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the global network of freedom of information advocates

Group Assessed Costs for Failed Request in Spain

29 October 2012

Access Info Europe has been ordered to pay €3,000 to the Spanish government after unsuccessfully seeking information for certain Ministry of Justice reports.

The Spanish Supreme Court ruled that the NGO has not right to ask for such information, requested an Access Info Europe board member in 2007.

The request was for Ministry of Justice for reports on the implementation of the UN Convention on Corruption. The court ruled that the group was not seeking information, but rather was seeking “explanations” from the government.

"In taking this course, the Su-preme Court avoided addressing the substance of the arguments about international law and jurisprudence on the right of access to information which Access Info Europe had put forward," according to an Access Inform Europe statement Oct. 29.

"The Supreme Court decision recognises that the administration failed to answer the initial request but nevertheless has condemned the NGO which challenged this administrative silence to pay the costs of taking the case," said Enrique Jaramillo, the lawyer for Access Info Europe. He said that "the risk of paying such costs is a massive disincentive for an ordinary citizen who will be unlikely to challenge the failure to respond to an information requests."

Background information on the case can be found **here** (<http://www.access-info.org/en/litigation/297-ministry-of-justice-corruption-case>)

Access Info Europe said it will shortly be launching a campaign to raise funds to pay the €3,000 costs and to support further litigation in favour of transparency in Spain. For more information see [here](http://www.accessinfo.org/en/support-us) (<http://www.accessinfo.org/en/support-us>) .

The Spanish government has proposed freedom of information legislation this year which has been criticized as inadequate. ([See previous FreedomInfo.org report.](http://www.freedominfo.org/2012/05/spain-publishes-text-of-latest-access-law-proposal/)) (<http://www.freedominfo.org/2012/05/spain-publishes-text-of-latest-access-law-proposal/>)

For Spanish language newspaper account, see [here](http://sociedad.elpais.com/sociedad/2012/10/28/actualidad/1351455843_506737.html). (http://sociedad.elpais.com/sociedad/2012/10/28/actualidad/1351455843_506737.html)

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assessments - <http://www.freedominfo.org/tag/ri-litigation/>

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in Spain <24% = 2012/2012 in econ. info in 2012. Also see table 2012 facts in 2012 Requests + 3100 facts in 2012

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