

Access Info Europe

Strategy

2014-2016

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ACCESS INFO STRATEGY 2014-2016

1. Access Info Europe

Access Info Europe is a human rights organisation dedicated to promoting and protecting the right of access to information in Europe as a tool for defending civil liberties and human rights, for facilitating public participation in decision making, and for holding governments accountable.

Access Info Europe was founded on 26 June 2006 by European and international experts in access to information in order to meet the need in Europe for an organisation dedicated to promoting the right of access to information. Established as a not-for-profit, non-governmental association under Spain's Law on the Right of Association, the Ley Orgánica 1/2002, the registration was confirmed by decision of Spain's Ministry of Interior on 2 October 2006 (registration number 587828).

Governance

Access Info Europe's governance body is the **Executive Board ("Junta Directiva")** which is elected by the General Assembly. Access Info Europe members are those directly associated with the organisation (we currently have ten individual ordinary members of Access Info Europe plus five honorary members).

The *Junta Directiva* currently comprises:

Daniel Bezares Susín, President

Helen Darbshire, Vice-President, also Executive Director

Juan José Cordero Sanz, Secretary

Carlos Cordero Sanz, Treasurer

The functions of the Executive Board are set out in the statutes and are essentially oversight of all operations of the Association. The President and the Vice President have the legal power to represent the Association. The Vice President acts as the Executive Director and assumes day-to-day responsibility and reports regularly to the Board members.

Access Info Europe also has an **International Advisory Board**, composed of leading experts in the field of access to information who were involved in providing moral support and strategic guidance in the creation of Access Info Europe. The current members are:

David Goldberg, Academic, writer & activist on freedom of expression and information.

Gergana Jouleva, Executive Director, Access to Information Programme, Bulgaria.

Maeve McDonagh, Professor of Law, University College Cork, Ireland.

Ivan Szekely, Counsellor of Open Society Archives, Hungary.

The Team

The Access Info Europe core team currently comprises:

Helen Darbshire, Executive Director

Vicky Anderica Caffarena, Researcher & Campaigner

Pam Bartlett Quintanilla, Researcher & Campaigner

Alvaro Rodriguez, IT Technician / Webmaster

Andreas Pavlou, Communications & Community Coordination

At any one moment, depending on projects, we are assisted in our work by consultants and service providers:

Juan Sobrino, Accountant

Fiona Harrison, Human Rights Consultant

Lydia Medland, Consultant

Enrique Jaramillo, Lawyer Spain & European Court of Human Rights

David Cabo, Consultant Programmer

Rubén Miján, Graphic Designer

Raquel Lozano, Graphic Designer

In addition, we have a number of high-level interns (typically up to five) from across Europe working on a short- to medium-term basis, gaining substantive knowledge and practical skills in return for supporting our project work. The profiles of current interns can be found on our website here: <http://www.access-info.org/en/who-we-are>.

These people all form **Access Info's multidisciplinary and multicultural team** which combines a specialised knowledge of how the right of access to information functions in practice with broad experience of working on civil society advocacy campaigns and strong research and analysis skills.

This committed team is strong on cross-cultural knowledge and communications skills: we work in English, French, and Spanish and between the team, consultants and partners we are able to work in a number of European languages.

Access Info Europe has a track record of working at different levels, engaging in both national and international advocacy work across Europe, building working relationships with individuals ranging from local civil society representatives to senior government and inter-governmental officials.

A Networked Approach

Access Info is a specialist organisation with high levels of expertise and which maintains its agility and financial stability by having a dedicated core team of staff working with consultants, helped by interns and volunteers.

In order to have sufficient human resources to manage and implement large-scale projects, almost all our activities are carried out in partnership with other organisations or institutions. Through these partnerships we increase the likelihood that our work will have an impact and in parallel we strengthen the access to information expertise of our partners.

The partners and networks we are involved in act as multipliers for campaign messages. At the same time, we help those networks obtain the information they need for their campaigns.

Access Info Europe is member of a number of networks. We act as the Secretariat for the [Freedom of Information Advocates Network](#). We are members of the [UNCAC Coalition](#) (working on the UN Convention against Corruption), of the [European Coalition for Corporate Justice](#), of the [Alliance for Lobbying Transparency and Ethics Regulation](#) (ALTER-EU, currently we are

Steering Committee members). In Spain we are founder members of the [Coalición Pro Acceso](#), a network of 68 civil society organisations supporting a strong access to information law.

In addition, Access Info Europe has a network of strategic partners across Western and Central Europe. These include [Fundación Civio](#) in Spain, [Diritto di Sapere](#) in Italy, [Regards Citoyens](#) in France, [Forum Informationsfreiheit in Austria](#), and [TI Portugal](#) in Portugal. We also collaborate with activists working with [The Story](#) in Ireland, and with the organisations [Request Initiative](#) in the UK, [K-Monitor](#) in Hungary, and [Gong](#) in Croatia. We are formalising strategic relationships with partners in other countries, focusing on strengthening a civil society network on the right of access to information in the European Union Member States including in Western Europe where civil society has traditionally not been so as strong on this issue. These are partners with whom we have developed project proposals and are seeking funds to implement some of the activities outlined here.

2. Mandate and Vision: Everyone's right to know

Mandate

Access Info's mandate is to promote and protect the right of access to information in Europe as a tool for defending human rights, for promoting public participation in decision-making, and for holding governments and other public and private bodies accountable.

The Access Info Europe team deploys its expertise to contribute to advancing the right of access to information in law and practice globally.

Vision

Access Info Europe's vision is that the right of access to information contributes to more open, participatory, just, and equal societies.

Our vision is that there exists in Europe an empowered and informed citizenry which makes use of and defends the right of access to information.

Our vision is also that there is full recognition of the public's right to information as a fundamental human right by all relevant national and international bodies.

3. Theories of Change: Soft Power & Strong Arguments

Civil society has an impact primarily by exercise of "soft power": using well developed arguments to appeal to the commitment which policy makers have to upholding democratic principles. Mobilising large sectors of the population can be necessary to increase pressure and to appeal to the populist instincts or electoral survival strategies of political leaders. Strategies of naming and shaming can be of value where there are discrepancies between electoral promises, violations of agreed values, or in cases of more serious human rights violations.

An evidence-based advocacy approach which draws on the data from monitoring and research and is able to counter prejudices and assumptions with facts and real life case studies, is also important in successful human rights advocacy, including when protecting and promoting the right of access to information.

In modern Europe, civil society often has the possibility of meeting and discussing with policy makers and securing commitments for reform in line with our demands. Working with allies inside governments, such as enlightened public officials, as well as influential institutions such as information commissioner and ombudsman offices, helps advance reform demands.

Securing coverage in traditional media, making a noise on social media, or making use of online petitions to demonstrate broad public support can be very helpful, as can having the data from an opinion poll, although sometimes a meeting with a key official where there is a chance to discuss and set out argumentation can be as effective as a broad based public campaign (and can draw on fewer resources).

Working with inter-governmental organisations has proved to be very effective in advancing the right of access to information. Close collaboration with the Council of Europe since the early 1990s, and with the OSCE and its Representative on Freedom of the Media, contributed significantly to standard setting. CSO involvement in the drafting of the Council of Europe Convention on Access to Official Documents also improved the standard of that treaty, the first in the world on access to information. (Civil society observers had no formal role in the drafting, but the CSO observers, of which Access Info Europe was one, were often able to contribute specific language which made its way into the final text). Other bodies such as the Parliamentary Assembly of the Council of Europe and the European Parliament are important because the positions that they take, even when not binding, have weight in policy debates.

