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Access Info Europe

Annual Activity Report
2020

2020: What the Pandemic taught us about the Right to Information



This screenshot of a meeting of Spain's Open Government Forum is pretty much how the year 2020 looked for all of us working on the right of access to information around the world. It was a particularly tense year for many of us in many ways, but certainly so for the global transparency community, and so for the Access Info team.

With Madrid was one of the first places to be hit badly by the pandemic, we closed the office early, allowing the team to travel to where they could spend the lockdowns with loved ones. Technology enabled us to continue working, with scheduled events becoming online ones. Only a court hearing in Malta as part of our litigation for all EU citizens to be able to make requests there was postponed from April and was still pending at the end of 2020.

In parallel with continued work on planned projects, we participated in an unprecedented coming together of the entire global transparency community to discuss the new challenges brought by the pandemic. Challenges such as initial suspension of timeframes for responding to requests, particularly in countries where the right is not recognised as a fundamental right. Then issues of lack of real-time health data, exacerbated by inadequate digitalisation in many countries. Soon new patterns emerged, such as a lack of transparency linked to abuses and corruption in emergency procurement.

As this report sets out, the Access Info team rose to meet these challenges, collaborating with colleagues around Europe and around the world, to define a new, common transparency agenda, redoubling our commitment to securing and defending this fundamental human right.

On a personal note, I would like to acknowledge the dedication of the Access Info team who continued to work with remarkable levels of commitment and efficiency, and also much good humour during what was not an easy period for anyone. It's been a privilege to be part of such a team and you will see more about them and the work each has been doing in this report.

Helen Darbishire
Executive Director

A handwritten signature in black ink, appearing to read 'Helen', with a stylized flourish extending from the end.

The Global Transparency Agenda in Times of Pandemic: From defending to advancing a fundamental right

Three new priorities for Access Info in 2020

1. Monitoring, mapping and responding to the right to information situation in Europe
2. Engaging in European region and global debates on transparency in times of pandemic
3. Setting standards and defining the way forward

There was an initial shock to the system, including transparency systems, as the coronavirus pandemic hit Europe, all but essential services were closed down, and the vast majority of the population moved to teleworking.

The right of access to information was an initial victim, with timeframes for responding to information requests either suspended or lengthened. As Access Info's extensive mapping revealed, in those countries which had a clearly established right of access to information the right was better protected.

The reaction from the global transparency community was strong, demonstrating the power of a small but well-organised and professional set of civil society organisations can be. Collaborating with information commissioners, and with processes such as the Open Government Partnership, there was a strong push back against any limitations on the right to information.

Access Info participated in many discussions, including with government officials around Europe and across the world, on how to respond to the new transparency challenges brought by the pandemic. There was also really strong engagement from relevant inter-governmental organisations, including UNESCO, the OSCE, and the OECD.

Our "office" – or rather our home computers and our mobile phones – were inundated with requests from journalists, in Spain and across Europe and globally, wanting, amongst other things, to know if the problems that they were facing were unique, wanting advice on how to obtain information, wanting contacts of people to speak to in government and IGOs.

In our analysis, in the vast majority of cases, limits on the right of access to information were not caused by bad intentions, but rather by technical and practical difficulties, such as public officials' home computers not having security clearance to access documents and data stored in public body mainframes. (And when work computers were taken home, other problems arose such as not being set up to be able to use Zoom on them, for security reasons.)

"The initial stress test found our transparency systems wanting."

Mapping and evaluating the nature of the problems that we encountered, it soon became clear to the Access Info team and many of our interlocutors, that the problems we were seeing with the right of access to information in the first, crisis, phase, were linked to structural problems with the right that we had long known existed. The initial stress test found our transparency systems wanting.

Below are a set of renewed priorities and elsewhere in this annual report, Access Info sets out how we adapted our planned and funded projects to respond to the new challenges of the pandemic, in areas such as EU transparency, anti-corruption and public procurement transparency, and in our work on open government action plans.

Moving on from 2020

Priorities for the Right to Information

1. **Recognise a fundamental right:** where the right is clearly set out in the constitution and/or in law, it was much harder to suspend it and easier to reverse suspensions (Argentina and Chile are good examples).

Access Info will continue to campaign for a fundamental right of access to information in all European countries where this is not yet recognised.

2. **Strengthen the legal frameworks:** Where the legal frameworks are weak, where timeframes are long already, where it's hard to request or hard to appeal, it became harder. A robust right of access to information is essential, for good times as well as times of crisis.

Access Info Europe is now working on an upgraded version of our well-established RTI Rating, so that it provides a more comprehensive picture of the quality of access to information laws, including the strength of independent oversight bodies, and the quality of proactive publication requirements.

3. **Strengthen readiness for implementation:** The lack of internal processes for handling requests, poor records where responses were slow before, they got slower.

Access Info developed during 2020 a series of training materials for public officials based on training we had previously done in person. These include diagnostic tools to evaluate internal process for handling requests are structured and how to make them more efficient and effective.

4. **Digitalisation and good records management are essential:** The pandemic revealed huge holes in records management systems and left public officials scrambling to digitise information. Access Info identified problems ranging from exchanges of health data to particularly serious issues with lack of digital processes in public procurement. Systems are incomplete, and often not interoperable.

Access Info will continue to advocate for and support greater digitalisation of the data and information that underpins transparency systems. We are coordinating with OGP and the Open Data Charter on this.

5. **Proactive publication is the best preventive measure:** The pandemic showed how valuable it is to have proactively published information, and how readily available data contributes to better journalism, strengthened anti-corruption oversight, and can help combat fake news.

Access Info is working to promote standards on public procurement, including through our open data work set out in this report. We collaborate closely with sectoral civil society and with journalists to identify which information should be prioritised for publication.

Pandemic Anti-Corruption Focus

- » Transparency of Emergency Procurement
- » Public Procurement Reform at the National and EU Level
- » Implementation of Strong Whistleblower Protection, especially in health and procurement
- » Transparency of Beneficial Ownership and Company Ownership in the EU
- » Strengthening the UN Convention against Corruption

In the EU a full 28% of corruption cases occur in health sector procurement even in normal times. The higher risk of corruption during this crisis makes it a top priority to ensure transparency of any emergency procurement.

