

## Access Info Europe - Activities 2021

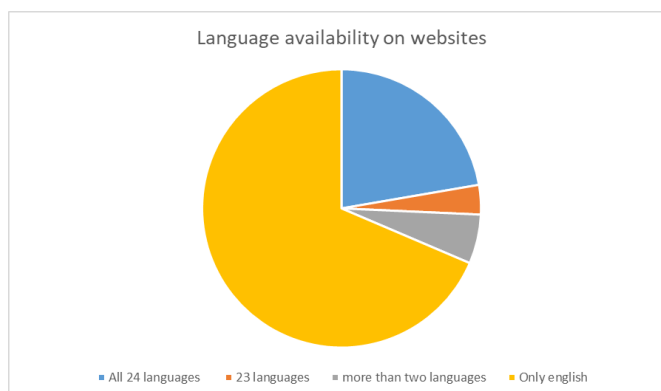
### 1. EU Transparency

**1.1 Mapping Regulation 1049/2001 in Law and Practice:** Much of our awareness of the problems with implementation of Regulation 1049/2001 comes from the assistance we provide to AsktheEU.org users as well as research that we carry out, including analysis of EU web pages and annual access to documents reports of the institutions.

During 2021, we have conducted a systematic mapping based on patterns we have identified of problems with EU transparency. We have the following reports in preparation:

» **Languages:** Most EU bodies do not provide information about the right to ask for documents in all EU languages, with most (two thirds) only having information available in English. This is a massive barrier to exercise of the fundamental right to information in the EU treaties.

» **Regulations:** Many EU bodies and agencies have adopted their own regulations and some of these diverge from Regulation 1049/2001, such as by adding exceptions (European Central Bank), altering timeframes (The European Union Institute for Security Studies, the European Central Bank, the European Court of Justice, the European Satellite Centre, European Monitoring Centre, and EUROPOL), or changing rules about the right to information in any format (Frontex). Our recommendation is that, in line with the very clear language in the EU treaties (Article 15), all EU bodies must be subject to the same rules with the only exceptions those developed by the legislators.



» **How to submit requests:** Access Info has mapped the available methods for requesting and the content of the online forms. While many bodies provide an email address, they often push requesters to forms which ask additional information. The European Commission insists on postal addresses, Frontex on ID cards and the European Medicines agency refuses to provide an email address. Successful complaints to the European Ombudsman have not resulted in changes of behaviour; the issue needs to be addressed through reform of Regulation 1049/2001.

» **Record keeping / Record retention rules:** We are monitoring the multiple times that “information not held” is used as a reason for not providing information. We see patterns such as failure to retain emails that hold key decision-making information. There is a lack of clear regulation about document archiving.

### 1.2 Reform of Regulation 1049/2001

Access Info participated in the debate on reform of Regulation 1049/2001 that had been increasing during 2021, catalysed in part by a series of (online) meetings held to celebrate the 20<sup>th</sup> anniversary of the regulation

in May 2021.

As a result, Access Info held discussions on possible reform with EU officials working on transparency, with legal experts, with academics, with national parliamentarian networks, with other civil society organisations, and with the European Ombudsman's office.

The need for reform is an outcome, inter alia, of specific problems that users experience (see above) and also questions about the scope of access to information rules and proactive publication requirements. For instance, the ongoing dialogue with the Council about which information it should make public and whether "working documents" should be accessible. Given some progress made on legislative transparency, this is something that needs to be extended to other decision making processes.

On 15 November 2021, Access Info's director Helen Darbishire participated in a high level event organised by the European Ombudsman's office. We are invited as the one civil society representative, along with a journalist, and academic (Päivi Leino-Sandberg from the University of Helsinki and an Access Info International Advisory Board member). The event started with the European Ombudsman calling for reform of Regulation 1049/2001 and with European Commission Vice President for Transparency Vera Jourová announcing reform of Regulation 1049/2001. European Parliament Vice President Heidi Hautala welcomed this, although the representative from the Council was more circumspect, not having the green light from Member States to make such a commitment. Helen Darbishire was able to use her intervention and participation in the debate to outline some of the main issues that need addressing in any such reform.

The stage is now set for an important period of campaigning which Access Info has integrated into our 2022 Strategy and Action Plan. This will include liaison with the European Ombudsman, the European Parliament, other civil society organisations in Brussels, and national CSOs who will need to discuss and secure support for reforms from their governments, and can in turn ensure that pro-transparency positions are taken in the Council Working Party on access to documents. We have strong experience of this based on a successful campaign to defeat a negative reform of the rules in 2012. Access Info will commence in 2022 with an online event for Europe-wide civil society to discuss strategies.

## **1.2 Fishing Sanctions Secrecy Clause Defeated in European Parliament**

Access Info has been working during since 2020 to change an EU regulation from 1993 which mandates secrecy around fishing control. Coordinating the Europe-wide campaign on behalf of ClientEarth, the Environmental Justice Foundation, and Oceana, we secured support from over 70 civil society organisation around Europe.

On 10 March 2021, after a six-month campaign, the European Parliament voted to remove limits on access to information in the controversial Article 113 of the EU's Fisheries Control regulation. A majority of 400 MEPs voted on 10 March 2021 for the new language by which data collected as part of the oversight of fishing can be transmitted to others and reused, unless Member States provide reasoned refusals.

In advance of the upcoming trilogue negotiations with the Council and the Commission, Access Info has been coordinating with civil society in each Member State to contact their governments and to urge them to go public with their position on transparency around fishing control.

In October 2022, trilogues got underway, Access Info advanced with campaigning, liaising with fisheries control and environmental organisations to disseminate campaign messages. We widely disseminated a public statement and call to action. We are continuing liaison with Brussels-based and national CSOs and this will be

a small but important campaign at the start of 2022.

The broader goal is to ensure that all regulations are in line with the fundamental right of EU citizens and residents to access EU documents, which has been a right since the 2009 Treaty of Lisbon. This fisheries campaign thus links to the work on reform of Regulation 1049/2001.

### 1.3 AsktheEU.org

After 10 years of operation, AsktheEU.org is celebrating 10,000 requests.

The questions and answers are available for all to see, and many civil society activists and journalists have learned to check AsktheEU.org before submitting their own request.

Access Info regularly helps requesters, as our priority is to ensure that members of the European public have an easy way of asking for EU documents.



### Helping out our users

In 2020 in total we helped 250 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. 2021 has followed the same path [data to follow].

