

## Press Release

*For immediate publication*

### France proposes authorities controls on who uses public information

*Madrid/Paris, 23 November 2010* – A law to be discussed in the French parliament before the end of 2010 will result in the authorities carrying out “behaviour checks” on members of the public and organisations wanting to reuse information obtained from public bodies. The likely effect is to severely limit access to information and freedom of expression.

The draft law currently before the French National Assembly amends the 1995 Police Security Act and will extend the scope of authorities “behaviour checks” from legitimate purposes such as checking on those to have access to dangerous substances and high security zones to those who want to reuse information obtained from public bodies. The criteria for the background checks are not specified in the law.

The information affected could include, for example, databases on public spending, copies of laws, or electoral results. Much data held by local authorities which is of great interest to the public such as schedules and real-time locations of trains and buses, information about recycling schemes, and construction works permits would also fall under these new controls.

The associations Access Info Europe and Regards Citoyens today expressed concerns that the law, if adopted, will significantly complicate and slow access to information in France.

“This is an extremely dangerous law which would seriously limit freedom of expression in France,” said Helen Darbshire, Executive Director of Access Info Europe.

“Subjecting those who wish to access and reuse public datasets to vaguely-defined morality controls runs counter to the basic principles of the freedom of expression and information enshrined in the French Constitution, and is a violation of European Court of Human Rights jurisprudence and EU law,” added Darbshire.

Access Info Europe notes that in 2010 many leading democracies such as the US and the UK, Norway and Spain, Australia and New Zealand, are posting on line large volumes of public data making them free for anyone in the world to use. They do this out of recognition of the societal and economic benefits that flow from the reuse of public sector information.

“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.

### **Notes for Editors:**

1. [Access Info Europe](#) is a human rights organisation head-quartered in Madrid which promote 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](#).

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