Using this approach, the right to information movement has developed strong standards and secured access to information laws in 96 countries worldwide; we have also achieved measurable increases in transparency in practice. (As we know from experience around the world, lobbying can be a very effective way of determining government action, impacting on policy decisions, legislation, and the activities of public bodies).

On relatively rare occasions, right to information advocates need to make direct use of the legal remedies available, including information commissioners and courts, to obtain the legal backing for pro-transparency arguments. When this is done, it can be very effective, not only for the particular case in question but also as a signal that there is legal backing for the right of access to information. For example, Access Info Europe's recent win at the European Court of Justice for access to documents from the Council of the EU will have an effect well beyond the issue of access to that particular kind of document from that specific institution.

Having a long term view of change is also essential. Litigation takes a lot of time although in the short term launching a campaign is also an important political tool. Even non-litigation strategies can require time to have an impact. Sometimes there are fast and big wins, but these do not always translate into underlying shifts in bureaucratic culture, which is part of what the openness movement is all about: securing profound changes in attitude takes time.

It is also important for activists to be flexible and to respond to new opportunities to advance existing campaigns. Hence, for example, as we analyse in the context section, the open data movement and the Open Government Partnership provide new forums for discussion about the fundamental principles of transparency. On the other hand, the response of European governments to the financial crisis is a challenge to democratic decision making which creates a need and also some opportunities to advance the participation agenda.

Against the backdrop of an ever changing world, each situation, challenge or opportunity, will need to be analysed to determine which approach to take, which strategies to pursue (these considerations are developed further in the following sections). A judicious mix of strategies is called for – sometimes meetings with policy makers, sometimes a public campaign, sometimes litigation – depending on the problem to be addressed. Effective advocacy combines a series of approaches, being flexible over time. Access Info Europe believes that by continuing to deploy our specialist knowledge of the right of access to information in law and practice across Europe with the multi-faceted advocacy approach set out above, we can continue to advance the right of access to information and to ensure that it serves to help increase participation in decision making, to limit and to expose corruption, to help defend human rights, and to hold power to account.

4. Context Analysis: Needs and Opportunities

In developing the Access Info Europe 2014-2106 strategy, we have endeavoured to answer two central questions. The first is whether the global advances in the right of access to information are adequately reflected in the legal framework of European countries. The second is whether the right of access to information is serving in practice to hold power to account: is the right effective in securing participation in decision making and is it helping to protect human rights and to root out corruption. Through this analysis, we identify the needs and opportunities which guide our strategy and hence our projects going forward.

First we start with the wider context, then we look at the right of access to information, and then at issues of implementation in practice.

4.1 Transparency in Times of Crisis & Leaks

Since Access Info Europe's last strategy, developed in 2008-2009, the international, European and national contexts have altered significantly. If the first decade after the fall of the Berlin Wall provided the opportunity for significant advances in transparency in both law and practice, and the second decade was marked by the backlash after 9/11 with increasing emphasis on secrecy, surveillance and the collection of personal data, then the third decade is undoubtedly being marked by the global economic crisis (post 2008).

As an NGO working on human rights and democracy in Europe, and based in one of the most crisis-affected areas of Southern Europe, exploring how the right of access to information can address current socio-economic and political challenges is a priority for Access Info Europe.

The Democratic Challenges of the Financial Crisis

At time of writing, nine countries in the European region are in a prolonged recession (i.e. depression) and unemployment continues to rise: the EU average is 11% and the worst hit countries are, using [2013 Eurostat figures](#), Cyprus, Croatia and Portugal (around 17%), Spain (26.6%) and Greece (27.6%). The jobless rate among young people (15 to 24 years old) is an average 24%, with Spain on 56% and Greece reported to be on 59%, Croatia 43%, and with Italy and Portugal at 38% youth unemployment. There are signs, in the early autumn of 2013, of minor improvements to this situation, but analysts predict that it will take European

societies years to recover from the negative financial impacts, including the austerity cuts in core areas of government spending such as health and education.

It will also take time to recover from the negative democratic impacts of the crisis. One concerning feature of the crisis is that it has produced **imperatives for even more rapid decision making** than usual, and hence reduced the space for public debate and participation. Furthermore, with the political and economic elites knowing that many crisis-related decisions will be unpopular, there have been reduced incentives to open decisions up for public consultation, with governments preferring to take the stance that they have no choice but to make cuts and impose austerity measures.

Another phenomenon of the crisis is that **decisions are being taken at an intergovernmental level**, but not always through the formal decision-making processes of the European Union. For information requesters seeking to find out what is going on, they often find themselves bouncing between national and supranational institutions. In too many cases the result is the "ping-pong phenomenon" in which citizens are referred back and forth between EU and national governance structures with neither assuming responsibility. It's not only citizens who are excluded from the debate on their future: the financial crisis has also meant that decisions about economic policy are being taken out of the reach of democratic checks and balances such as national parliaments.

This phenomenon is not limited to decisions about the financial crisis. It occurred, for example, during Access Info Europe's research into reforms of the EU transparency rules, when the Council of the EU referred Access Info Europe to the Member States and then countries such as France and Greece referred us back to the EU (interestingly, both countries later joined the Court case arguing against Council transparency). [Access Info Europe's October 2013 win](#) before the European Court of Justice, which ruled that the public has a right of access to the names of countries putting forward legislative proposals in the Council of the EU, should help significantly in the tracking of decisions, although we have yet to test this in practice.

Securing transparency of the EU is important given the significant and growing impact that EU rules and policies have on the lives of those in the Member States: as many as 70% of national laws are shaped by decisions taken in Brussels. There is much concern at present about **democratic and participatory deficits in Europe**. Rather than an increasingly horizontal Europe, we are seeing the emergence of new economic, social and political divides. For example, the more powerful EU Member States, as well as institutions such as the European Central Bank, are playing disproportionately influential or even decisive roles, far distanced from citizens who may wish to participate or insist on comprehensive accountability for the decisions taken.

The EU is sometimes joined by international financial institutions (IMF, World Bank) in financial decision-making processes and there is evidence that private bodies, including the very banks which are being bailed out, have been much better placed to engage with the decision makers than has the wider public, or even elected members of parliament. Interestingly the OECD has raised a concern that governments are not making the macro-economic evaluations underlying their decisions publicly available, which interferes with oversight by international bodies. In this climate, transparency, participation and accountability are matters of growing concern for all sectors of civil society.

Finding out exactly who knew what when about the financial crisis is not easy: in November 2012, the General Court of the European Court of Justice ruled that journalists from Bloomberg did not have a right of access to documents which would show what the European Central Bank knew about the financial situation in Greece in advance of its bailout (and what it did or did not do to avert that); the journalists have appealed on this crucial issue of accountability, especially for the very taxpayers who at the end of the day are bankrolling the bailouts.

The challenge of obtaining information about decision making in the crisis is something Access Info Europe has been addressing. For example, we have supported requesters from countries such as Ireland and Spain who have sought (with moderate success) to use AsktheEU.org to obtain information about the financial crisis and national bailout packages (see requests on AsktheEU.org). We also applied for leave to intervene in the Bloomberg v ECB case, although this was rejected on the grounds that Access Info does not have a sufficiently specific interest in the information requested by Bloomberg.

The democratic deficit also refers to a growing **disillusion with democratic institutions** by those affected by the crisis and feeling helpless to act. Opinion polls tell of a sense of disempowerment among broad swathes of the European public, ranging from young people facing more expensive university education and a precarious future (the new “precarariat” class) to those in the most vulnerable positions such as the elderly, infirm and migrants who are seriously affected by cuts in pensions, healthcare, and social services.