**General research:** The AsktheEU.org team provides general assistance to users with their research and access to information requests, including with national investigations or requests submitted at national level. The team gives advice on what to ask and how to do it, by assisting members on how to use AsktheEU.org and how best to phrase an access to documents request, as well as to which institution to send the request.

**Technical assistance:** 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. Many users also encounter problems when requesting documents held by Frontex, the European Border and Coast Guard Agency, as requesters are asked to send their ID directly to the Agency. This is unfortunately not possible via the platform. The team finally helps users with minor technical issues such as when downloading documents, or identifying data automatically redacted, such as email addresses.

### Investigations carried out using AsktheEU.org

Important stories have been written using documents received via the AsktheEU.org platform. Here are some examples:

- **Boudewijn van Eerd, from AWO Agency**, a data rights agency, investigated on biometrics held by Frontex, and especially whether personal data managed by or accessible to Frontex is shared with Member States. The research also focused on potential initiatives for the sharing of personal data managed by FRONTEX with non-EU countries.

- **Belen Balanya, from Corporate Europe Observatory**, asked the Commission to release all hydrogen projects presented by ECHA, the European Clean Hydrogen Alliance. After some delay, they released a list in which many of them were blacked out using the protection of commercial interest. The Access Info team helped Belen submitting a confirmatory application arguing the need to taking into account the public interest.
- **Martijn Nouwen, professor at Leiden University**, was interested in how the European Commission registers documents using the Commission's document management system – ARES. He even went to court against the European Commission concerning the disclosure of emails on tax avoidance and tax competition with Member States.
- **Elodie Lamer, journalist at Le Soir**, a Belgian daily newspaper, submitted an access to documents request related to the recovery and resilience plan in Belgium. In particular, she asked for all exchanges between the European Commission and Belgian authorities. She was granted partial access to most documents. The Access Info team consulted with Elodie on the legal arguments to use and drafted her challenge against the exception of protection of the financial, monetary or economic policy of the Community, and the protection of the decision-making process; appeal still pending at time of writing.
- **Vaccine Contracts**: Access Info has given advice to a group of French lawyers who are requesting copies of vaccine contracts as part of a broader campaign they have related to transparency of decision making in response to the covid-19 pandemic.
- **Ongoing investigation into travel claims of experts visiting Brussels**: Access Info is working with an investigative journalist on appeals to obtain travel expenses of experts from his country to the EU as copies of claims submitted to the national authorities indicate that there may have been double claiming. The case is ongoing and not yet published.

### Building a community of Pro users

In 2020, Access Info launched AsktheEU Pro, an improved version of the website to further facilitate journalists, academics and CSOs to request documents from the EU and keep track of their requests. Pro includes a new dashboard for users and the possibility, especially useful for professional journalists, to keep requests and responses private for a period of time while working on their stories.

On the day of its 10<sup>th</sup> birthday, 28 September 2021, AsktheEU Pro counts 40 users. The entire Corporate Europe Observatory and Global Witness teams regularly use this service, as well as a number of journalists such as Alexander Fanta (Netzpolitik), Elodie Lamer (Le Soir), Laura Kayali (Politico), Nikolaj Nielsen (EUobserver), Peter Teffer (EUobserver), and Samuel Stolton (EURACTIV).

As of December 2021, Access Info was negotiating with more CSOs on their use of Pro, including the purchase of Pro accounts for their teams. To date most of the Pro accounts have been provided for free: the priority is ensuring that the services is available to professional users (journalists and civil society).

About the service, Nikolaj recently said: "Thanks again for this service - can't say that enough :)".

### 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 2021, a total of eight personal data breaches occurred from EU bodies](#), mostly from the European Commission but also from the Fundamental Rights Agency. 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; in a general way, this informs our work on privacy.

## The Alaveteli Europe community

Access Info is an active member of the Alaveteli Community across Europe, those organisations which are running request platforms similar to AsktheEU.org. We regularly participate in email exchanges sharing challenges, problems, which range from technical issues to how to help requesters. In December 2021 we participated in an online community debate convened by mySociety, which was valuable in identifying common issues and challenges. The CSOs which run these platforms are coordinating to conduct fundraising in 2022, given that most of this work is done on minimal budgets. With greater funding, it would be possible to provide far more substantive help to requesters, and to analyse the data on how requests are handled to facilitate evidence-based campaigning. In the meantime, we note that it is very positive to that there is a growth in these requests platforms, and this is part of an increasingly solid access to information community across Europe, something Access Info has been committed over the years to supporting, with expertise and strategies.

## 2. The Right to Know Declaration 2021

As of mid-2021, Access Info coordinated with UNESCO on the development of the a declaration for 28 September, International Right to Know Day, first launched by civil society in 2002, now called the International Day for Universal Access to Information as it has been termed in the official UN establishment of the day.

The draft Declaration was consulted with civil society and discussed by panellists as part of the online events convened by UNESCO on 28 and 29 September, including a panel co-hosted by Access Info and the Open Government Partnership on Leveraging Digital Technologies for Transparency. With the events being virtual, no formal declaration was issued. Access Info persuaded UNESCO to at least let this be an RTI community declaration, and so further consultations were carried out and then on 14 December 2021 an online event was organised as a side session to the OGP Korea Summit.

The Right to Know Declaration starts with an preamble setting out the right of access to information as currently recognised by international and comparative standards, and then contains a comprehensive set of calls to action to ensure that this right can be enjoyed in practice by all sectors of society, with an emphasis on information being made available proactively. The call is directed at governments, and also at inter-governmental organisations, actors such as the Open Government Partnership, information commissioners, and civil society.

Participating in the Right to Know Declaration launch event were leading civil society actors from around the world. There was a focus on how we monitor against the principles set out in the Declaration. Speakers included those from UNESCO, the OECD, the Global Data Barometer, the African Freedom of Information Centre, and a representative of the Latin American Transparency Network (RTA) and the International Conference of Information Commissioners (ICIC).

The Right to Know Declaration 2021 is now open for endorsement, and civil society organisations and individuals are now signing up to the Declaration, reaching some 90 organisations (60 of English version, 30 of the Spanish version) and around 40 individuals at time of writing just after the launch. Access Info aims to secure 500 civil society endorsements during the first quarter of 2021, and we are talking to the special rapporteurs on freedom of expression (OSCE, OAS, AU, UN) and other similar actors, as well as the OECD, about some form of endorsement, as well as from OGP governments. The Declaration will form the action agenda for the global transparency community in 2022 and beyond, and further events to discuss specific

aspects will be covered by Access Info.