Recognising that rapid purchase of equipment such as medical supplies were necessary, particularly during the initial stages of the pandemic, Access Info and partners across Europe including Funky Citizens (Romania), K-Monitor (Hungary), and ePaństwo (Poland), along with the Open Contracting Partnership, developed and issued a set of recommendations making clear that EU directives on procurement require governments to keep a written justification of all procurement and to make all relevant information public.

The Ten Recommendations on Emergency Procurement

1. The use of emergency procurement must be justified, recorded, and made public;
2. Emergency procurement is the exception, not the rule, and should be judged on a case-by-case basis;
3. Emergency procurement data should be centralised on national e-procurement portals;
4. Full publication to maintain trust;
5. Open Data on emergency procurement;
6. E-procurement portals should be updated in the shortest possible time;
7. Transparency to prevent price gouging;
8. Open data to strengthen due diligence on suppliers and prevent fraud;
9. Publicise sanctions for fraudulent activity and bid cartels; and,
10. Cooperation with civil society, investigative journalists and whistleblowers.

The Recommendations were translated into various European languages, including Spanish, Montenegrin, and widely shared across Europe and Latin America. The take-up was extensive, as they were used by civil society and investigative journalists working at the national level to structure their work and to demand greater transparency of emergency procurement.

The Recommendations were made into a Working Paper by the University of Sussex Centre for the Study of Corruption and published on their website.

Emergency direct procurement is legal, but must always be the exception, even during a pandemic, must be judged on a case-by-case basis, must be justified, and should be transparent.



“Quick decisions can make the difference between life and death, but the pandemic is no excuse to skip transparency obligations. While the main focus right now is getting supplies, transparency must be maintained to ensure that legitimate decisions are being taken, to prevent fraud, and to maintain public trust.” - Rachel Hanna, Legal Researcher and Campaigner at Access Info

Public Procurement Reform at the National & EU level

Procurement is currently considered a government’s number one corruption risk. Each year public authorities in the EU spend around 14% of GDP on public procurement, and it is estimated that public procurement corruption alone costs the EU €5 billion per year.

Critical Analysis of EU Procurement Rules

Access Info carried out a critical analysis of the current levels of transparency demanded in procurement by the EU’s 2014 Public Procurement Directives, which mandate more transparency in procurement processes, through reporting and publication of above the threshold tenders.

It was found that whilst many of the EU institutions state that they are in favour of making the procurement process more transparent, the reality is that there is a lack of coordination and clarity at the national level when it comes to procurement and what exactly is demanded of the Member States in regarding publication of procurement data.

This analysis exposed various problems with the EU public procurement system, creating a basis for further recommendations to the European Commission on how to improve transparency in procurement, which we are actively raising with the Commission and other relevant actors, such as the OECD and the Council of Europe’s GRECO mechanism:

- » Public procurement data should be a high-value dataset under the Open Data Directive;
- » All procurement data should be published in Open Contracting Data Standards;
- » Centralised e-procurement portals should be interoperable with other public datasets;
- » Transparency of the Evaluation Committee members and decisions;
- » Redacting of confidential information should be the exception not the rule;
- » Stronger sanctions should be imposed on those who distort competition;
- » Exclusion lists should be created in all EU countries and be public;
- » Professionalisation and integrity in procurement should be promoted.

PUBLIC PROCUREMENT: PUBLICATIONS AND GUIDES

During 2020, Access Info developed and published a series of guides on public procurement. These were then used by our partners across Europe in trainings for journalists, civil society, and even public officials, especially those from local government, working on procurement.

Demystifying Public Procurement: A Glossary for Journalists (and Public Officials!)

What exactly is bid rigging? How do procurement thresholds work? What's the difference between a competitive procedure with negotiation and a concession contract? What's the difference between contract splitting and dividing a contract into lots to encourage SME participation? Oh, and who is this Ted guy* that everyone is talking about?

As public procurement can be a complicated topic to understand, Access Info created a guide on the terminology used in public procurement processes. The goal of this glossary is to make it easier for civil society and journalists to monitor for corruption and wrongdoing in local procurement processes.

**Ted is not a person! TED is the European Union's "Tenders Electronic Daily" where all bids over a certain threshold, starting from around €140,000 for services and supplies contracts, should be published so that bidders from across Europe have a chance of competing.*

For Public Officials: What should be published during a public procurement process?

Access Info carried out an analysis of the current publication obligations in public procurement according to the EU Directives. This document summarises that analysis and then explains how and why the public procurement process should be made more transparent, giving a list of items that should be published in each process.

We set out why a more transparent process does not mean the unnecessary release of commercially sensitive information, rather more transparency could help encourage competition.

Case Study: Below the Threshold Transparency in Poland

In Poland, there is no legal obligation to publish procedures below the threshold, and most of the Municipalities or other public ordering bodies choose not to do so. There are however exceptions, such as the Municipality of Łódź. This Polish city of over 700,000 citizens has not only prepared detailed regulations on how to proceed with procurements that are under the threshold of € 30,000, but also publishes them on the website.

Access Info in partnership with ePaństwo produced a case study on how this was done. We looked at how, by choosing to regulate and publish procurement procedures that fall under the threshold, the Municipality of Łódź has shown a best practice example of how public authorities at the city level can take matters into their own hands and take steps that help increase transparency in procurement and prevent corruption.

Company Ownership Transparency



Access Info is coordinating a campaign, launched in 2020, along with leading anti-corruption organisations, for open company ownership information in all European Union countries.

Civil society made progress in 2016, with the 5th Anti-Money Laundering Directive, which calls for all Member States to establish publically available, centralised beneficial ownership registers for companies by January 2020. We noted that by end of 2020 not all had yet done this.

Company data is defined in the 2019 Open Data Directive as a “high-value datasets”, which means that the EU has recognised that it is information “the re-use of which is associated with important benefits for the society and economy”. Most EU Member States have not yet opened company register data, and even where this is accessible, fees must be paid for access (with the exceptions of Denmark and Slovakia). The UK has a fully open register, as does Ukraine. Neither is an EU Member State. The pandemic made our calls for open company register even more urgent.