The crisis context has certainly **diverted attention from defending human rights**. The EU seems unwilling or unable to address backsliding on human rights, including issues such as rising racism and xenophobia, more aggressive policing of protests, increased surveillance, and pressure on media freedom. There has been an inadequate response to developments in cases such as Hungary, where there have been serious regressive steps including constitutional changes and legal reforms that reduce judicial independence, interfere with media freedom, and discriminate against minority groups (migrants, the homeless, the mentally disabled). The Hungarian government has also weakened the national access to information law and removed the independent information commissioner.

The broader public has, nevertheless, a strong idea of the importance of European Union transparency: a major, Europe-wide opinion poll carried out by Access Info Europe and partners in early 2013, revealed an **overwhelming public demand for greater transparency**: 85% of the over 6000 respondents were of the opinion that full information about Member States’ negotiations in Brussels should be open to the public. In the context of the response to the financial crisis, 84% of people find it important that full documentation about what the European Central Bank is doing is publicly available, which is currently not the case. The poll results can be found [here](#).

Transparency after Assange and Snowden

From a transparency perspective, this third decade since the Wall fell is also marked by the era of the mega-leaks. Starting in 2010, the WikiLeaks revelations, now followed in 2013 by the Snowden disclosures, have given rise to a backlash in some government and security circles against openness, accompanied by an intolerance of and persecution of whistleblowers in the USA. The mega-leaks have also provided a convenient argument to those who wish to accuse the “transparency mafia” (a term used quite often in Brussels, including by the Council during

the Access Info Europe court case) of being radicals in favour of a dangerous total transparency which would make everyday government activity impossible.

This strengthened rhetoric against transparency and demand for greater information security, linking the openness movement to allegedly dangerous hackers and irresponsible leakers, is something which right to information activists need to be cognisant of and to be ready to address. We are often called upon to explain why some exceptions and limitations to the right of access to information are legitimate. We need to be ready to counter the accusation that the right to information community is a bunch of transparency radicals as this can be used to undermine our advocacy work. In this context, we need to work harder to demonstrate the reasonableness of arguments for openness which should be at the heart of any democratic society.

It is also important to monitor the impact of shifting attitudes about transparency on actual levels of access to information. To date it is hard to point to evidence of a broader effect on day-to-day access to information in Europe, particularly in areas such as international relations and foreign policy and now that of surveillance, where there may be significant changes, but this is not to say that there will not be a tightening of secrecy in some areas in the future. Thus far, however, Access Info Europe's request tracking shows that the reasons which public officials have for providing or not providing documents have not changed significantly, as we analyse in Section 3.3 on Transparency in Practice below. For this reason, our strategy continues address some of the classic transparency challenges.

The era of mega-leaks and the ensuing political scandals has come in parallel with the launch of the [Open Government Partnership](#) (OGP). Founded in 2011, the OGP is a multi-stake-holder initiative which aims to promote greater transparency, participation and accountability. It has 61 members which include a range of developed democracies (although some European countries such as France and Germany are currently not members), young or developing democracies in Latin America and Africa, and a handful of countries whose democratic credentials are questionable, such as Azerbaijan.

Various drivers seem to underpin the creation of the OGP. One was the momentum behind the open data movement and the possible social and financial benefits which can flow from liberating government data, an important consideration in the context of the financial crisis. Another is that transparency is part of the foreign policy approach of a number of the founding countries which are promoting openness for motives which include fighting corruption, particularly in the use of funds such as international aid and development donations, and creating a level playing field for access to extractive industry contracts.

On the one hand, the existence of the Open Government Partnership is valuable as it provides a counterweight to any backlash against transparency which the mega-leaks might have provoked. On the other hand, there is a certain paradox that this new transparency initiative has taken off just at the time when it has been revealed that the governments promoting it, notably the US and the UK, were engaged in massive surveillance operations which swept up the data of innocent private citizens. This is highlighted by the response of CSOs at the recent OGP meeting, many of whom signed a letter coordinated by Access Info Europe and the Web Foundation available [here](#) calling for greater transparency around surveillance measures.

On balance, it is positive that the spotlight is now on transparency as this provides a space for constructive debate on the appropriate limits on the public's right to know. This in turn could help open up some areas of government to increased public participation and scrutiny. On the other hand, there are real concerns about whether the OGP will be used for what is being termed "transparency washing". Governments have preferred to make the new openness commitments voluntary. Indeed, in some countries, such as the UK – which is leading standard setting on open data – senior ministers have questioned whether there is still a need for the freedom of information laws now that the government has an open data policy. Civil society needs to be alert to any such attempts to undermine all the hard-won gains of the right to information movement.

4.2 The Right to Information: A Prospering Human Right

One of Access Info Europe's main priorities is to ensure that, country-by-country and at the EU level, the legal framework for public access to information reflects the highest standards, consistent with this being a human right.

The **huge advances in the right of access to information** of the past decade include recognition of the right as a fundamental right by all major international human rights tribunals (Inter-American Court of Human Rights in 2006 in the case of [Claude Reyes et al v Chile](#), the European Court of Human Rights in 2009 in the case of [TASZ \(Hungarian Civil Liberties Union\) vs. Hungary](#), and the UN Human Rights Committee in 2011 in its [General Comment No. 34](#)) as well as by soft law bodies such as the OSCE Special Representative on Freedom of the Media along with other analogous special mandates on Freedom of Expression around the world.

In 2009, the Lisbon Treaty promoted access to documents from European Union bodies to the status of a fundamental right. In the wider European region (the Council of Europe region), 27 countries have an explicit constitutional protection of the **fundamental right of access to information from public bodies**. The Council of Europe region, with more than 800 million inhabitants, also has almost half of the world's access to information laws, a total of 42 countries with national level laws.

In spite of these achievements by the right to information movement at the international level, there is still a very **mixed quality of access to information laws in Europe**. The region has some of the best access to information laws, for example, Slovenia and Serbia are rated at the top of the global Right to Information Rating (www.RTI-Rating.org), with levels of transparency in these countries showing measurable improvements thanks to this democratic tool, backed up in both countries by strong and independent information commissioners. Elsewhere in Europe, however, particularly in Southern Europe, laws are weak: the region also has some of the world's worst access to information laws, with Austria, Greece, and Italy lurking at the bottom of the RTI Rating.

The idea that access to information is a fundamental human right is not yet sufficiently deeply rooted. For example, in 2011, Germany attempted to convince the UN Human Rights Committee that access to information is not a fundamental right. This is an increasingly isolated position, particularly since the EU Treaties establish a fundamental right of access to EU documents. But this reluctance to see the right to ask for and receive information as more

than a privilege granted by the administration still plays out in practice in countries such as France and Italy, and has been a major obstacle in the adoption of a transparency law in Spain.

There are also signs of backtracking on legal frameworks. Regressive reforms to the EU's access to documents rules, Regulation 1049/2001, proposed by the European Commission in 2008 and expanded by the Council of the EU have thus far been held back by the European Parliament and civil society campaigning, but have not disappeared. In particular, there is a desire to undo some of the more progressive jurisprudence of the European Court of Justice on issues such as access to legal advice.

There is also a minority of European Union countries which still have no legal mechanism for exercising the right of access to information: Cyprus, Luxembourg, and Spain (though the latter two have draft access to information laws in their parliaments at time of writing). Of Europe's microstates Liechtenstein has a freedom of information law, while Andorra, Monaco and San Marino do not.