### 3. EU Funds Transparency

Access Info Europe has been working on the transparency of EU funds for a few years tracking spending by the EU and as disbursed by Member State. This has included helping civil society organisations and journalists obtain information on a range of spending, including, for example, scientific research under Horizon 2020 grants and migration spending in countries such as France and Italy.

In 2021, we have had two priorities, the agricultural funds and the pandemic recovery funds. Each comes with a budget of around €800 billion.

There is a systemic problem with EU funds in that there are no or weak transparency rules in the funds regulations. Beyond that, the EU does not collect comprehensive data from Member States on how the funds are spent. OLAF can only collect data where there is prima facie evidence of fraud. Nobody has the full picture of how funds are used. This is a concern in terms of corruption, but also very much an issue in terms of evidence-based decision making.

#### 3.1 CAP Funds

Every EU Member State is required to publish beneficiaries of European agricultural subsidies, but it's only obligatory to keep the annual data on line for two years. For investigative journalists, anti-corruption groups or environmental organisations wishing to build a picture of problems around the use of these funds, the historical data disappears (see for instance New York Times article here).

Data formats are also not harmonised making use of this data in comparable formats across Europe hard. The EU does not collect the data.

In 2020, Access Info decided to use the right of access to information to obtain this data. This has been a lengthy process, involving clarifications and follow-ups with countries, internal appeals, and ongoing litigation.

We have copies of documents that show that some countries have consulted with the European Commission, which in turn has told them to look at their own access to information laws. This is a classic example of lack of clarity about which transparency regime applies to data that is related to EU funding.

The overview of what was :

Status	Countries
Obtained full information	Croatia, Cyprus, Denmark, Estonia, Hungary, Italy, Latvia, Netherlands, Romania, Slovakia, Slovenia, Sweden + UK
Obtained after appeal / litigation	Spain
Obtained partial after appeal	Luxembourg (only company beneficiary data) but the Lux government has refused to provide this data on the grounds that it would be meaningless, and we are looking at an further legal challenge.
Appeals underway	Austria, Estonia, Finland, Germany, Ireland, Malta, Poland, Portugal. Lithuania has not been successful on data protection grounds; looking at a further appeal.

Appeals planned	Belgium (looking at the CADA), Bulgaria (discussing with lawyers), Greece (take to the Ombudsman), France (admin silence need to resubmit)
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Planned next steps are:

- » Recommendations to the EU to reform the rules for publishing agricultural subsidy beneficiaries and to collect and publish the data itself. This is being linked to the Open Spending EU Coalition work. The report should be ready for launch in February 2022, even if some appeals are still pending.
- » Work with data journalists to evaluate the data obtained and produce reports / visualisations;
- » We have downloaded the data that is available and are advancing with plans to construct of a database, open to all, with all the data made available; we will update it each year. Goal that EU takes it over at some point!

### 3.2 NextGenEU / Recovery and Resilience Facility funds

In 2021, Access Info Europe and partners from across Europe commenced activities to monitor the EU's RRF funds.

- » **Transparency in the RRF Plans:** Analysis of transparency levels in national RRF Plans: From analysing Regulation 2021/241 establishing the Recovery and Resilience Facility, we found that there is a lack of guidance on exactly what Member State should proactively publish to facilitate effective multi-stakeholder monitoring of spending of EU funds. In May 2021, The Open Spending EU Coalition carried out an analysis of the transparency and proactive publication obligations that were explicitly included within National Recovery and Resilience Plans. The final report ([see here](#)) launched on 15 June 2021, found that in their RRF Plans, Member States have not included strong guarantees of open data or proactive publication about use of the funds. Strongest were Romania (open data commitments) and Sweden (reporting to the EU to be public).
- » **Methodology for evaluating information needed for participation** and also national mechanisms for ensuring engagement of civil society and local community groups is being developed.
- » **Research into sustainable procurement:** We are looking with academic experts at a methodology for evaluating whether the spending via procurement under the NextGenEU funds will contribute to addressing climate change.
- » **Engagement with anti-fraud offices:** Access Info and partners have participated in series of events with European anti-fraud offices and we are planning coordinated activities. These discussions have continued through the autumn, with Open Spending EU Coalition meeting the Italian ANAC anti-fraud agency, which is leading debate on this in the European region. With the Italian government now coming in as chairs of the OGP, and with Italy looking at creating a single transparency portal on spending of funds (inspired by its previous success with the Open Coesione portal for transparency of cohesion fund spending), this is an important collaboration which could define future standards for national proactive publication on the funds.
- » **Legal Framework Recommendations:** The EU's failing has been not to set clear, consistent transparency rules. Campaigning will focus on both EU and national rules for transparency of beneficiaries of the funds. Access Info's analysis of the EU rules, to be published in early 2022 with the launch of the recommendations of the Open Spending EU Coalition will present specific language for future reforms as well as interim solutions for regulations that require transparency at the national level.

### 3.3 The Open Spending EU Coalition

Open Spending EU Coalition was launched in October 2021. Access Info is a founding member of the Open Spending EU Coalition ([website here](#)), a group of organisations and individuals working together to ensure the transparency of government spending within the EU. Founding members include Access Info Europe (Spain), ePaństwo Foundation (Poland), Forum Informationsfreiheit (Austria), Funky Citizens (Romania), Government Transparency Institute (Hungary), K-Monitor (Hungary), Open Contracting Partnership, Open State Foundation (Netherlands), Parliament Watch (Italy), Transparency International EU, Transparency International (Lithuania), and Transparency International (Portugal).

The core team putting the Coalition together were Access Info, the Open Contracting Partnership, and the Open State Foundation. During the summer of 2021 we worked in consultation with the other members to define the priorities and the main advocacy points. We discussed the rules of the Coalition, and how we will work together on fundraising and campaigning.

The main advocacy goals of the Coalition is open spending of EU funds, with open procurement and open company ownership as essential complementary mechanisms for achieving this. While the primary focus at is spending of NextGenEU / Recovery and Resilience Facility funds, both at the national and EU levels, there is a broader goal of greater transparency and accountability of the spending of all EU funds and eventually full budget transparency at the national level. The focus on EU funds is a priority because they come with strong conditionality linked to pandemic recovery, to a just climate transition, and to inclusive digitalisation, but also, and very importantly, to the rule of law and human rights.

Activities carried out thus far include:

- » **Recommendations on How to Achieve Transparent and Open Spending:** On behalf of the Open Spending EU Coalition, Access Info, the Open Contracting Partnership and the Open State Foundation, have developed a series of concrete, practical recommendations directed at both the European Commission and Member States on the necessary mechanisms for transparent and open spending of EU funds. These recommendations focus on exactly what should be published proactively, and how this information can be published to facilitate multi-stakeholder participation and monitoring (The pre-launch version can be found [here](#) with official launch to take place in January 2022).