We are calling for the following company structure and ownership information to be the absolute minimum made public under the Open Data Directive:

- » Name of the company owner;
- » Month and year of birth;
- » Nationality;
- » Owner identifier;
- » Names of shareholders;
- » Country of residence of shareholders/owners;
- » Company insolvency status;
- » All updates to the information submitted, including the date of the most recent update.



“As European governments spend millions in their responding to the COVID-19 pandemic, reliable information on who controls anonymous companies is essential for identifying where this money goes and for preventing financial mismanagement, fraud and corruption.” – **Helen Darbshire, Executive Director, Access Info Europe**

Letters to the Commission

Access Info organised an open sign-on letter calling on the European Commission and national governments to act to ensure that company registers, including ownership and corporate structure data, are freely accessible and as open data.

On 9 December 2020, International Anti-Corruption Day, 101 leading transparency and anti-corruption organisations, along with investigative journalists from across Europe, joined us in calling on the European Commission and national governments to act.

We sent letters to Thierry Breton, Internal Market Commissioner, and Vera Jourová, Vice President for Values and Transparency, and received a reply from the Commission stating it is currently at the stage of drafting the future implementing act, and that while the Commission intends to maximise the beneficial impact of the high-value datasets in all data domains indicated in the Open Data Directive, these socio-economic benefits must be weighed against the costs to be borne by the public sector bodies and personal data protection.

Access Info will continue to work on this campaign throughout 2021 and will involve pro bono lawyers to draft legal and financial arguments that are in favour of opening up company ownership data in the EU.

Guide: *Whistleblower Protection in Public Procurement*



In public procurement the link between costs and benefits in terms of public funds is arguably closer and more direct than in other areas. For the EU as a whole, the potential benefits of effective whistleblower protection are in the range of EUR 5.8 to 9.6 billion each year in the area of public procurement exclusively.

Following the adoption in 2019 of Directive of the European Parliament and of the Council on the protection of persons who report breaches of Union law (Whistleblowing Directive), all Member States will be obliged to guarantee a uniform minimum standard of protection to whistleblowers across a wide range of sectors of EU law including public procurement.

Access Info created a **Guide to EU Directive on Whistleblower Protection: Key Elements relevant to Public Procurement**. This Guide explains how the Directive is structured, the minimum standards of protection that must guarantee, and sets out the economic advantages of having strong whistleblowing protection in the area of procurement. The Guide also makes recommendations on how national laws can deliver more comprehensive protection for anyone who exposes corruption and wrongdoing in any area of governmental activity and spending.

Access Info has worked with the European Whistleblower Network for a number of years, and we engaged actively in 2020, joining sign on letters in defence of specific whistleblowers and calling on all public authorities to ensure and strengthen whistleblower protection during the state of emergency caused by the coronavirus pandemic.

EU Transparency: Keeping requests flowing in a pandemic

Access Info's work to promote transparency of the EU in 2020 included

- » Monitoring responses to requests during lockdown
- » Support to requesters and coordination with EU bodies
- » Problems with submitting requests: the case of the European Medicines Agency
- » Problems obtaining responses: the case of Frontex
- » Survey of AsktheEU.org users & Feedback from our community
- » Launch of Alaveteli Pro
- » Training of Journalists

A priority for Access Info during 2020 was to ensure that members of the European public, including the users of our AsktheEU.org platform could continue to submit requests.

This meant a continuation of our work to help requesters, and in total we helped 270 AsktheEU.org users with more than 300 different queries, either in the form of practical assistance with issues on the platform, or in terms of support with confirmatory applications and advise on the appeal process.

General research: In total, 57 individuals reached out to the AsktheEU.org team for general assistance with their research and access to information requests in 2020. Of the 57, 22 requested help in relation to national investigations or requests submitted at national level. A further 26 had general queries, including citizens of non-EU countries, including some UK citizens, about how they could submit requests, something which most EU bodies will generally accept.

Who to ask and what to say: The team provided advice on how to use AsktheEU.org and how best to phrase an access to documents request to multiple civil society actors, journalists, and members of the public (23 users) as well as to which institution to send the request (8 users).

Postal addresses: Our team is responsible for redacting users' personal information on the website, including users' postal addresses, as the European Commission requires them in order to start processing their requests. Access Info helped 29 users on this matter in 2020. We note that the European Ombudsman has criticised this policy based on an appeal taken by Access Info but that the Commission has not yet changed its stance. Access Info continues to argue that this is a violation of the right of access to documents in the EU treaties.

Technical issues for users: We help many users with minor technical issues such as when downloading documents (10 users), or identifying data automatically redacted, such as email addresses (12 users).

2000 requests during the first months of the pandemic



AsktheEU.org is an important tool for journalists, academics, and members of the European civil society who want to know more about the EU and its institutions.

In 2020, around **1,000 individuals subscribed** to the platform, bringing the total to 5,000 users, **and 2,000 more requests were submitted**, with more than 9,000 submitted since the launch of the website, in 2011.

Personal Data breaches on AsktheEU.org

Access Info provides assistance to European Union institutions with disclosure errors such as accidental personal data breaches and unintentional release of information. In 2020, a total of nine (9) personal data breaches occurred from the European Commission. We take data protection very seriously and act to remedy breaches as soon as notified. In some cases, however, we see excessive redaction of personal data, such as the names of public officials who, we believe, should be ready to be accountable to the public.



Requesting in a Pandemic: Good Practices



At the EU level, as at the national level, Access Info monitored the way in which the right to information was and was not limited during the pandemic. We were in touch with the institutions and were able to confirm, for example that the Council of the EU had committed to respecting the timeframes for answering, in spite of the challenges of public officials working from home. At our invitation, EU officials participated in webinars with transparency activists and government officials from around the world to discuss how to ensure that requesting channels stayed open.

The Case of the hard-to-contact European Medicines Agency

Clearly, the transparency of the European Medicines Agency should have been a priority in 2020, but it is one of the hardest EU body to submit a request to, as it does not accept emails and requesters have to fill in an online form. Access Info has been working on this issue for a while because their policy means we cannot send requests via AsktheEU.org. In August 2020, Access Info coordinated a letter signed by 28 health organisations, transparency associations, and academics calling on the European Medicines Agency (EMA) to take the simple step of providing an email address for requests.



EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

This led to a series of exchanges and two very constructive meetings with EMA officials, who nevertheless are reluctant to use the AsktheEU.org platform. One concern is how to clarify requests without the whole exchange being on line. Another is wanting to know who is asking and how they will use the information. A third is that data gets published on the AsktheEU.org website, something that industry lobbyists around the EMA do not like. Access Info has reiterated that once documents have been released to one person, they are available to all.

Next steps: At year's end, Access Info was still in discussions with the EMA. In a future revision of Regulation 1049/2001, we will call for it to be clear that all requesters can use email to request information, as well as by post and, optionally, by an online form should agencies wish to provide it.

Frontex Frustrations

The European Border and Coast Guard Agency (Frontex) changed its access to documents policy at the beginning of 2020. The Agency was already requiring users to identify themselves by providing an ID document before submitting requests. Starting 2020, to access responses, requesters must click on a link that redirects them to a private platform, where they need to introduce the Case ID of the request, a token and an email address to access Frontex's response to their request. This caused many problems, especially as the email address generated by AsktheEU.org is unique and not visible, so users have to contact the Access Info team every time they submit a new request in order to be able to see Frontex's replies.

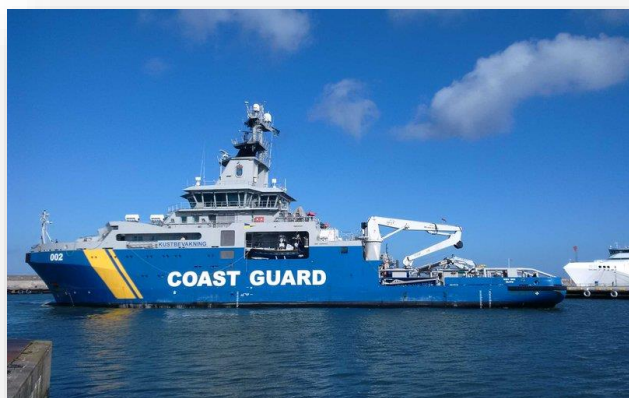
In 2020, up to 24 individuals requested support on this matter.



The legal fees issue

Access Info has taken cases to the Court of Justice of the European Union, and has won some cases and lost others, but we've never been asked to pay legal fees. If that had been a risk, we might not have started litigation!

During 2020 we supported the campaign for Frontex to desist in claiming €23,700.81 in legal fees from transparency activists Luisa Izuzquiza and Arne Semsrott, after they lost an access to documents case at the Court of Justice of the European Union.

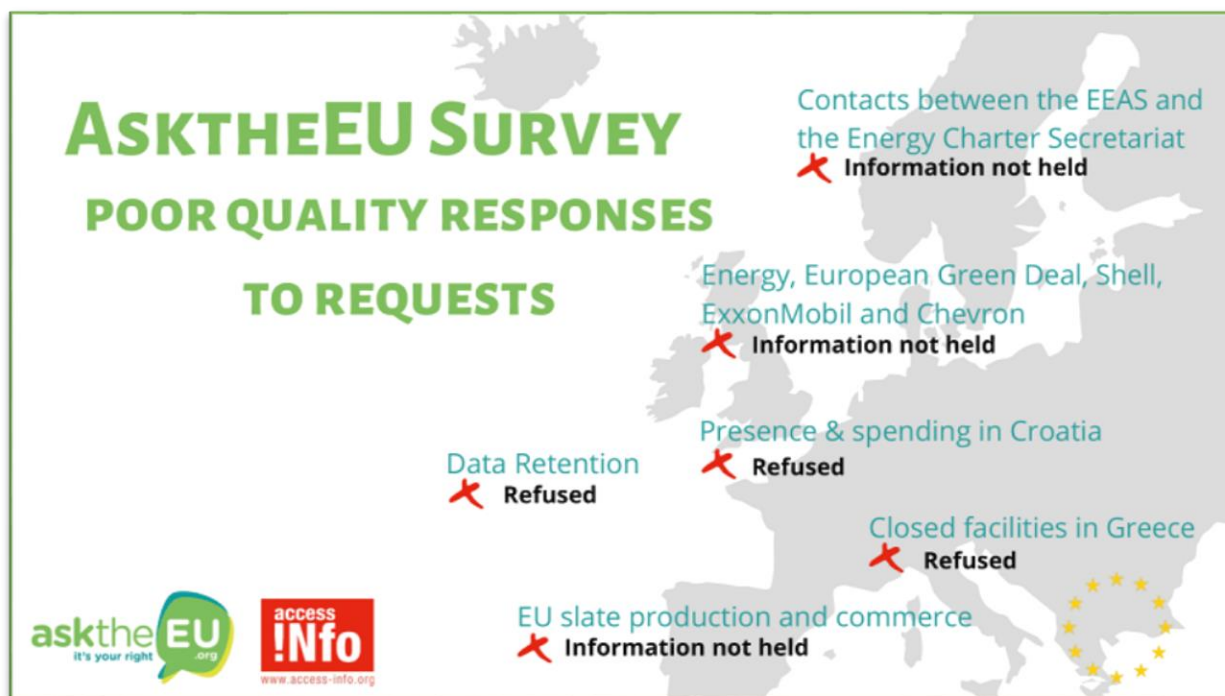


We [expressed the concern](#) that “passing such high legal costs on to citizens exercising a fundamental right will have a chilling effect and stop other people challenging refusals to provide documents in the future” and [wrote to the head of Frontex](#) and campaigning on this issue continued throughout the year, particularly Frontex took the pair to court to reclaim the funds.

Next steps: As well as continuing to urge Frontex to desist, we are calling on a future revision of Regulation 1049/2001 to ensure that there are caps on court fees when they are about this fundamental right of access to EU documents.



“Frontex is responsible for protecting borders but also the human rights of arriving migrants. They have a huge and increasing budget. Transparency that permits citizen oversight is essential!”
– **Martina Tombini, Researcher & Campaigner and Access Info.**



Since its launch in 2011, the AsktheEU.org portal has become an important platform to push for an increase in transparency of EU institutions by permitting thousands of citizens to make access to documents requests to EU bodies and publishing the full exchange of emails between the individuals and EU institutions online.