The disparities in the legal frameworks for accessing information across Europe create a situation of inequality, particularly for civil society actors such as CSOs and journalists, as the public in some countries is **excluded from a right to access information about their governments**. The European Union does not currently have any competence to set standards on access to information, although this may change in due course as it explores the linkages between access to information, open data, and the reuse of public sector information (the EU having competence over the latter).

The Council of Europe **Convention on Access to Official Documents**, adopted in June 2009, has not yet come into force. It has been signed to date by 14 countries and ratified by seven of these; it will come into force when 10 countries have ratified. The moderate pace of ratifications is an issue which Access Info Europe has tackled in many countries, having found that national campaigns are most effective in catalysing the necessary legislative processes.

Even before it has come into force, however, the Convention on Access to Official Documents has had an impact. In Spain, civil society activists promoted the Convention standards and were able to have a positive impact on the content of the future Spanish transparency law, defining a narrower range of exceptions than might otherwise have been the case, and helping ensure that these exceptions are subject to a public interest test. In a range of other countries, the Convention has been used in national advocacy to advance legislative reforms (for example Croatia in 2013) or to hold back regressive amendments to the access to information law (for example in Bosnia in 2013).

A further opportunity to secure the adoption of access to information laws and to promote laws which meet international standards is provided by the **UN Convention against Corruption (UNCAC)**, which contains various transparency requirements. The civil society coalition around the UNCAC has made having an access to information law one of its demands to governments and there is an opportunity to use the UNCAC review mechanisms to press countries which have ratified the UNCAC (all Council of Europe countries apart from Germany) to ensure that their access to information law meets international standards. Similar opportunities are provided by the Council of Europe's regional anti-corruption mechanism, the Group of States

against corruption (GRECO by its French acronym) which, in its country reviews, regularly comments on the existence and quality of national access to information laws.

The development of **Open Government Partnership** is also providing a new platform for agenda-setting on the right to information. Participating countries are required to set out in their OGP action plans how they will advance in the areas of transparency, participation and accountability. The OGP and the momentum around the potential possibilities of open data is driving other commitments, such as the **G8's 2013 commitment** to open up "high value" data needed for "improving the quality of democracy". These developments provide new advocacy opportunities for promoting a stronger legal framework for the right of access to information as well as increasing levels of access in practice.

Another positive effect of the greater recognition of the right of access to information, and of increased awareness of the value of transparency and open data, has been that it has given a boost to the foundation of **new pro-transparency civil society organisations** in Western Europe. Some of these organisations focus on open data, such as the Open Knowledge Foundation and its chapters around the region, including in Germany and Spain. Other new organisations are focused on right to information in law and practice, for example **Diritto di Sapere** in Italy or **Forum Informationsfreiheit Austria** in Austria. Still others are focusing on the use of new technologies to promote transparency, the prime example being mySociety in the UK – which developed the Alaveteli request platform software used in installations such as AsktheEU.org – as well as others such as Regards Citoyens in France and Fundación Civio in Spain. Access Info Europe collaborates closely with these new organisations and partners with them in transparency projects. We provide strategic advice and share our experiences. Helen Darbishire is on the board of the Civio (Spain), OKFN Spain, Diritto di Sapere (Italy) and Request Initiative (UK).

As the transparency movement has advanced, there are other communities who are strategic allies in promoting greater openness. These include in particular Information Commissioners, who meet every 2 years to debate issues around the right of access to information and who are now increasingly sharing information and exploring working together, including through the new network of information commissioners coordinated out of the Freedom of Information Centre based in the University of Dundee by former Scottish Information Commissioner Kevin Dunion.

Openness activists can also work with reform-minded public officials, particularly those working inside relevant government departments, and working on global initiatives such as the Open Government Partnership. A further group which should be included in transparency campaigns and can be valuable allies are parliamentarians. The European Parliament has also proven to be a strong ally on various issues, including in defending the EU's access to documents rules, by supporting Access Info Europe's case before the European Court of Justice, and in developing standards on business transparency and transparency of media ownership.

Outside the Reach of the Right to Know

In the European region, the influence of **supranational and intergovernmental bodies** is such that the information they hold is often crucial for CSOs and journalists working on issues such as human rights or corruption at the national level. Whilst the EU does recognise a right

of access to its documents, other regional bodies, including the OSCE and Council of Europe, do not yet have disclosure policies. Access Info Europe's research has found that there is a plethora of bodies currently outside the reach of the right of access to information. For example, in its investigations into CIA flights, Access Info Europe was unable to obtain information from EuroControl, a pan-European air space body, because it is an independent inter-governmental body which has no access to information framework (see report [here](#)). The European Parliament also failed to secure information from EuroControl as it is not an EU body and hence has no obligation to respond to information requests from MEPs.

A further challenge is that much information is still outside the reach of access to information laws because of lack of agreement on standards for the scope of the right, which means that in many countries the **legislative and judicial branches** are only partially covered by the right to request information, and private companies performing public functions or owned by public bodies are not obliged to answer requests for information. As just one example of this arising from Access Info Europe's recent work with investigative journalists, Belgian arms manufacturer FN Herstal, part of a group which sells arms to over 100 countries, is wholly-owned by the Walloon region of Belgium, yet does not fall under Belgian access to information laws and nor do the relevant public bodies answer requests about it.

More broadly, the trend of **privatisation of public services** and outsourcing to public-private partnerships, which continues apace in the context of the financial crisis, puts yet more information out of reach of access to information laws. In some countries this includes privatising hospitals and educational establishments. One of the big lacunae in the existing access to information standards is a clear definition of what is precisely a public function. Nor is there a clear and agreed standard on when the line between public body and private body is crossed by partial privatisation.

Open Data and Proactive Publication

The UN Human Rights Committee, in finding that access to information is a fundamental right, noted that it places obligations on governments to release information proactively. This recommendation comes at a time when the open data movement has given a boost to proactive publication of information.

There is a lot of excitement about the potential of open data as an economic stimulus. The EU has estimated that opening up government datasets could generate significant economic activity, putting a figure on the value of the new products and services that it could give rise to at as much as €40 billion a year across the region (although we note that this figure doesn't seem to have very precise calculations behind it). Multiple national, local and regional governments have launched data portals and more data has become available, including more detailed statistical and financial data – as well as less controversial examples such as train or bus timetables. More analysis follows in Section 3.3 on Transparency in Practice.

After the initial surge of open data, advocates are now calling for a stronger legal framework to underpin the release of open data. For example, the [Open Knowledge Foundation](#) has recently called for enforcement measures where data is not released. There is clearly both a need and an opportunity for the right to information movement to advance the scope of the right to know, defining precisely what lies within the scope of the right in terms of proactive disclosure

obligations. To work on this now is timely given the interest from a broad community including civil society, governments and business users.

The demand for access to large volumes of data has brought to the fore a problem with the legal framework in most European countries, which allows public bodies to charge for access to information, particularly larger databases. An example of this is company registers, which range in price up to around €100,000. Although it is changing, many countries still charge for land registries, for meteorological, geospatial, and statistical data, and for various other datasets.

This charging results in **unequal access to information** and inhibits the right to freedom of expression by limiting reuse of public data. It is not, however, something which public bodies have come up with on a whim: charging stems from a long tradition of recuperating the costs of producing government data by charging for it. The tradition has been reinforced by the **EU Directive on Re-use of Public Sector Information**, first adopted in 2003 and revised in 2013. The Directive permits government bodies to charge for information and to ask requesters what they plan to do with the information so as to issue them with licences and to determine the scale of the charges. We are also now seeing the negative effects of this on the processing of requests at the national level, where requesters asking for small chunks of data, for example, a part of the budget or spending data, are being required to use the re-use forms which have obligatory declarations of what will be done with the information obtained.