The data for publications should include:

- Planning information and documents, including needs assessments, public consultation reports, and terms of reference of specific instruments;
- Competition/granting scheme information and documents, including terms of reference of competitions, submissions received, evaluation committee members, evaluation of submissions, and the award decision notice;
- Contract and implementation information/documents, including content of the contract (redacted only when strictly required by national legislation), milestones and targets, amendments, and payment information.

There is also specific guidance on how to address the correct balance with privacy in the publication of this data.

- » **Methodology for evaluating transparency in practice:** with plans being approved and pre-financing being released to Member States, Access Info along with the Open Spending EU Coalition plans to carry out another research project on how transparent Member States are being in practice. This project will take place in 2022, when RRF spending is in full swing. This project will ensure that we can



give concrete and specific recommendations to each Member State on exactly what needs to be published and how to ensure open and transparent spending of RRF funds that allows multi-stakeholder monitoring.

- » **Fundraising:** Access Info is in collaboration with the members of the Open Spending EU Coalition in organising grant proposals in 2022 in order to continue the work we are doing on transparency of RRF spending.
- » **OGP RRF Focus:** Access Info is working closely with the Open Government Partnership on the topic of RRF transparency and has presented the work of the Coalition in various OGP events, including “How Can We Get EU Recovery Right?” where we shared our Recommendations on How to Achieve Transparent and Open Spending. This has been shared in a blog by OGP ([here](#)) and Access Info will be participating in a high-level event to be held by OGP on RRF transparency in January 2022.

#### 4. Open Company Registers

Access Info has been leading the campaign for open company registers under the EU’s Open Data Directive.

Together with the Open State Foundation (Netherlands) we coordinate a group that includes One, the Open Contracting Partnership, Open Corporates, Open Ownership, the Organized Crime and Corruption Reporting Project OCCRP, The B Team, Transparency International, and Transparency International EU. Our campaigns letters have been signed by almost 100 organisations from around Europe.

As of September 2021, Access Info integrated this line of campaign into its work with Open Spending EU Coalition, with “Open Company Ownership” being one of its three main advocacy goals. We and other members of the Coalition raised this issue in multiple events during the course of the autumn.

Actions in 2021:

- » Correspondence with European Commissioners Thierry Breton and Vera Jourová; response received and published.
- » Regular contact with senior European Commission officials in DG Connect, with a view to tracking decision making and informing civil society around Europe of developments.
- » Organised an expert briefing on open data and privacy for the core members of our campaign, with contributions from:
  - Marta Koch-Mehrin, pro bono lawyer (former head transparency at the ECB),
  - Elske Radets, Freshfields, expert in Court of Justice of the European Union jurisprudence on transparency;
  - José Luis Piñar Mañas, former head Spanish data protection agency
  - Dr Mireille van Eechoud, Professor Information Law, IVIR
  - Dr Emilia Korkea-aho, Associate Professor in European Law, University of Eastern Finland.
- » Held a discussion with the European Data Protection Supervisor on the privacy vs. transparency issues (at that point, the EDPS had not been consulted on the issue, and, to the best of our knowledge) still has not;
- » Used the right of access to EU documents to obtain an unpublished European Commission Impact Assessment evaluating the issues surrounding opening company registers and other open data;
- » Access Info conducted an analysis of the Impact Assessment (400 pages!) so as to inform the transparency community of the main issues and the facts it collects.
- » Widely disseminated this analysis and briefed the members of our campaign group on what the

analysis revealed, including that privacy is not an issue. Highlighted that the Impact Assessment concludes that some countries object to opening registers on grounds of cost from lost revenue in selling them, which would be far outweighed by financial and societal benefits of openness.

- » Ongoing provision of information to civil society at the national level in all countries across Europe so that they can discuss with their government officials.
- » Direct discussion with government officials in a number of EU Member States (including Estonia, Latvia, Lithuania, Germany, Italy and Spain).
- » Participation in European and international fora to raise the issue of the importance of opening company registers. The numerous webinars where we have raised this issue include those organised under the auspices of Open Government Week in May 2021 for these we invited testimonies from investigative journalists, such as those from the OCCRP, as to why this information is needed for their work.

We also worked with the UNCAC Coalition and the OGP to ensure that opening of company registers was an issue in the UN General Assembly on Special Session on Corruption and in the political declaration.

- » As a result of our high profile activity, we have sometimes received information off the record from government officials, which we can use in our campaign work.
- » Access Info has widely advocated for open company registers in a wide range of events throughout the year. For example, in September 2021, Access Info was invited to take part in the International Congress on Open Data and Reuse of Public Sector Information organised by the University of Alicante ([here](#)). During the event, we highlighted our campaign for open company registers, discussed the work we have done on public procurement transparency, explained the work we have done on RRF transparency under the Open Spending EU Coalition and we urged people to join the Coalition.
- » Regular coordination calls were held with civil society organisations during the course of the year, monitoring developments at the national level.
- » A further letter was sent to Commissioners Breton and Jourová on 20 September 2021, raising concerns about the Commission's failure to take a decision on publication of company data under the Open Data Directive, even after the 17 June 2021 deadline Member States to transpose the directive has passed; no response had been received by December 2021.
- » Access Info has maintained contact with government officials in various countries and with national civil society groups working on this issue. In this way we obtained information about the differing stances taken by different EU Member States, which is contributing to significant delays. We also received information that the Impact Assessment had not been approved by the European Commissions' Regulatory Review Board and that it may need to be redone. This means a serious delay, and that a public consultation cannot yet be held, stifling public debate on this important issue. We are submitting further access to documents requests in order to receive information about the official position on the Impact Assessment and the consultation. We plan to raise this issue formally with EU officials again in early 2022.
- » A further significant concern has been the September 2021 opinion from the European Data Protection Supervisor, which questions the legitimacy of civil society, journalists, and the public having access to registers of beneficial owners under the EU's V Anti Money Laundering Directive, which is up for review in 2022. A push back on the levels of transparency under the AMLD would have a knock on effect for the opening of company registers, and would also take out of the public domain information which is valuable has proved valuable for investigative journalism, including the most recent Pandora Papers.
- » In response to the Pandora Papers (3 October 2021), Access Info team members wrote analytical opinion pieces (see [here](#) and [here](#)) which were widely distributed. We highlighted how this is yet another scandal which reveals the need for stronger rules on transparency company ownership so

that complex company structures cannot be used to facilitate money laundering and tax evasion. We also note that some of the data revealed by the Pandora Papers was about activities that are legal but controversial or morally questionable when leading political figures are avoiding paying taxes. As a result, we were invited to speak in various events during October and November (ranging as far afield as participating virtually in a civil society and government anti-corruption conference in Indonesia at 4 am on 2 December). For Access Info this is a good example of where transparency is needed to permit a public debate about what the legal framework should be to ensure tax justice. This is also a democratic issue given that tax avoidance by elected politicians can undermine trust in existing governance systems. Better information and an evidence-based debate is therefore essential.

