



REPUBLIC OF CYPRUS

MINISTRY OF JUSTICE AND PUBLIC ORDER

Office of the Permanent Secretary

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25th April 2017

Ms Helen Darbishire
Executive Director
Access Info Europe
Calle Cava de San Miguel 8, 4c
28005 Madrid
Spain

Dear Ms Darbishire,

Cyprus Access to Information Law

I refer to your letter to the Minister of Justice and Public Order dated 28.3.2017, regarding the above subject and I would like to inform you that although the Cyprus Access to Information draft Law contains five absolute exemptions, their absolute effect ceases after the lapse of 20 years, following article 3(3) of the Council of Europe Convention on Access to Official Documents. The absolute exemptions were deemed necessary for the nature of the information they protect according to international and european standards (article 3(1) of the above Convention).

2. Furthermore, the Cyprus Access to Information Law contains both the harm and public interest tests. The public interest test is provided in article 19(4)(b) whereas the harm test is provided in the exemptions with the phrase "θα παραβιάσει ή δυνατό να παραβιάσει" ("would, or would be likely to prejudice") or other phrases connoting similar meaning, taking into account article 3(2) of the above Convention.

3. I would like to take this opportunity to mention that the Council of Europe Convention on Access to Official Documents has never been entered into force, 8 years after its opening for signature in 2009, as only 14 countries have signed the said Convention whereas only 9 countries have ratified it. Nonetheless, the Ministry of Justice and Public Order has taken the said Convention into account during the preparation of its national legislation.

Yours sincerely,

(Andreas Mylonas)
Permanent Secretary

Access Info Europe

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28005 Madrid
Spain



Mr Ionas Nicolaou, Minister for Justice and Public Order
Ministry of Justice and Public Order
Athalassis Avenue 125
1461 Strovolos
Nicosia, Cyprus

Also sent via email: registry@mjpo.gov.cy

28 March 2017

Dear Mr Ionas Nicolaou, Minister for Justice and Public Order,

I am writing to you on behalf of Access Info Europe and the 29 undersigned civil society organisations to raise concerns about the exceptions contained in Cyprus' draft access to information law, currently being debated in the Legal Committee of the Cypriot Parliament.

Specifically, we wish to draw your attention to the unacceptable inclusion of five absolute exceptions¹ [1] as well as the failure to establish that information may only be refused if its disclosure would or would be likely to harm a protected interest, unless there is an overriding public interest in access.

Both absolute exceptions and exceptions without harm and public interest tests are violations of international and European standards on the right of access to information. This is a matter of particular concern given that Cyprus is one of the last countries in Europe without an access to information law.

Access Info Europe, and the 29 undersigned organisations call upon you to amend the draft text so that it is in line with these standards.

The European standard to which Cyprus must adhere is clear: Article 3(2) of the Council of Europe Convention on Access to Official Documents specifically states,

*Access to information contained in an official document
may be refused if its disclosure would or would be likely to
harm any of the interests mentioned in paragraph 1,
unless there is an overriding public interest in disclosure.*

¹ As specified in Article 19(1) - access through other methods, information related to or provided by security forces, court records, parliamentary information, information provided on the condition of confidentiality and secrecy.

Article 3(1) of the Convention is also clear that any exception be limited insofar as it be necessary in a democratic society and be proportionate.

We are at your disposal to discuss these international standards, and in the meantime we reiterate our call on the Cypriot government to ensure that the exceptions in the future access to information law meet international and European standards.

Yours sincerely,

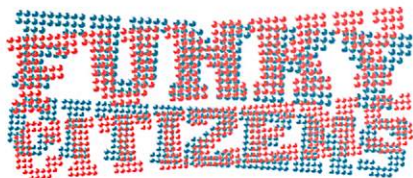


Helen Darbishire

Signatory organisations:



Campaign for Freedom of
Information



Fundacja
ePaństwo

