

## Press Release

*For immediate publication*

### Global protest against proposed controls on who uses French Government information

*Madrid/Paris 14 December 2010-* 35 civil society organizations and many international experts on freedom of expression from 25 countries today sent a letter ([here](#)) to the French Minister of Interior Brice Hortefeux and members of parliament calling for the withdrawal of a proposed law allowing the authorities to carry out "behaviour checks" on members of the public and organisations wanting to reuse information obtained from public bodies.

The law, being introduced as part of reforms to the security law, is due to be discussed in the French parliament before the end of 2010. The organisations signing the letter expressed concern that the provision will severely damage the right of access to information and the freedom of expression in France, particularly as the nature of the behaviour checks is not clearly specified.

"Extending background checks to those who simply want to re-use information obtained from public bodies is unnecessary, disproportionate and intimidating. It essentially categorises the re-use of information as a potentially dangerous activity," said Toby Mendel, director of the Centre for Law and Democracy (Canada) one of the signatories of the letter.

In many countries around the world, the trend is to make public sector information freely available for widespread re-use. This is done in recognition of the significant social and economic benefits this brings, including promoting participation in decision-making. Members of the public can add value to government-generated information, for example by developing applications or programmes that benefit society as a whole.

These benefits are clearly recognised by many leading democracies – such as Australia, Denmark, New Zealand, Norway, the United Kingdom and the United States – who are posting large volumes of raw public data online with no preconditions on who may use it or how.

"If this provision were to be adopted, France would be closing down public access to information rather than opening it up," concluded Benjamin Ooghe-Tabanou, co-founder of Regards Citoyens.

"The right to access and reuse public information is part of the right to freedom of expression, a right protected by the French constitution. The public should not have to

undergo background checks to exercise this right,” commented Helen Darbshire, executive director of Access Info Europe.

**Notes for Editors:**

1. [Access Info Europe](#) is a human rights organisation head-quartered in Madrid which promotes the right of access to information and open government data in Europe. Access Info Europe believes that more public information means better participation in and greater accountability of public bodies.
2. [Regards Citoyens](#) is a civic association which promotes the opening of public data to secure greater transparency of democratic institutions in France.
3. The proposed reform is to 1995 Security Law ([Loi n°95-73 du 21 janvier 1995 d'orientation et de programmation relative à la sécurité](#)).
4. The amendment would impact on the right of access to public information granted under the [1978 Access to Administrative Documents Law](#) as modified by [European Union Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information](#). The EU Directive requires that governments to create “fair, proportionate and non-discriminatory conditions for the re-use of [public sector] information.” The European Commission is currently reviewing this Directive. This case and the broader impact of this Directive on the fundamental right of access to information should be carefully reviewed by the Commission.
5. The [Council of Europe Convention on Access to Official Documents](#) from 2009, not yet signed by France, requires that all requesters be treated equally and without discrimination. It is illegitimate under this and other international standards to ask why someone wants information or what they will do with it.
6. The European Court of Human Rights has ruled that access to information held by public bodies when these are monopolies is an inherent part of the right to freedom of expression: information is needed to participate in democratic public debate. See, *inter alia* [Társaság a Szabadságjogokért v. Hungary \(App no 37374/05\), ECHR, 14 April 2009](#).
7. Examples of online portals for accessing public data include [www.data.gov](#), [www.data.gov.uk](#), [www.data.gov.au](#), [www.data.gov.nz](#).

**For more information – in English or French - please contact:**

**Victoria Anderica**, Access Info Europe, [victoria@access-info.org](mailto:victoria@access-info.org)

Office phone: +34 91 366 5344

Mobile: +34 606 592 976

**Helen Darbshire**, Access Info Europe ([www.access-info.org](http://www.access-info.org))

[helen@access-info.org](mailto:helen@access-info.org), mobile: +34 667 685 319