## 5. Open Data for Democracy

During 2021, Access Info has been coordinating research for the new Global Data Barometer, which is mapping the extent to which data from public bodies is collected and released to the public. The Barometer builds on the previous Open Data Barometer, which has been used to drive policymaking, advocacy, and academic research across the world.

This version of the Global Data Barometer has a strong focus on data for the public good, in areas of climate action, company ownership, health and covid-19, land, political integrity, public procurement, and public finance. There are transversal assessments of the value of data sets for sustainable development, inclusion, gender and diversity, as well as a measure of emerging use of artificial intelligence and automated decision making by public bodies.

There is also a particular focus on the beneficiaries of opening up public information. This will be the first time we have in-depth evaluation of how data is being used by stakeholders such as civil society organisations, journalists, and small and medium businesses. The data collection and subsequent analysis will have a focus on how government data is having an impact in society.

By identifying what the data needs of users are and which data is missing, we will provide comparative material for campaigning for greater access.

The Global Data Barometer is collecting data from 108 countries from all over the world with the support of several organisations acting as Regional Hubs. Access Info is acting as a Regional Hub for the European region and beyond. We are coordinating research in 27 more developed democracies, including 20 EU countries (Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Portugal, Romania, Slovakia, Spain, and Sweden) as well as 7 non-EU countries (Australia, Canada, Israel, New Zealand, South Korea, the United Kingdom and the United States). The data from these countries will provide valuable comparative information globally.

Access Info is working with both individual researchers and civil society organisations to collect the data on these 27 countries. During 2021, the Access Info team has recruited, trained, and coordinated the researchers who are collecting the country-level data and doing comparative cross-checks of other countries. These cross checks are absolutely vital to ensure consistency and comparability of the results. Access Info has therefore been required to provide meticulous oversight, ongoing monitoring of, and extensive support to the national researchers.

### Initial trends

As the data collection phase ends, and analysis begins, we can already see a set of patterns emerging from

the data collected globally. These precise data on our findings will be available in early 2022, but here are some provisional, indicative, trends:

- » **Weak or missing open data policies:** Only half of the countries have any kind of firm rules on open data, and many have vague or non-binding policies. This means that there is no consistency of proactive publication across government departments, and any progress made is subject to easy reversals.
- » **Lack of rules on open formats and licences:** From all the legal frameworks analysed, there are very few which include clauses requiring publication of data in full open data formats, with non-restrictive licences. This means that there will be limitations on the reuse of data, limiting its value for civil society and journalists, and also for entrepreneurship.
- » **No lobby regulation:** There is still a big global lack of lobbying regulations, and it is rare to find data on lobbying activities.
- » **Data protection not balanced with transparency:** While the majority of countries have strong data protection frameworks, they are often not fully linked to open data policies and practices. This can have the consequence that information is not published because of data protection rules, even when there a clear public interest in such transparency.
- » **Poor data on implementation of access to information laws:** This is one of the areas where we found least data, followed only by lobbying data. And even in the few countries where such data is available, at least in part, it was often not available as open data in machine-readable formats, rather just being numbers quoted in reports published in PDF format.

## How are we communicating the GDB findings?

The official launch of the Global Data Barometer is scheduled for March 2022. In advance of that, together with the GDB team, Access Info has started promoting the GDB so as to create an appetite for the eventual findings and to have the audience ready for when we launch the results. To this end, Access Info has participated in a number of online activities:

- Transparency International Political Integrity Boot Camp. Access Info assisted the GDB team in training staff members of several Transparency International national branches on how to use the data collected on the Political Integrity module to create their own risk indicators.
- SEEDIG 7 Series: How are countries managing data for public good? SEEDIG is the South Eastern European Dialogue on Internet Governance, and this panel offered a great opportunity to present the Global Data Barometer and to share experiences from the regional hubs working on the South Eastern European countries.
- Pre OGP Summit Event 'An Approach to Political Integrity through Public Data'. Prior to the Open Government Partnership Global Summit hosted by the Republic of Korea, and as part of the 2021 OGP Academy, the OGP organised a panel to discuss the latest research on the state of political integrity globally and what it may mean for the future of Open Government. It was moderated by Helen Darbishire and it provided a good opportunity to present and discuss the Political Integrity data collected through the Global Data Barometer.
- OGP Summit Side Panel: How strong is your right to know? During the week of the OGP Global

Summit 2021, Access Info organised, together with the OGP, this interactive session on measurement of the implementation of the Right of Access to Information in practice. This session gathered, among others, representatives from UNESCO and OECD, and the Director of the Global Data Barometer, Silvana Fumega, shared the initial trends identified through the GDB research on RTI performance data.

A global report will be issued at the beginning of 2022 with the global results of this survey. The report will be available in 3 languages (English, Spanish, and French), and will include analysis from the different regions. All data will be available online to be explored and will be downloadable so that it can be reused. There will also be a series of “Data Stories” where we will share the best practices identified during the research process.

A Global GDB Launch Event will accompany publication of the results, and will be followed by regional and national events and activities so as to unleash the potential of the collected data and to reach relevant stakeholders.

The data collected under the Global Data Barometer will help to advance Access Info’s advocacy agenda on a range of issues, such as a better measurement of the implementation of the right of access to information, greater publication of open data, adoption of lobby regulations, opening up company and beneficial ownership registers, having better data to monitor the achievement of the Sustainable Development Goals and the Agenda 2030, and more.

## 6. Anti-Corruption:

### 6.1 Public Procurement

In 2021, Access Info and partners from across Europe concluded a major 2.5-year European Commission funded project on public procurement transparency.

Access Info’s role in this project was to develop a series of substantive analyses of the current European and national legal panorama for accessing information about public procurement and to make recommendations.

In parallel with this, project partners developed a tool for collecting and analysis Member State procurement data, with a series of red flag indicators for issues such as: unusual contract splitting; many awards just below threshold; company has high percentage all contracts; bidders appear to take turns winning; unreasonably high bid prices by losing bidders; bidders have close ties to each other or have overlap in directors.