In February 2020, Access Info carried out a survey of the users of AsktheEU.org, our platform for submitting requests to the European Union. The responses from 95 users revealed that three quarters (75%) report being increasingly disappointed with EU authorities' responses, both in terms of the long delays in receiving answers and being dissatisfied with the information provided.

A second key finding was that requesters do not feel that they have sufficient legal expertise to challenge appeals against responses they are not happy with, with 70% never having made an administrative appeal (a "confirmatory application").

A further finding was that requesters are unhappy with having to identify themselves – something EU bodies increasingly ask for - when it is not clear how this will affect treatment of the request. Some potential requesters (15%) desisted when asked by the Commission for a postal address, while others (20%) used a work address, expressing concern that when investigating corruption giving your home address can be problematic.

Typical problems for EU access to documents requesters:

- ✖ Long delays (30%)
- ✖ Information provided is not exactly what was asked for (41%)
- ✖ Access is denied in a way that appears to be unreasonable (38%).

Regular users reported a decline in the quality of answers, leading them to speculate that there is a lack of political will to provide information.

AsktheEU PRO launched

On 1 June 2020, Access Info, with support from mySociety, launched AsktheEU PRO, which provides **journalists and researchers with** advanced functionalities including the possibility for Pro users to keep requests and responses private while they conduct investigations.

Access Info believes that this will help journalists and researchers wishing to protect their stories or investigations – and possible scoops – before they are ready to make them public.

Pro users continue to benefit from the other features of AsktheEU.org: they will be able to access other users' requests and responses, rate responses for quality and comprehensiveness, comment on other users' answers, and file administrative appeals ("confirmatory applications") when they are dissatisfied with the answers received.

By the end of the year, 32 professional users, primarily investigative journalists and some civil society organisations, are taking advantage of the Pro features of the platform.

Training & Toolkits: Top Tips for Investigative Journalists

To support ongoing journalistic investigations during the pandemic, in June 2020, Access Info organised two online trainings on the right of access to information and specifically how to use the AsktheEU.org tool:

- » A training for AsktheEU.org Pro users on the new functionalities of the platform, including the possibility to keep requests private and to send batch requests to EU institutions;
- » A training for investigative journalists, CSOs and academics on how to submit access to documents requests to the EU, and especially via the AsktheEU.org platform. Notably, 13 people asked for its recording after the training.

The Access Info team also participated in multiple further trainings organised by other civil society organisations, where our experts presented the benefits of exercising the right of access to information and the advantages of using AsktheEU.org. These were for journalists, but also, for example, students of politics and EU affairs at the French Sciences Po University.

INVESTIGATE: THE MANUAL

The Civil Forum for Asset Recovery (CiFAR) has produced an investigative handbook for young journalists from the Western Balkans, Western Europe and North Africa.

Access Info wrote the chapter on "Access to Information for Journalists: Top Tips", and included references to AsktheEU.org and how to use it, as well as participating on trainings for journalists.

The collaboration links Access Info's work on EU transparency with our anti-corruption priorities. The handbook is available [here](#) from CiFAR.



The AsktheEU.org Community & What they say!

More than a civic tech platform, AsktheEU.org has become a fully-fledged community of access to information activists interested in promoting this right to increase public participation and making the EU accountable. By providing day-to-day support to the users of the platform, a network of journalists, pro bono lawyers, and CSOs working on the same issues but based in different countries has been established, so that they can help each other filing requests across the EU and its Member States.



Nikolaj Nielsen - EUobserver - 50 requests submitted

"What I really love about the platform is that you can do a "google search" within it. It's a repertoire of information that is already there so you can see what institutions have already responded instead of always having to re-launch new requests."

Hans Wetzels - Follow The Money & openDemocracy - 15 requests

"AsktheEU.org provides the necessary infrastructure to keep our theoretically democratic institutions actually democratic and transparent. Besides making my own professional work easier, AsktheEU.org is so immediate that I could explain how it works to my mum."

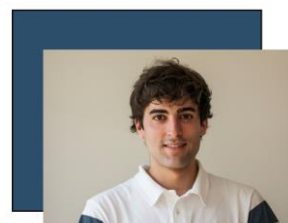


Mark Akkerman - Stop Wapenhandel - 19 requests submitted

"AsktheEU.org helps formulating requests and getting them to the right institution. Responses by the EU institutions are publicly visible ... I frequently found information useful for my research by just looking through requests others had made."

Adrián Blanco - The Washington Post - 15 requests submitted

"AsktheEU.org is very useful if you are covering European affairs or national affairs within the EU. It helps journalists keep track of timeframes and deadlines. The platform is also helpful in getting inspiration from other users' requests, and information that has already been asked for."



Vicky Cann - Corporate Europe Observatory - 437 requests (yes, 437!!!)



"To hold decision-makers to account, to know what's going on, AsktheEU.org remains a super useful tool. I have put over 400 requests over the years and for me AsktheEU.org helps me to keep them organised. And the information is permanently in the public domain."

Bram Vranken - Vredesactie - 33 requests submitted

"AsktheEU.org is very user-friendly way to file access to documents requests, and as you can easily browse through requests and learn from other users' experiences. For anyone directly or indirectly involved in the fight for increased transparency, it has made life a great deal easier!"





The Access Info Pro Bono Lawyers Network

Launched July 2020

In July 2020, Access Info Europe formalised creation of a network of pro bono lawyers from across Europe to offer assistance to requesters seeking access to documents from the EU and Member States.

In particular, we help journalists and civil society organisations seeking access to information of wider public interest impact, such as information needed to bring transparency to decision making, to combat corruption, to defend human rights, and to address climate change.

To launch the network, we held a training for lawyers on accessing EU documents. We were privileged to have top EU transparency litigator **Onno Brouwer**, along with his colleague **Elske Raedts**, and expert in Court of Justice of the European Union jurisprudence on access to documents.

They were joined by **Fergal Ó Regan** from the **European Ombudsman's Office**, who spoke about the work the Ombudsman does in access to documents, and **Anne Friel** from **Client Earth** spoke of her use of strategic litigation to get access to EU documents concerning environmental matters.