In Access Info Europe's analysis, with the right of access to information being linked to freedom of expression, it is entirely inappropriate to have a legal framework which permits charging and which drives a wedge between accessing ("knowing") information and making use of it. Access Info Europe and others have been discussing concerns about the Directive on Re-use of Public Sector Information with the European Commission for a number of years, and are now addressing the legal issues at the national level by challenging charging for specific datasets (see Section 3.5 on Business Transparency). Where public bodies have a financial model based on charging, there will need to be a transition phase in order to reduce this legal obstacle to transparency.

4.3 The Right to Information in Practice

The next question is whether the right of access to information is serving to hold power to account and to promote engagement in decision making on crucial societal and democratic issues. And if not, what are the obstacles and how should they be overcome?

The first observation is that **transparency in practice around the European region varies enormously**. Traditionally access-friendly Nordic countries continue to represent a strong pillar for access to information in Europe. They generally respond rapidly and well to access to information requests at the national level, something which Access Info Europe's request projects have confirmed.

The Nordic countries also act on the European stage to promote standards. Sweden and the Netherlands were active in standard-setting during drafting of the Council of Europe Convention on Access to Official Documents, and the Finnish and Swedish governments defended EU transparency in the face of recent attempts to weaken the EU's access to

documents rules, Regulation 1049/2001. Norway is one of the founding members of the Open Government Partnership.

A strong culture of citizen participation makes the governments of these countries open to working with civil society. During the campaign on reform of the European Union access to documents rules, Denmark, Finland, and Sweden were good at communicating their strategies to Access Info and the network of civil society organisations we put together during the campaign.

Southern European countries on the other hand do not have a long historical culture of government transparency and there are a number of countries where practice lags behind even the new democracies of Central and Eastern Europe. Access Info Europe's monitoring found that in Italy the level of administrative silence is as high as 65%, with just 15% of requests resulting disclosure of useful information (2013 data from monitoring conducted with [Diritto di Sapere](#)). Monitoring in the Republic of Cyprus in 2011 by Access Info Europe and local partners IKME and KAB found an abysmal 72% administrative silence and only 7% of requests receiving complete information (see the [report here](#), which also evaluates the legal framework and proactive publication).

There are similarly poor levels of transparency in Spain with just 13% of requests receiving complete answers (the current level of administrative silence as measured by the web platform Tuderechoasaber.es is 54% [here](#) which is consistent with an average of 55% in monitoring conducted by Access Info Europe and partners since 2005); this is lower than many new and emerging democracies in central and Eastern Europe (a recent monitoring in Kosova gave a figure of 30% for responses which were in line with the law, although we note that this figure includes refusals).

In the case of European Union institutions themselves, [Access Info Europe's monitoring](#) (via AsktheEU.org) shows around 65% of requests made between 2011 and 2012 resulted in full (37%) or partial (28%) disclosure of documents. These figures are situated roughly midpoint on the spectrum of responsiveness in the European region, which is not sufficient as the EU should be at the forefront of setting transparency standards for its Member States.

The **obstacles to transparency in the European region** include the weakness of some access to information laws, the absence of information commissioners, and – crucially – the nature of the bureaucratic cultures which are resistant to openness, especially where there is a lack of political leadership and little training on legal obligations to transparency.

This is something which Access Info Europe is witnessing in particular in Spain, where we have been working for 7 years to promote an access to information law. The current levels of administrative silence are as much as anything the question of a bureaucratic culture of not being bound to respond to requests from the public and not to be held accountable for decisions taken. Indeed, the Supreme Court stated in 2012 in a ruling in a case taken by Access Info Europe that "it is the role of the elected parliamentarians to control the activities of government." When the access to information law enters into force next year, it will be important to address the cultural shift as well as the legal formalities of processing requests.

Decision Making Transparency

We have identified in particular that it is hard to get the information which is essential for participation and accountability, and **openness of ongoing decision-making** varies across Europe. This is a priority area for protecting and advancing democracy in Europe: we believe that only by being informed in a timely manner from the early stages of decision making can members of the public in the European region engage in policy development and legislative processes in a way which ensures that the decisions taken best serve the wider public and are not captured by private interests.

One of the challenges is that civil society cannot obtain the information it needs at an early enough stage of the decision making process. One reason is the democratic or institutional culture of the country. So, for example, countries such as Norway have a well established practice of consultations from the early stages of drafting new legislation, making it a slower but more effective process. Such best practices have been transposed into law by new democracies ranging from Estonia, where cabinet meetings can be followed in text form online, to Croatia or Romania where the legal framework requires publishing of draft laws or even preliminary white papers. On the other hand, there are many countries where it's very hard to find out about draft laws before they enter parliament and then hard to follow the legislative process. Spain is one example of this, where cabinet agendas remain classified as secret even after the meeting.

The EU, as it so often does, reflects all the contradictions of the region. While the treaties talk about "taking decisions as closely as possible to citizens" and requires the Council and the European Commission to "ensure publication of the documents relating to the legislative procedures", Access Info Europe was forced into a nearly 5 year legal battle to obtain access to one document about proposed reform of the EU's transparency rules in order to be able to participate in the legislative debate. In retrospect it's remarkable that the case needed to come to court. The great benefit is that we secured from the courts and the Advocate General some very strong language about the links between transparency, participation and accountability in a democratic system.

Lobby Transparency

Intimately linked to transparency of decision making is the need to have information about the role and impact of lobbyists, be they representatives of private business or other interest groups, including civil society organisations. The financial crisis has raised a particular concern about the impact of private financial interests, with private banks having been consulted in decision making processes which have excluded the citizens. The close relationship between business and government has been a matter of concern in a number of countries worst hit by the crisis.

At the EU level there have been some serious scandals relating to lobbying, revolving doors and conflicts of interest, which have highlighted the need to tighten regulation of lobbying and for greater transparency of documents needed to monitor for biased decision making. Some of these scandals have been mired in obscurity, including the resignation of Commissioner John Dalli who resigned in October 2012 in the wake of a tobacco lobbying scandal and on the basis of an investigation the report on which is still not public.

The European area is generally weak on mechanisms to ensure full and accurate reporting on lobbying activities. There is a need to work on the development of accountability mechanisms

in parallel, at the EU and national levels: national governments will not advance if there is no leadership from EU, but at the same time, without stronger regulation of lobbying at the national level then it is unlikely that the EU will adopt a significantly more progressive position.

Civil society campaigns in Brussels and in some countries around Europe have focused on registration of lobbyists and on the issue of revolving doors and conflicts of interest. Having a mandatory register of lobbyists is clearly important. Rules to limit any possible negative impact of the revolving door phenomenon, declarations of assets and of conflicts of interest are essential tools to identify possible corporate capture of decision making.

These mechanisms are not sufficient, however, and they place a burden on declarations by the lobbyists. Access Info Europe believes that there should also be data collection and publication on the part of public bodies in order to be able to track the more subtle mechanisms by which the activities of interest groups – including private businesses, trade associations, trade unions, consumer groups, civil society organisations, etc. – have an impact on decision making. This impact can be through meetings with politicians and public officials, participation in consultations, and submissions of texts in drafting processes. For instance, there have been various recent incidents of EU legislation being tracked directly back to texts written by lobby groups (see for example <http://lobbyplag.eu/lp> which tracks the impact of lobby submissions on drafts emanating from the Commission). This happens at the national level as well (in one incident a few years ago, activists discovered that amendments to the Bulgarian access to information law had been drafted by a lobby group).