The analyses which Access Info researched, drafted, and published were:

- » **The Procurement Glossary:** Definition and explanation of key terms used in public procurement so that the terminology is easier to understand for journalists and civil society;
- » **Critical analysis EU Procurement Directives** with an analysis of the current levels of transparency demanded by these directives and recommendations as to how to strengthen them;
- » **Guide to EU Directive on Whistleblower Protection:** with a special focus on how to ensure that the transposition of the directive works in all sectors where procurement is taking place;
- » **Guide for Public Officials on Transparency of Procurement:** With guidance on what should be published during a public procurement process, and how, including open data standards;
- » **Guide on Managing Conflicts of Interest** at the National Level, with recommendations as to best practices;
- » **Guide on Emergency Procurement During Covid-19:** Based on best practices and responding directly to the challenge of the pandemic, and the need for good record keeping and digitalisation, as

well as justifications of expenditure, this was a particular success, being translated into various languages and distributed around Europe and Latin America. This guide was picked up by the Centre for the Study of Corruption in Sussex, England, and was turned into a working paper ([here](#)) which the department then used for discussions with the government on anti-corruption measures in emergency procurement.

**Reaching the users of procurement data:** Responsible for the outreach strategy, Access Info focused on packaging and communicating material to **investigative journalists** and **civil society organisations**, including those working on anti-corruption, but also in specific sectors such as health, education, and environment. In addition, we included in our mailing lists **business associations**, with a focus on disseminating information to associations that represent small and medium enterprises.

**Trainings of and support to journalists:** Specific trainings of journalists were held under the project on how to access and use procurement data. In addition, Access Info has responded to inquiries from journalist from across Europe, in particular on the emergency public procurement rules.

**EU Recommendations:** At the end of the project in June 2021, Access Info created a report with final recommendations. 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. What is needed is a procurement system that is open by default and that demands the proactive publication of open data in a standardised common format across all Member States. This analysis exposed various problems with the current transparency levels of the EU public procurement system at the national level, creating a basis for further recommendations.

**National Recommendations:** Based on the data collected from the Tenders Guru tool, each partner was able to see which red flags of corruption are prevalent in each country. Based on data collection and analysis, each partner gave specific recommendations at national level on how to make national and local level procurement more transparent. Access Info took the bespoke national recommendations on how each country can fight corruption within public procurement and identified common problems amongst all the countries, publishing a final set of recommendations in June 2021.

**The final recommendations** were sent directly to key stakeholders in the European Commission, the OECD, GRECO, UNODC and ERBD. They were widely disseminated and presented at various events, including a panel at the Portuguese Presidency of the EU Democracy Retreat on 24 June 2021.

**Presentation of recommendations:** Access Info presented the final EU recommendations in the Democracy and Governance Practice Retreat, which was hosted by the Portuguese Presidency of the Council of the EU on 24 June 2021, during the session *Accountability in pandemic recovery – lessons in public procurement* ([here](#)) organised by the Open Government Partnership, Open Contracting Partnership and Open Spending EU Coalition.

At the national level, Access Info organised a webinar to present the Spanish recommendations and invited speakers from Civio and the Open Contracting Partnership ([here](#))

The final recommendations can be found [here](#)

## 6.2 UN General Assembly Special Session on Corruption

Through our engagement with the Open Government Partnership and Helen Darbshire's role as Chair of the UNCAC Coalition, Access Info was involved in the lead up to the UN General Assembly Special Session on Corruption 2 - 4 June 2021.

Through a series of meetings, webinars with civil society, government officials, UN staff, and academic experts, we participated in discussions on how to strengthen the commitments in the original UN Convention against Corruption, with a focus on the rules on access to information, open company ownership transparency and asset recovery.

Specifically, we provided our expertise on the right to information and on company ownership. We did this in the official preparatory meetings and in drafting language submitted to the UNODC in Vienna.

In the Political Declaration coming out of the summit, all of these were achieved, although the challenge is still ensuring action.

The language on access to information is:

*We will respect, promote and protect the freedom to seek, receive, disseminate and publish information concerning corruption, and ensure that the public has effective access to information, in accordance with the domestic laws of States. We commit to increasing the transparency of decision-making processes, in accordance with the fundamental principles of domestic law, as a means to prevent and combat corruption and facilitate efficient processes, including by adopting appropriate and necessary procedures or regulations and designating and enhancing bodies responsible for facilitating access to information, as well as through the use of digital tools, open data and Internet-based portals to help make information more accessible, with due regard for data protection and privacy rights.*

**From a European perspective**, the importance of this declaration is that it continues to put the spotlight on the standards that everyone is expected to uphold. European states, along with other developed democracies were present in the discussions and in particular the EU as a whole speaks up in international fora such as this UNGASS in favour of transparency and anti-corruption mechanisms. This provides civil society in Europe with material to keep pressing European governments to live up to these standards. Access Info and other organisations in turn take this language, and raise it in, for example, discussions with the European Commission about transparency of the recovery funds.

## 6.3 UNCAC Conference of the States Parties

After the UNGASS, the next landmark in the global anti-corruption calendar was the 9th biennial Conference of the State Parties (CoSP) of States Parties to the UN Convention against Corruption (UNCAC), which took place from 12-17 December 2021 in Sharm El-Sheikh, Egypt.

In the run up to this and during the event itself, Access Info liaised with other members of the UNCAC Coalition to defined a common agenda of priorities, which was promoted in all our materials and meetings and communications with governments, and was put forward in a formal call on States made in plenary at the CoSP, urging them to step up their efforts to prevent corruption globally and to implement the commitments made under the UNCAC and the UNGASS Political Declaration. Specific areas for priority action that were commonly agreed upon are:

- Transparency of company ownership, including information on companies, their directors, direct

- owners and beneficial owners;
- Advancing open contracting, with full transparency of public procurement and public contracting, including privatizations, the award of subsidies, grants, concessions and licenses;
  - Access to Information, with strong laws well implemented, and establishing and strengthening independent Information Commissioners or Commissions, plus greater proactive publication;
  - Asset declarations required, verified, and public;
  - Independence of anti-corruption bodies to be guaranteed;
  - Inclusion of civil society, in the development of anti-corruption strategies, action plans and measures, in line with UNCAC provisions;
  - Protecting an enabling environment for civil society and journalists by protecting and defending freedom of speech and assembly, and ensuring that those who report on and uncover corruption can do so safely without fear of retaliation.

