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Draft freedom of information law 'seriously below European standards'

JULY 30TH, 2015

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Access Info Europe, a human rights organisation dedicated to promoting and protecting the right of access to information in Europe as a tool for defending civil liberties and human rights, has urged the government of Cyprus to greatly improve its draft freedom of information (FOI) law in order to meet basic international transparency standards.

In a statement, the organisation said that an analysis of the draft text using the Right to Information Rating indicators found that Cyprus would come in at position 97 of 102 countries globally, scoring a dismal 57 of 150 points. It would not be able to sign and ratify the Council of Europe Convention on Access to Official Documents.

In a submission sent to Justice Minister Ionas Nicolaou, the pro-transparency organisation recommended significant amendments to the draft law such as recognising the fundamental nature of the right, including all public bodies in the law, reducing the number of exceptions, and removing other obstacles such as the requirement to provide ID when requesting information.

"In its current state, the Cypriot government will adopt an embarrassingly weak law," said Andreas Pavlou, Campaigner at Access Info Europe.

"It is unacceptable for the law to exclude from the outset important public institutions such as the president, cabinet, parliament, and judiciary, as well as include 22 exceptions to access," Pavlou added.

The proposed law contains 22 exceptions to access to information, many of which are vague and/or broad, and nine of which are absolute despite international standards requiring that all exceptions are subject to a harm test and public interest test, the organisation said.

Among its few positive elements the draft law includes limited provisions for proactive publication, and a broad definition of 'information', it added.

A 2011 report by Access Info and Cypriot partners found that over 70 per cent of requests sent to public bodies in the Republic of Cyprus result in administrative silence, whilst only 7 per cent of answers contained the information requested.

Currently, Cyprus is one of only two countries in Europe, along with Luxembourg, without an access to information law, the other being Luxembourg, which has a draft law in the Parliament.

Nicolaou announced the new bill earlier this month during a public consultation on the issue. He said FOI was a "basic human right" when it came to people's need to access information about themselves held by the state such as medical and judicial information. Nicolaou said the bill make substantial changes in both the structure and the responsibilities of the Office of the Privacy Commissioner governing the right of access to information on the one hand and on the other, its responsibilities pursuant to existing legislation which regulates the processing of personal data.

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