It is important to stress that external input into decision making is not always nefarious. In many cases, the expertise and empirical data provided by external actors can enrich the decision-making process. Representations by lobbyists can alert decision makers to the concerns of relevant sectors of society, be they large or small businesses, consumers, affected groups of citizens (local residents, professionals in a particular sector, parents, students, the elderly, those with a particular medical condition, etc.). It is, however, essential to be able to track those influences and understand how the positions of those groups are taken into account in policy development and in the legislative process.

Hence, public bodies at the national and EU level should ensure that they collect and make public the information needed to track external inputs into decision making. It is also important to have a record of how those inputs were used: which means that decisions need to be reasoned and explained, and that the official record needs to state which data was used as the basis for decision. Across Europe guidance on good administrative practice recommends keeping a record of the reasoning behind decisions. Historically this has been done to ensure internal efficiency of the administration. Making such information public is a relatively new culture in many countries, which is developing in the feedback mechanisms following public consultations. There is an opportunity to increase transparency in this area linked to open decision making as well as lobby controls.

As part of its [Open Government Standards](#) project, drawing on earlier lobby transparency work, including that under the [EU Citizens project](#), Access Info Europe has mapped out the types of documents needed for tracking the impact of lobbyists. These include records of meetings with interest groups – both details of who participated and minutes of what was

discussed, copies of documents submitted either formally via public consultations, and related registers such as that of gifts and entry to public buildings and parliaments.

Open Data

The enthusiasm around open data described above has given a new impetus to transparency in Europe. The Open Government Partnership is led by governments such as Norway and the UK, with others including Denmark, Finland and the Netherlands playing an active role. New datasets are being released and are being used by activists to follow government activity (with some excellent web platforms for doing so such as those developed by mySociety and others), to identify areas where economic savings can be made, as well as being used in private sector data-centred businesses.

Access Info Europe's monitoring shows, however, that the data released is not always that most needed for participation and accountability. Key datasets in areas such as health, education and social services are still not available in many countries. Financial spending data is often not sufficiently disaggregated, evaluations of the impact of spending are absent, and registers of meetings with lobbyists are almost non-existent.

Whilst some countries are making headway with open data – in Europe the lead is being taken by the UK, Denmark, Norway and the Netherlands, and there are some notable good practices, such as the Slovenian government's [Supervisor](#) portal for monitoring spending of public funds – what we have yet to see is a massive release of data in the raw, granular form being demanded by open data activists. In Paris, for example, data on the health of 6000 trees was released but not a full database of public procurement contracts, although this is now promised in the French government's G8 Open Data Action Plan presented in November 2013. This is something confirmed by the Open Data Census released by the Open Knowledge Foundation in October 2013 (See article [Government Data Still Not Open Enough](#)).

Another feature of the current open data landscape is the very patchy nature of open data releases across Europe, driven by the particular interests of governments or the successes of local campaigns. An example is the Italian [OpenCoesione](#) portal, which provides details of spending of EU funds, motivated by central government keeping tabs on use of these funds in the different regions of Italy. This is an example of where data about spending EU funds is available in one country as a result of a government initiative but comparable data is not easily obtained in all EU 28 countries.

The mixed success of open data and open government campaigns has raised awareness of access to information laws and we are now seeing open data activists turning to the right of access to information to obtain public databases. For example, one German activist used the right of access to EU documents to obtain the EU budget in an open machine-readable format in order to successfully obtain the disclosure of similar information in Germany.

There is a need to continue to map which datasets are currently available and to evaluate the quality of the data released. This is something which Access Info Europe is monitoring, liaising with open data activists, including for example the [Open Data Census](#). Access Info Europe

believes that there are significant opportunities to use access to information laws to obtain larger datasets and is in touch with various national organisations about doing this.

Transparency Black Spots

Access Info Europe's monitoring in our hands-on request projects has found that layered over the general picture of levels of responsiveness to access to information requests and volumes of proactive publication in Europe, there are **transparency black spots** in particular areas of government activity of greatest concern to those working on democracy and human rights issues.

Access Info Europe had also identified some of the key obstacles to obtaining such information, which result from the over application of exceptions:

- **Protection of decision making** is a legitimate exception, designed for protecting particular, time-bound, decision-making events such as awarding a public procurement contract, hiring new staff, an early internal brainstorming of ideas for a policy proposal, etc. The exception is not designed to exclude from public scrutiny an entire decision-making or legislative process. Such excessive use of the decision making exception, in the name of a more "effective" policy process, was at the heart of Access Info Europe's case to the European Court of Justice.

- **Investigations in Infringement Proceedings:** One of the areas of EU law that are shrouded in near-absolute secrecy is that of infringement investigations between the EU and Member States. Brussels has an important role to play in ensuring that EU law is implemented, even if some of that legislation is controversial, and therefore launches infringement proceedings when it suspects that a Member State is not properly interpreting or complying with EU law. Recent examples include Germany not applying the EU Data Retention Directive after the German Constitutional Court ruled that it violated the right to privacy or the Czech Republic and Ireland not complying with EU rules on preventing injury from sharp objects in hospitals. The "investigation" is in fact a process of negotiation with the Member State and may result in the Commission dropping its inquiry, with all the debate about the problem being inaccessible to public scrutiny until well after the fact, and even then often not in its entirety. Therefore the problem from a democratic perspective is that it is almost impossible for the public to find out much about ongoing infringement investigations, and hence to know in what ways and how EU law is being violated by their national government. A recent [ruling of the European Court of Justice](#) found that the Commission was within its rights to deny access to such information. The case, taken by Portuguese environmental NGO *Liga para a Protecção da Natureza* (LPN) and supported by the Republic of Finland had challenged a refusal to provide information about an infringement proceeding initiated by LPN when it complained to the Commission about environmental breaches related to the building of a dam. Attempting to obtain this information at the national level elsewhere has also proved to be difficult, as confirmed in the 2013 ruling by the UK's Information Tribunal about the EU infringement proceeding against the UK for violating the Union's Data Protection Directive. The UK Tribunal confirmed an "expectation of confidentiality" in the proceedings and denied access to the letters received by the UK government from the European Commission. That European citizens cannot know when their governments are being investigated for violating EU norms is an issue of particular concern from the perspective of accountability at the EU and national level.

- **Personal data protection of identities of public officials.** Access Info Europe has a number of examples of where the exception for personal data protection has been used to deny access to details of which public officials represented their governments in meetings in Brussels. This also happens at the national level across Europe. More extreme cases include misinterpretation of data protection rules to deny access to minutes of local government council meetings on the grounds that these contained the personal data of private persons, namely the members of the local council. The case of the [TASZ \(Hungarian Civil Liberties Union\) vs. Hungary](#) at the European Court of Human Rights included a challenge to the assertion by the Hungarian Constitutional Court that a submission it had received from a member of parliament about a draft law constituted his personal data because “the MP’s personal opinions would enable conclusions to be drawn about his personality”; the Strasbourg judges rejected this stating that “it would be fatal for freedom of expression in the sphere of politics if public figures could censor the press and public debate in the name of their personality rights.” This is, however, a recurrent problem which needs monitoring and challenging.

- **Excessive Protection of Privacy:** There are various ways in which privacy is being used to block access to information which should be in the public domain for participation and accountability purposes. First there is the current legal uncertainty as to whether the public has the right of access to the names of lobbyists participating in meetings with public officials. The controversial European Court of Justice [Bavarian Lager ruling](#) permitted withholding the names of those lobbyists who did not wish them to be disclosed. In this particular case, the European Commission had not asked the lobbyists in advance to give permission for their names to be made public. The simple solution would be to require such notification at the start of a meeting (the strategy of websites with the “I accept the privacy policy” box!). Such a good practice should increasingly become a requirement for all meetings with lobbyists. Civil society could play an important role in promoting such good practice.