In a direct violation of the last two points in this list, Access Info was one of eight civil society organisation excluded from participating in the UNCAC CoSP due to objections by the Turkish government, which presented unsubstantiated allegations that eight organisations, most from Europe, were engaged in terrorist activities. Such allegations are extremely dangerous as they can cause direct problems for the named organisations, ranging from problems with banking and travel, to a risk of physical attacks. On the positive side, European governments took the floor in Sharm El-Sheikh to roundly condemn the allegations, as did the US and Canada, and overall more than 40 countries.

Access Info coordinated the response with others, raising concerns about the attack on civic space. Helen Darbshire stated in a press release put out by Transparency International and the UNCAC Coalition, that as *“the global anti-corruption community meets in Sharm El-Sheikh, it is unacceptable that there is a veto on the participation of some organisations based on opaque allegations by just one government. This hugely reduces space for civil society in UNCAC processes and undermines the effectiveness of an event crucial to advancing action on anti-corruption.”*

Access Info and other organisations wrote to the President of the CoSP, Egypt's Hassan Abdel-Shafi. We asked for the objections to be overturned, explaining that the arbitrary objection process used to exclude eight civil society organisations from the UNCAC CoSP is inconsistent with the UN Convention against Corruption and with UN values and standards. We also called on governments to revise the objection procedures for future CoSPs and to bring them in line with applicable international standards and principles of due process. Further coordination by Access Info and the affected groups will continue into 2022, both on this particular issue but also so as to improve the space for NGOs to take part in international anti-corruption conferences in the future.

Aside from this issue, the UNCAC CoSP went well. At time of writing this report, the final resolutions were still being debated, including the most hotly contested one which was language on beneficial ownership transparency. What had been decided was the hosts of the next CoSP, which is the United States. Coming after the Biden Democracy Summit, and given how strongly the USA spoke out in support of civil society during this CoSP, the next two years will provide a good opportunity to strengthen protections for civil society participation in the CoSP. There should also be greater transparency around the inter-sessional meetings and exchange of drafts over the next two years, which creates an opportunity to have an impact on the global anti-corruption agenda and strengthening commitments by States Parties, as well as the and mechanisms for transparent review of those national commitments.



## 7. Local government transparency:

In March 2021, Access Info concluded a two-year European Commission funded project to develop tools to support local governments with anti-corruption and openness.

**Toolkit:** Working with the municipalities of Athens, Milan and Madrid, Access Info developed a toolkit that permits a local government body to evaluate its legal framework for answering requests and for proactive publication. The toolkit also evaluated internal readiness of public officials for implementing the transparency rules.

**Self-Assessment Corruption Rules Questionnaire:** Access Info was closely engaged in developing a self-assessment questionnaire for public officials on their awareness of the anti-corruption rules and procedures that exist inside their public body. A survey of over 1214 officials in the three cities gave us some striking findings:

- Whilst in Madrid, 83% of public officials were clear that any breach of the rules to obtain a benefit is corruption, and in Milan 76% agreed, in Athens only 40% of surveyed public officials thought that this is unacceptable.
- When it came to accepting money, 95% or more of public officials were sure that this is corruption, but around 25% were more tolerant of gifts and favours, with results similar in all three municipalities. In spite of this, around 30% felt that corruption involving money occurs, and 40-50% felt that other types of favours are something that commonly happens.

**Training Needs in local government in Spain:** A [follow-up survey](#) of public officials across all of Spain found that 85% wanted more training on transparency. We then held a training for these officials in March 2021.

**International Conference, March 2021:** We presented the tools for local governments in the areas of whistleblowing, access to information, open data in public procurement, transparency of meetings, and risk analysis at an online event in March. [Report here](#)

**Training for governments in OGP Local Programme:** In April 2021, the Access Info team conducted a training for members of the OGP Local Programme and presented tools, solutions, and tips on how to inculcate an openness culture.

**Training planned:** As of the end of 2021, Access Info is discussing with some local and regional governments in Spain about further training during 2022. Access Info has been invited as an observer to the Spanish Federation of Regional and Municipal Governments, and we participated in various events, including a high-level training for public officials in the city of Santander in October 2021. In 2022 we plan to reach out to the equivalent European networks, offering training services, both as way of advancing transparency at the local level and also as part of our fundraising strategy. Similarly, as part of our ongoing cooperation with the OGP Local programme, we are discussing training activities for 2022, with a focus on three particular aspects in which Access Info has strong expertise, being (i) establishing internal mechanisms to ensure good implementation of access to information laws, (ii) risk assessment for anti-corruption strategies, and (iii) collaboration with local civil society on definition of proactive publication priorities.

## 8. Empowering Journalists

Much of Access Info Europe's work with journalists is transversal and referred to in other sections of this report.

In addition, in 2021, we have developed a partnership with CiFAR, the Civic Forum on Asset Recovery, with

activities being:

- » Training for journalists from the Western Balkans and North Africa on how to use European access to information laws;
- » Development of a guide on access to information and asset recovery which has now been published in [English](#) and [French](#), with Spanish planned.
- » In November 2021 Access Info carried out two in-depth, five-hour total trainings for journalists from Europe and West Africa. One training was in English, one in French. The topics included the basics of access to information, how to use information that is already public, where to find government data, transnational investigation and request strategies, organisation and management of requests, and securing help with appeals and litigation
- » As part of the collaboration with CiFAR, Access Info is now providing support to journalists, particularly those from Africa who are seeking to obtain information in Europe that will facilitate tracking of stolen assets. This work also links to the campaign to promote company ownership, something essential for translational corruption investigations, as well as to the asset return working group set up by the UNCAC Coalition. Some countries, led by France, are strengthening the legal framework for transparency around stolen assets (as well as rules for their return) and Access Info is talking to investigative journalists and civil society in Italy and Austria about how to strengthen transparency in this area.

## 9. Civil Society Organisations / Requests / National Campaigns

Most of Access Info's work with civil society is transversal, integrated into specific projects, and/or part of our work with AsktheEU.org, so see these sections.