Lawyers in Action: Support to requesters

In 2020, Access Info was contacted for help by an increasing number of journalists and CSOs. Assistance by the Access Info team and our legal experts has included on:

- » Horizon 2020 funding conditional ethics clearance
- » Privacy of lobbyists to the European Commission
- » European Commission's copyright rules
- » Arms exports from various EU countries
- » EU funds re the Common Agricultural Policy of the European Union
- » Malta's Financial Intelligence Analysis Unit transparency
- » Spanish aid to Morocco and border externalisation
- » EU Public Procurement on migration issues
- » EU fisheries policy

Thank You! Access Info also has received help from pro bono lawyers from across Europe for our access to documents cases and our comparative research. We are immensely grateful for the time and expertise provided, which makes a huge difference in our ability to do our work.

Open Data for Democracy & the Agenda 2030



Data and digitalisation have been major themes in 2020. They are, in fact, issues on which Access Info has been working since 2009, as part of our clear vision that the right of access to information places proactive obligations on government, as confirmed by the UN Human Rights Committee.

In recent years we have increased our engagement with the open data community, and organisations such as the Open Data Charter, where Helen Darbishire serves as an Advisory Board member.

The pandemic brought new urgency to digitalisation of information and the need to have systems in place to ensure that it is rapidly available, both to decision making inside government and to the public. Many of our ongoing projects have an open data focus, including our work on public procurement transparency and on transparency of the spending of EU funds.

Access Info is the Global Data Barometer European Hub!

In 2020, we were excited to be selected as the European Hub coordinating the new Global Data Barometer, helping to take evaluation of levels of open data to an entirely new level, evaluating how data is used and share for advancing the public good, for political integrity and anti-corruption work, for helping combat climate change and for contributing in a targeted way to advancing with sustainable development and the Agenda 2030. Results to be released in late 2021.

Access Info Europe is coordinating researchers in 27 countries, including all the Open Government Partnership members in Europe, along with other developed countries, ranging from Australia and New Zealand to Canada and the United States.



Europe's Gender Data Gap

There are 231 indicators for the Sustainable Development Goals, of which 28 relate to the issue of gender equality, linked to SDG 5 on gender equality, and a number of other indicators.

Access Info's extensive research into levels of publication of data related to these 28 gender indicators across a number of European countries, revealed huge disparities in the quantity and the quality of data available at the national level.

Our research in seven European countries – Austria, Croatia, France, Germany, Hungary, Spain and the United Kingdom – found, on average, little more than half (57%) of the gender-related data was published.

Country	%	Data Sets	Examples of Missing Data Sets
UK	96%	27/28	Victims of human trafficking (SDG 16.2.2)
Spain	71%	20/28	Victims of physical or sexual harassment (11.7.2)
Germany	64%	18/28	Young women and men who experienced sexual violence by age 18 (16.2.3)
Austria	64%	18/28	Victims of physical or sexual harassment (11.7.2)
Hungary	39%	11/28	Proportion of time spent on unpaid domestic and care work (5.4.1)
France	36%	10/28	Proportion of girls and women who have undergone female genital mutilation (5.3.2)
Croatia	32%	9/28	Proportion of women in managerial positions (5.5.2)

Even where there are high levels of data publication, some important data are sets missing, such as on victims of human trafficking in the UK, or victims of physical or sexual harassment in Spain.

The report contains a series of specific recommendations to these and other government on how to improve the availability and accessibility of SDG data. These include:

- » Every country should have a law or policy requiring collection and publication of SDG data;
- » Every country should publish the full set of data for all 231 SDG indicators, fully aligned with the UN indicators; where data is not held, it should be collected;
- » UNESCO should measure SDG data publication as part of measuring the right of access to information indicator for SDG 16.10.2.
- » Publication should be on dedicated websites that are easy for all members of the public to find, and which are user-friendly and easy to understand;
- » Eurostat, the EU statistics agency, should compile and publish data on all SDG indicators.

The Access Info team didn't stop with the publication of the report, and during the course of 2020 we hosted discussions with government and EU officials, including representatives of statistics offices and Eurostat. These discussions revealed some worrying causes of the lack of availability of data, such as that in Austria no funding is available to collect data on gender violence.

We brought in civil society communities that need access to the data, such as the European FGM Network, to discuss the fact that there is no data collection on female genital mutilation in many European countries in spite of this being a known problem.



We are working with European governments to identify which priority data on gender, on health and other SDG indicators should be published. Europe cannot address its outstanding equality and development challenges without accurate, public, open data – **Marta Morcuende, Researcher and Campaigner at Access Info.**

Spain: Co-creation in Spite of the Pandemic

- Developing the IV Open Government Action Plan



On 29 October 2020, Spain adopted an ambitious four-year Open Government Action Plan, replete with measures called for by Access Info, including:

- ✓ Reform of the 2013 Transparency Law
- ✓ Ratification of the Convention on Access to Official Documents
- ✓ Debate on recognising a fundamental right to information
- ✓ Lobby regulation law
- ✓ Increased citizen participation
- ✓ Whistleblower protection law
- ✓ Greater access to broadband internet
- ✓ Opening key data, including the company register
- ✓ Proactive publication of more health service data.

Case Study: Defending Transparency in Lockdown

When the pandemic hit, everyone in Madrid was sent into confinement for seven weeks, and so, to all effects and purposes, was Spain's transparency law, as the state of alarm suspended all administrative timeframes.

Unlike in other countries where access to information is a fundamental right, and so the processing of requests was, more or less, continued, levels of transparency in Spain were definitely affected. Not only were their problems with processing requests, but, especially in the first days, journalists were not able to ask questions in press conferences, all of which were online but without a system for taking questions.

The resulting public outcry demonstrated quite how important transparency has become to Spanish citizens in recent years. It was a long campaign to get Spain's transparency law adopted in 2014, and the law is known not to be strong, with just 73 out of 150 points on the global RTI Rating, still too few requests, poor implementation, and a weak oversight mechanism. The situation is complicated by a multiplicity of regional laws and even municipal rules. Nevertheless, everyone knows the importance of transparency to fight corruption and participate in decision making.