Another issue is access to data on EU agricultural subsidies, after the Farm Subsidy case before the European Court of Justice in 2010 ([Volker und Markus Schecke and Hartmut Eifert v. Land Hessen](#)) which resulted in a ruling that the details of subsidies to private farmers did not have to be released. This case raises various issues for transparency of EU and national government spending and there is an outstanding need to debate and, where necessary, use information commissioners and the courts to explore the full consequences and to develop standards for ensuring that information about public spending on business operations is available.

- **Protection of international relations.** In a globalised world, the international relations exception can become problematic. The international negotiation of free trade agreements or data-sharing arrangements has an impact on millions of people all over the world, yet the European Union institutions, for example, have invoked international relations exceptions to deny civil society groups access to documents about the EU Free Trade Agreements with third countries such as India, even where these documents had been shared relatively widely with industry representatives. Access Info Europe has identified a pattern of use of international relations as an exception for many documents on relations between EU Member States and third countries, which frustrates attempts to secure information in the increasing number of decision-making processes which are worked out internationally such as trade agreements.

- **Copyright:** Access Info Europe has identified a particular problem where documents submitted by lobby groups or external studies commissioned by public bodies from consultancy firms are subject to the copyright of those private companies. This has been the case for a series of documents obtained via AsktheEU.org from the European Commission. In [one instance](#), Access Info was asked to remove a document from AsktheEU.org because it was copyrighted material of UK-based Citigroup; the document had been submitted to the Commission voluntarily in the context of debates about the future of the monetary union. The EC released the document in response to a request by a member of the public. For now, Access Info Europe has declined to take the document down as we strongly believe that the public has a right to know the content of documents submitted by lobbyists to EU decision making processes. Furthermore, the document was released through a legal process giving effect to exercise of a fundamental right (access to documents) enshrined in the EU treaties. We have notified the Commission, and we are awaiting further developments.

The Need for Record Keeping

A possible consequence of the onward march of transparency is that those with something to hide do not keep a record of their activities. An example of this is that at the EU level, there are no minutes of Working Parties in the Council. As Bulgarian political scientist Ivan Krastev has pointed out, when the mafia knows their meeting room is bugged by the police, they talk about niceties while passing notes to each other under the table. Whilst politicians and public officials clearly have very different legal and moral obligations from the mafia, and should ensure good record keeping for reasons of efficient and effective public administration, there is a real concern here: during the court hearing in Access Info's case against the Council of the EU, the Council's lawyers raised the spectre that if it was forced to be more transparent, then public officials would simply write fewer things down!

An important transparency challenge for civil society is to ensure that relevant information is collected by public bodies in the first place in a comprehensive manner. This means being alert to instances where the responses to information requests is "information not held" and challenging the failure to collect information on the grounds of other legal obligations and/or good administrative practice.

The level of detail collected is also an issue, as we are seeing with, for example, some key datasets: the information about public procurement, crime data, or the level of detail in business registers varies significantly across the wider European region. There is a need to address this issue systematically. The right to information and open data movements are well placed to share comparative information on which information is collected from country to country and to advocate not only for release of information but for it to be of comparable quality.

4.4 Access to Information for Human Rights

A priority for Access Info Europe in our mandate is to exploit the potential of the right of access to information as an instrumental right for uncovering violations of human rights and combating impunity. A key test for the right of access to information is whether it serves to make public the information necessary to defend and promote human rights. This was one of the main motivations which underpinned the foundation of Access Info Europe in 2006, seeing

the need, particularly in Western Europe, to secure more transparency in response to post 9/11 pressures on civil liberties.

Whilst most Europeans enjoy relatively strong protections of their human rights, **system failures in Europe's human rights protection mechanisms do occur**, both in the old and new democracies of the region.

One example of a stress test on the post WWII human rights protection mechanisms was the secret CIA extraordinary rendition flights which resulted in people being illegally detained, surreptitiously transported through, and even tortured on, European soil.

Human rights groups are still trying to build up a full picture of what happened and of the routes the rendition planes took. Access Info Europe worked with [Reprive](#) (based in the UK) and obtained new information, but there are still lacunae in the dataset, with some governments not having been forthcoming with information. That said, no single European country provided as much nor as comprehensive a dataset in response to our requests as did the USA. Some countries and (as noted above) the international body Eurocontrol, are still withholding data from civil society, and even from the European Parliament. The clock is ticking to obtain such data before it is destroyed, which typically happens after a 10 year time frame.

[The Rendition Project](#) is an example of a work-stream developed by Access Info Europe dubbed "[Access for Rights](#)" which is based on two key strategic considerations: is there a serious human rights issue at play and are there civil society groups which will be able to make use of the data obtained in addressing that issue.

In the past few years we have worked with civil society in a range of areas – freedom of expression, the right to privacy (including data retention issues), illegal detention and rendition, rights of migrants, environmental rights – Access Info Europe has tested empirically the availability of information needed by human rights groups.

We have identified that there is still far too little information made available by governments for the monitoring of human rights, with a repeated pattern of failure to collect information and reluctance to release it in many countries.

Access Info is currently investigating information available on the **policing of protests (right to freedom of assembly)**, which is a concern in the context of the financial crisis, with more aggressive policing of street protests and encampments. Recent examples of such concerns about handling of protests include Bulgaria, Greece, Spain and Turkey. The Council of Europe Human Rights Commissioner has raised concerns about the handling of some protests. With respect to Spain he said "Reports indicating excessive use of force by law enforcement authorities in the course of anti-austerity demonstrations in 2011 and 2012 brought to light a number of long-standing, serious human rights issues concerning the actions of Spanish law enforcement agencies." The [report available here](#) added that "Additionally, the granting of pardons by the government, including in cases related to serious human rights violations, such as the pardons granted in November 2012 to four police officers who had been convicted of torture, has been of serious concern to the Commissioner." In the case of Turkey the Commissioner said, following the Gezi Park protests that ""All instances of excessive use of

force by the police must be fully investigated and adequately punished” in a [statement available here](#).

In 42 countries we have asked for basic information about training of police and equipment used in protests and to date have received information from fewer than half: 12 countries have released information, while eight informed us that they do not hold the requested information. Another four countries have refused access, and there is a particularly limited rate of disclosure of information about evaluations of what happened in previous protests. We are still pursuing appeals and a report and campaign will be launched in early 2014.

With respect to **Migration and treatment of migrants**, for all the public debate, data is still too scarce. Academics working in this area such as the [Global Detention Project](#) have turned to Access Info Europe because they have been unable to obtain accurate data on issues such as the number of minors detained in many countries.

The research has shown that it is possible to obtain data from a large number of countries but that there are still a significant number which do not release information about the detention of migrants. After filing information requests in 33 countries, only 17 (47%) provided data on detention of adult immigrants and just 15 countries (43%) provided data on detention of minors. The data received showed that there is a huge range in the numbers of migrants detained and reveals other interesting patterns such as the countries which detain unaccompanied minors (Estonia, Finland, Lithuania, Poland and Sweden). This data is still being analysed and will be contrasted with other sources of information. There is a need to conduct advocacy to secure data from countries which have either not replied to date (Belgium, Cyprus, Iceland, Italy, Malta, Norway, Slovakia and Spain) and those which have refused to process the requests (Czech Republic) or told us that they do not hold the requested information (Germany). While our partners analyse the data, Access Info Europe will campaign on the need for greater transparency.

