivered by Tactical Tech (data security) and by investigative journalists experienced in computer assisted reporting and data mining.

Access Info Europe (www.access-info.org) Access Info Europe is an international human rights organisation, founded in June 2006 and based in Madrid, which works to promote a strong and functioning right of access to information in Europe and contributing to the development of this right 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.

Access Info staff between them have a total of over 20 years experience of management of projects to research and promote the right of access to information, transparency, participation and accountability. These projects have included training of journalists on the right of access to information in Europe, Latin America, Africa and Asia. Access Info staff have particular in-depth experience of promoting both access to information and media freedom issues in the countries of central and eastern Europe as well as in western Europe. Access Info staff were involved as organisers and a jury members in a competition to promote use of access to information laws for journalists in Argentina.

Access Info is regularly invited as an expert to meetings organised by civil society organisations, by information commissioners and by international organisations such as the Council of Europe Convention, the OSCE, UNESCO and the World Bank.

The **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. It started as an informal correspondent's network in 2002, before devolving in 2004 to a professional journalistic NGO focusing on Central and Eastern Europe and promoting media freedom as a basic human right. 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. With its daily article subscription and radio services, n-ost provides information for radio stations and newspapers in Germany, Austria and Switzerland. Since 2008 n-ost has been producing eurotopics.net for Germany's Federal Agency for Civic Education. Eurotopics comprises a daily press review. For the press review correspondents in all the EU states and Switzerland shift through the most important online and print media each morning and select articles in the fields of politics, the media, society, culture and contemporary history. It's published in English, French, German and Spanish and very soon in Polish as well. Through its multilingual journalistic experience n-ost organizes training programmes on journalistic techniques across Europe (CEE- and CIS-states), media-conferences, research journeys, research-grant-programs. Every year n-ost awards its reportage-prize for outstanding reports on topics from Central and Eastern Europe. The n-ost staff members have extensive editorial experience in German and eastern European media outlets, as media trainers in Eastern Europe and Latin America and in organizing transnational journalistic projects.