The clamour for a stronger transparency law in Spain increased during the first months of the Covid-19 pandemic, as the need for reliable, timely, situational data, and information on how decisions were being taken and how funds spent, put transparency high on the public agenda.

It was in this context that work continued to develop Spain's fourth Open Government Action Plan. The existing Open Government Forum, which brings together civil society, academics, archivists, and representatives of Spain's autonomous regions and its Transparency Council, along with central government, to co-create the Action Plan, went fully on line, with meetings being held by Zoom. Access Info also consulted with the 100 civil society organisations in the *Coalición Pro Acceso* to clarify priorities for inclusion.

The result of months of work was an impressive four-year plan, with 10 ambitious commitments which include reform of the Transparency Law, ratification of the Council of Europe Convention on Access to Official Documents (Tromsø Convention) and new laws on lobby regulation and whistleblower protection, piloting of a legislative footprint, and the opening of key data including the company register and some health service data. Many of commitments reflect civil society proposals.

The Action Plan even includes a commitment to hold debates convened by Spain's Centre for Political and Constitutional Studies on the constitutional basis for the right – members of the Coalición Pro Acceso are calling for a fundamental right to be recognised, which would be a game changer for transparency in Spain.

Spain's OGP Action Plan: How did we do it?

Access Info's Patricia González, Legal Researcher and Campaigner explains some of the keys to our success:



- » **It wasn't just Access Info:** we worked with the one hundred (100) members of the Coalición Pro Acceso, which was formed back in 2006 and has continuously pressed for a strong access to information law in Spain.
- » **We voted on civil society priorities:** Access Info organised a survey among the members of the Coalición Pro Acceso to identify the priorities. The government had a list of 133 commitments from civil society, we identified 18 that were top priorities. Most of these made it into the final Action Plan. In particular, ratification of the Tromsø Convention was not in the original government list, but we secured its inclusion. The same with an agreement to debate whether aid transparency can be a fundamental right.
- » **We briefed journalists, civil society and public officials on the issues:** Access Info has continued to inform and educate a broader community in Spain about the transparency issues that we are addressing, explaining what is important and why. Sometimes technical and legal issues such as the transposition of EU directives are not easy to comprehend, so we try to make it accessible.
- » **Collaboration helps secure support:** Many Spanish civil society organisations have other priorities than transparency. Access Info often helps these groups when they need access to information and we support them in their campaigns for democracy and human rights more broadly. In that way, when we need support in our campaigns, our friends in other organisations are ready to step forward.
- » **We work with journalists:** With transparency itself a topic during the pandemic, Access Info responded to many requests from journalists. In particular, we worked with Spain's significant fact-checking sector to help them verify information about what was happening with the right of access to information in Spain and elsewhere. During 2020 we also carried out a training for journalists on the access to information law and how to appeal. Having strong support from journalists on Access Info issues is part of the key to our success.

Around Europe: Highlights of campaign actions in 2020

Malta: Transparency for fighting corruption & defending human rights



In what turned out to be our last pre-pandemic trip, the Access Info team was in Malta to work with civil society there in order to defend and advance the right to information. Activities including taking forward a **court case** we have against the Maltese

government for refusing to let our colleague Martina Tombini submit a **request about migration**, because she is not a Maltese citizen and resident. Access Info is arguing that this is a fundamental right that all may exercise. After many postponements, at the end of 2020 we were still waiting for the next hearing. Thanks to our super patient pro bono lawyer, Renata Muscat.

While in Malta we also had meetings with civil society groups and journalists to discuss the issues that they face in accessing information, and to strategise about joint projects for the future. Since then we have provided **pro bono legal support to the organisation Repubblika** on requests that they have made, and developed various projects, including **training of young journalists, with the Daphne Caruana Galizia Foundation**.

Montenegro: Hope for a new Law on Free Access to Information

In April 2020, Access Info raised concerns with the Montenegro government about their plans to hold a consultation on the draft reform of the access to information law in the midst of the pandemic. Following an outcry by national and international actors, the government agreed to halt the consultation on reforms that Access Info had previously analysed and qualified as being highly problematic.



In September 2020, a new government was elected in Montenegro and discussions started on a major overhaul of the law. **Access Info provided detailed analysis and recommendations**, based on both the existing draft and, towards in December 2020, detailed proposals for a new law. The recommendations include: restructuring the law so that it's clearer – in particular on procedures – and more in line with international standards, notably as regards the exceptions; strengthening the independence and powers of the information commissioner; and adding a more extensive section on proactive publication.

LET'S SPREAD THE WORD!

Communicating the importance of transparency in a crisis



Communication is transversal to all the work that Access Info does. In this reflection piece, Access Info's Communications Officer, Paula Domínguez, sets out the challenges of communicating our work, strategies for getting our messages out, and data on what we did in 2020.

It is said that what is not communicated does not exist. Hence the vital importance for pro-transparency organisations such as Access Info Europe to give voice to citizens' demands, to shed light on the actions and decisions taken by the public authorities, and to initiate public debates with a view to advancing democracy.

To this end, a clear, simple, strong and direct dissemination of our messages is essential, framed in a communication strategy consistent with Access Info Europe's mission to protect and promote the right of access to information.

Access Info successfully adapted to the Covid-19 pandemic by strengthening its presence online in **webinars** at both national and international levels (seven run by Access Info as well as co-hosting many others), and running our own **training and advocacy events**.

Our advocacy work included making **46 public statements** in English, and a further 7 in Spanish, and initiating and/or signing 25 letters and statements of others during 2020.

When we send out **Access Info's news**, we strive to strike a balance between letting the world know what we are doing, and not overloading people's inboxes. Our regular mailing lists reach over 10,000 subscribers across Europe and in Spanish-speaking countries, as well as our specialist communities of pro-transparency and anti-corruption activists and experts, each with its discussion list: **RTI-Europe**, **FOIANet**, **OGP**, and **UNCAC**. Many **information commissioner staff**, public and EU officials are on our mailing lists, and we also reach **governments**, in particular via the **Open Government Partnership**.

We have contact with **specialist journalists**, have specific mailing lists for sending out press releases to media, and we have close contacts with networks of investigative journalists.