We do also provide ad hoc advice to civil society organisations on requesting information in different countries across Europe. This has included, in 2021, for example:

- » Helping an American investigative organisations submit requests and appeals to universities in Europe as part of an investigation of the connection between chemicals companies and academic research; this is still ongoing, and is a challenge as access to information laws do not apply to universities in all European countries, even when research is paid for with public funds.
- » Helping academic researchers in Spain with who succeeded in obtaining partial information on migration data.
- » Securing pro bono assistance for a civil society representative from Reppublika NGO in Malta seeking information about whether appointments to a financial oversight board had followed the legally required procedures; following appeal to the Maltese Information Commissioner and he obtained partial access, but is continuing to pursue full access.
- » Ongoing support to civil society in Montenegro on reform of the access to information law, including analysing the latest proposals under consideration by the government and participating in a debate with government officials about the current draft at an even in December. This resulted in the current draft being withdrawn and there will be further work on this in 2022/
- » During 2021, Access Info has worked with Austrian civil society on a possible reform of its law, the weakest in Europe (and globally). We conducted an [analysis of the draft law](#) in May 2021, which secured considerable media coverage in Austria. The campaigning has been ongoing throughout the year, with Access Info providing comments to journalists, and liaising with the Forum

Informationsfreiheit Austria on keeping this issue on the agenda through changes in government leadership in Austria. There remains a strong possibility of progress in this regard in 2022, and we are also working with the Open Government Partnership to encourage the Austrian government to join the partnership, and to use its Action Plan commitments to strengthen the access to information law.

## 10. Engaging Youth (Erasmus Funding)

Together with the Daphne Caruana Galizia Foundation (Malta), Access Info in April 2021 launched the [Freedom of Information Youth Project](#), which aims to raise awareness among young people of the benefits of exercising the fundamental right of access to information for combatting disinformation and protecting democracy.

With support from the Erasmus Plus program, we selected 45 selected young people aged 18-30, residents of Spain and Malta to train them on submitting information requests across Europe on issues of concern to them, including fighting corruption, tackling climate change, and advancing transparency in public procurement, migration, and gender equality.

We have been able to attract very high level trainers and mentors to the project:

**FREEDOM OF INFORMATION YOUTH PROJECT**

**First Event With Experts**  
Wednesday, May 5 · 7pm - 9pm

**Alexander Fanta**  
Netzpolitik

**Peter Teffer**  
Follow the Money

**Luke Harding**  
The Guardian

**Flutura Kusari**  
European Centre for Press and Media Freedom

**Stefanos Loukopoulos**  
Vouliwatch

**Anuška Delić**  
Oštro

**Paul Radu**  
Organized Crime & Corruption Reporting Project

**Daniel Simons**  
Greenpeace

**Barnaby Pace**  
Global Witness

access !Nfo  
www.access-info.org

This project is funded by ERASMUS+

The project has received considerable interest from civil society and journalist organisations across Europe who are keen to engage younger generations in their work. Reflecting concerns about the disengagement and disaffection of young people, there has also been interest from those working with the Council of Europe on media literacy issues, and from the OGP Youth Programme.

During April to September 2021, the Access Info and Daphne Caruana Galizia teams have been supporting the young people in making their requests, and appeals where necessary. The full results of the project, with examples of how the engaged youth have used the information that they obtained, should be available by February 2022. As of December 2021, we are organising events for January 2022 to assess the results of the requests and also for the young requesters to meet with policy makers in both Malta and Spain to present feedback on their experiences and to make recommendations on reform of the access to information rules.

## 11. Spain: From Action Plan Commitments to Greater Transparency

Access Info has had a successful year of campaigning in Spain to advance transparency, in particular using the mechanism of the IV OGP Action Plan, which was formally adopted at the end of 2020, following a successful co-creation process between government departments (national and regional governments) and civil society.

Access Info leads Spanish civil society engagement in the Open Government Partnership process, and is a member of the official government OGP Forum (Foro Gobierno Abierto) which co-creates the action plans, coordinating with the over 100 members of the Coalición Pro Acceso.

The government has not moved as fast as planned on the implementation of the IV Action Plan, so our work in 2021 has included engaging with the government on this. An example is coordination with the community working on the Whistleblower Law based on the EU Directive. We have led the campaign on the draft law, coordinating advocacy to the government and social media and media outreach, and participating in debates with the regions of Spain (such as Cataluña) which have whistleblower protection rules in place.

A priority for Access Info is strengthening the 2013 Transparency Law and ensuring that it is well implemented. The government has committed to a reform under the IV Action Plan, after a successful campaign by Access Info in 2020. There is also an agreement to review the possibility of recognising a right of access to information, the fruit of years of campaigning.

On 28 September 2021, International Right to Know Day, the Coalicion Pro Acceso launched an 18-point Declaration, developed following a collaborative process, and formally presented at the International Transparency Congress held in person in Alicante. This sets out the civil society agenda for strengthening open government in general and transparency in particular in Spain. Issues that were highlighted where progress is still to be made include lobbying regulation and opening the company register (Spain has not yet created an open beneficial ownership register as required by the EU's Anti-Money Laundering Directive).

On the implementation of the access to information law, Access Info continues to help requesters, in particular helping journalists and civil society organisation with their appeals to the Transparency Council. Access Info itself has taken various complaints, winning a particularly important legal challenge to obtain access to the historical data on the EU's CAP fund spending in Spain, as part of our pan-European Spending Transparency work. In the same vein, we have also been active in debates with civil society and government officials around transparency of the NextGenEU and Recovery funds.

The biggest obstacles to accessing information from public bodies include the definition of which documents can be requested (the concept of "internal" or "ancillary" documents is still strong in the bureaucratic culture), and an over-broad application some exceptions, including international relations and commercial confidentiality. Our work to strengthen implementation of the law has also included participating in debates and in training of public officials. We have also held various meetings with the Transparency Council, including in November 2021 with the members of the Access Info Board.

Access Info has also during 2021 liaised with the Prime Minister's Office (*Ministerio de la Presidencia*) on its new accountability project, measuring progress against over 1,200 indicators taken from its political programme. In May 2021, Access Info participated as the civil society representative in a high-level debates on accountability held at the Centre for Constitutional and Political Studies. .

During 2021, two high level expert events were held in Spain's Centre for Constitutional and Political Studies

with leading constitutional scholars and academic experts in transparency. There is growing consensus from legal experts that international law supports that access to information is a right, but the government has yet to accept it. This debate will continue in 2022.

Meanwhile the government has convened a working group to examine the text of a new law. It has invited eight representatives of broader civil society including two among the CSOs working on transparency to participate. At the end of the year, Access Info was organising an election amongst CSOs. We will participate either as a representative (most likely) or observers, and will engage actively in this process either way.

In November 2021, the Spanish government formally signed the Council of Europe Convention on Access to Official Documents, known as the Tromsø Convention, becoming the 18<sup>th</sup> country in Europe to do so. To date 11 countries have ratified and a further seven (7), including Spain, should ratify in the coming period. This is very positive as there is a requirement to ensure that national access to information laws are in line with the Convention.

*✍ ends ✍*