We use **social media** to reach a broader public, and in 2020 we increased followers and interactions on Twitter, Facebook, Instagram and, on a smaller scale, LinkedIn. Using clear messaging, launch of publications, and announcing events on social media facilitate quick, direct, two-way communication with individuals and organisations.

Last but not least, in 2020, Access Info has positioned itself as an international NGO capable of **leading the visibility actions of EU-funded projects** such as ACT (Anti-Corruption City Toolkit) and Tenders Guru (Reducing Corruption Risks with Data) where we provide communications support to partners in Greece, Hungary, Italy, Poland, and Romania.

We are trusted by our **partners who often ask us to advise on and to lead communications and advocacy parts of projects**. We strategise, shape and present messages to local and national governments, the **European Commission** and bodies such as the **OECD** and the **UN**.

RTI Europe Network

In February 2020, Access Info and civil society organisations from across Europe launched the RTI Europe Network.

The two initial aims of RTI Europe are to run a discussion list to exchange information and knowledge, and to collaborate on fundraising.

The network showed its value immediately as RTI groups from around Europe were able to share information about what was happening to the right of access to information as the initial pandemic lockdowns were rolled out and transparency itself went into lockdown.

The RTI Europe network has continued to grow during the year, with organisations from across Europe collaborating on funding proposals.

Access Info joins the UNCAC Coalition Board

The right of access to information is an essential tool for exposing, combatting, and preventing corruption. It should therefore be a priority for all states parties to the UN Convention against Corruption to ensure that they have strong access to information laws – Access Info Europe.

In June 2020, Access Info Europe, was elected to the UNCAC Coalition Coordinating Committee, the network that coordinates civil society activity in monitoring and promoting the UN Convention against Corruption. Access Info has been a member of the UNCAC Coalition since 2010, and has served as Europe regional coordinator, before the Vienna Hub was established.

Access Info's team members were immediately active in the UNCAC Coalition, and participating in discussions about priority transparency issues during the pandemic.

In August, Helen Darbishire was elected as the new Chair of the UNCAC Coalition with 100% of the votes cast by UNCAC Coalition Coordinating Committee (CCC), in an election with ten ballots submitted of 11 eligible voters.

Helen has already chaired CCC meetings, and spoken at the UNCAC Implementation Review Group NGO meeting, and a Conference of States Parties meeting to prepare the 2021 UN General Assembly Special Session on Corruption.

In line with the anti-corruption priorities which Access Info identified before and during the pandemic, Access Info will work with the global UNCAC Coalition to strengthen transparency of governments, of company registers, of lobbying, and of asset collection and recovery.

Last but not least: The Tromsø Convention:

Time to have Oversight of Transparency in Europe!

The Council of Europe Convention on Access to Official Documents (Tromsø Convention) came into force on 1 December 2020. Access Info helped draft it back in 2006 to 2008, and has campaigned for ratification. An independent monitoring mechanism should now be established. We have an end of year message for the governments of Europe, in our postcard from Tromsø:



1 December 2020

TROMSØ, NORWAY



Dear Governments of Europe

It was high time - the convention was opened for signature back on 18 June 2009 after all. But still, we are happy that you signed it. Spain has promised to ratify. Now can you please try to convince some of the missing countries, especially France, Germany, and Italy, who really should be taking the lead here, to ratify as well.

Thanks & hugs, from the Access Info Team.

PS: Don't forget to fund the monitoring mechanism as well!



ACCOUNTS

Access Info Europe

Cava de San Miguel 8, 4C

28005, Madrid



Fiscal Code / VAT Registration ESG84816610

Income and Expenditure Accounts

Financial Year 1 January 2020 - 31 December 2020

This is a summary presentation in English of the original accounts prepared under Spanish law by:

Numéritas, SL
ALCALA 75 3ªZQ
28009 MADRID
B83593764

Income

Grants and Project funds	291,170.70
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These funds comprise:

» European Commission ISF RECORD	57,428.30
» Adessium Foundation	120,344.16
» Open Society Foundations	70,410.21
» TI Italia (EC ISF Fund ACT)	22,736.45
» You4EU / Europe for Citizens Fund	3,285.71
» European Commission DG Near	11,966.87
» mySociety (UK Citizens)	4,000.00

Honoraria Conferences & Consultancies	7957.38
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Travel reimbursement (health insurance)	108.10
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Per diem received (OGP)	314.25
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Total Income

€ 298,551.43

Expenditure

Personnel & Management Costs

Executive Director (with tax and insurance payments)	69,960.27
Team (inc. tax and social security)	165,104.22
Consultants & Researchers	9,660.13
Accountant, Payroll	6,624.70
Legal services	242.00

sub-total

€ 251,591.32

Operating and Project costs

Accommodation	2,102.91
Bank charges (includes transfer fees)	22.57
Depreciation Office Equipment & Furniture	2,347.44
Gifts (in lieu of accommodation) and presents	132.18
Insurance - Office, Liability, Travel, Health	669.16
Office & IT Equipment	44.00
Office cleaning	2,658.60
Office rental	26,136.00
Design	496.10
Office supplies, consumables, newspapers, books	1,173.80
Postage and couriers	106.93
Conference	20.00
Subscriptions	288.00
Evaluation occupational hazards	691.41
Refreshments, business meals, per diems	992.57
Software	2,186.85
Telephone/internet/mobile/Skype	3,314.86
Travel (includes long distance & local)	1,707.29
Utilities - Electricity, Gas & Water	901.51
Taxes	23.64
Web domains	157.30
Web hosting	777.04

<i>sub-total</i>	46,960.11
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Total Expenditure	€ 298,551.43
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BALANCE	€ 0.00
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Approved by the Executive Board / Junta Directiva

Alberto Alemanno, President

Carlos Cordero, Secretary,

Christian Mihr, Treasurer,

Helen Darbshire, Vice President

Thank you to Access Info's Funders!

Last but not least, none of this work could be done without the support of our funders, to whom we are grateful for understanding how the right of access to information is essential for defending other human rights, for protecting democracy and for fighting corruption. Special thanks for support in 2020 to the Adessium Foundation and the Open Society Foundations. We also recognise the importance for European civil society of the project support from the European Commission.