Without accurate and timely data, civil society cannot uncover or make accountable violations, and NGOs are hindered in being able to put forward policy solutions. Another serious concern in the context of the crisis is that the absence of data permits **manipulation of the political discourse** and with sensitive topics such as migration being an issue picked up by racist and xenophobic political factions, this is something which governments should address proactively and as a matter of priority, they should release the comprehensive data.

A further issue where a need for transparency has recently become clearer than ever is that of **surveillance of private citizens**, which has become a big issue during the summer of 2013 following the Snowden disclosures. Access Info Europe has worked since 2010 on transparency in relation to the EU’s Data Retention Directive, helping CSOs file requests for information. Access Info Europe is now campaigning for more information on surveillance and has joined other groups [calling for greater transparency](#) in this area, particularly about the mechanisms used for surveillance, around exports of surveillance technologies and about aid directed towards implementation of surveillance technologies. Such transparency is essential to give members of the public a clearer picture of what is happening and to allow us to understand the ways in which governments can invade personal privacy so that we may have an informed policy debate.

Environmental Information

In spite of the Aarhus Convention (1998) on access to environmental information, and the many advances made in **environmental transparency which spearheaded the access to information movement** in the region, there are still areas where civil society organisations have difficulty obtaining information related to environmental concerns.

There are a large number of CSOs active in the area of access to environmental information, both at the national and EU level, so Access Info Europe does not engage in this unless we are called upon to do so in specific cases. We do however maintain contact with and liaise with groups working on environmental issues, and indeed these groups were active with Access Info and other civil society organisations campaigning in 2011-2012 on the reform of the EU's access to documents rules.

Recent examples of instances in which Access Info Europe has been called upon by civil society partners to help obtain environmental information included the sending of requests about a planned nuclear power plant in Lithuania, a water treatment plant in Serbia and genetically modified crops in Spain; in none of these cases have we yet been fully successful. More details can be found on our website [here](#) and [here](#).

Transparency in the Fight against Corruption

The right to live in societies free of corruption has not yet been secured satisfactorily in many European countries with incidence of corruption facilitated by secrecy. This problem continues to affect societies in Eastern Europe and is a significant problem in Southern Europe. Indeed, there is an **apparent correlation between levels of corruption, lack of transparency and the extent of the financial crisis**.

Whilst there are many organisations working on anti-corruption issues, one of the outstanding needs is to ensure that information needed to fight corruption is available and that certain datasets are made public because it is recognised that they are essential for anti-corruption efforts. For example, detailed spending data is not available in many countries, nor are full details of public procurement contracts and follow up reports, nor are documents such as detailed assets declarations of public officials. Indeed, there is no clear consensus in the EU region about which information should be made available. More specific standard setting is needed as is more rigorous mapping of what data is and is not available.

In our assessment there are currently important opportunities to have an impact on transparency of information needed to expose and combat corruption given the increasing concerns about fiscal probity in the context of the financial crisis. Access Info Europe has been working on standards for proactive publication of anti-corruption information and has developed a monitoring tool for measuring transparency in corruption-prone areas such as public procurement, privatisation, political party financing; [the tool is available here](#).

There are opportunities to use the Open Government Partnership along with the UNCAC process to set clearer standards on what information should be made available in which level of detail. Access Info Europe is engaged with the organisations working in this area and is currently the European regional coordinator for the UNCAC Coalition.

4.5 Business Transparency

The right of access to information as incorporated in many constitutions and in access to information laws extends to the private sector to the extent that businesses exercise public power, perform public functions, and/or operate with public funds.

What this means in practice is difficult to be precise about as nobody has yet done a mapping country by country of which bodies are covered (the laws are often rather general and one needs to examine the national legal framework, and rulings by information commissioners and courts to have a precise picture). So a first need is a good comparative mapping of the extent to which private bodies have either proactive or reactive transparency obligations.

Examples of the types of private bodies which are within the scope of national access to information laws include those running schools or hospitals, electricity or water companies, private companies issuing fines such as parking tickets. The adequate delivery of public services and sufficient controls over the exercise of public power is a clear justification for transparency in these cases, and this justification has been accepted by legislators in many countries.

In addition to the direct scope of access to information laws, it is – or at least should be – possible to obtain information about the involvement of private companies in public life through, for example, access to public procurement contracts. With private bodies benefiting from the spending of tax payers' funds for everything from building roads to contracting in consultancy services to buying pens, it is important to be able to ensure that the money is spent correctly and well. This again has been integrated by the legislator in the majority of countries into national law, although the level of detail available to the public in practice still varies too much and there is a need to address this. Information commissioners are often called in to rule after access to such data is denied.

In their day to day governance work, public bodies gather a large amount of information about the activities of private business for regulation purposes. This data includes basic company registration information and reports about the economic activities of businesses. Government regulators and inspectors dedicate public resources to ensuring that businesses comply with a wide range of regulations. These include, for example, safety regulation compliance by construction companies or hygiene inspections of restaurants. Although it might seem fairly obvious that such information should be accessible to the public as well, in Europe access to business information held by government is limited. Company registers are only available to those who can afford to buy them. In our work with journalists from across Europe to request the data held in company registers, not one single country has released the data and most want to charge for it, at sums ranging from about €10,000 in Macedonia to €75,000 for the Netherlands registry; commercial users have told us they pay €800,000 per year for the Austrian register. Access Info Europe has launched appeals and will be litigating to endeavour to obtain access to this information and to secure a judicial interpretation that it is discriminatory to charge massive sums for information held by public bodies, particularly when there is a public interest in having it – in this case for investigative journalists tracking companies involved in corruption.

There is a growing consensus that there is a need for greater transparency of businesses. At least three main driving forces can be identified. The first is pressure from the human rights

and corporate justice movements for information about the activities of companies in countries where human rights are being violated or the environment despoiled. The second pressure is from the tax justice movement, calling for greater transparency around financial flows, an agenda which many governments are enthusiastically picking up out of concern to ensure fiscal responsibility of companies and that they pay taxes in the jurisdictions where profits are made. The third pressure is from those working on corruption and organised crime who are pressing for more information on the registration of companies in overseas and off-shore jurisdictions. The range of civil society interests in private companies, many of which have a wealth and power greater than that of small countries, is coming together in specific initiatives, such as the plan to make public beneficial ownership of companies (a commitment secured at the 2013 G8 meeting and reiterated by [UK Prime Minister David Cameron at the OGP London Summit in October 2013](#)) and to increase the non-financial reporting of companies (a possible EU requirement, pending adoption of the Non-Financial Reporting Directive).

One current need in Europe is to secure access to more information about the ownership of businesses. This is an issue Access Info Europe regularly comes up against in our work with investigative journalists who are trying to track those involved in organised crime and corruption. In Europe, there is an opportunity created by the financial crisis to align the interests of governments in tracking financial flows and the behaviour of big business with that of organisations working for greater corporate transparency in areas such as fight against corruption, use of offshores for money laundering and organised crime, human rights and environment protection, and transparency of extractive industries.

Another example of data which is held by a public body which the public should have access to in the public interest is the results of clinical trials on medicines. In a recent example of the tension between transparency and commercial confidentiality, the pharmaceutical industry is suing the European Medicines Agency for disclosing information about clinical trials after it was ordered to do so by the European Ombudsman. This is a clear example of where the public interest should outweigh private commercial interests.

Transparency of Media Ownership

Another need is to secure information about the ownership of media in order to protect media pluralism and to permit members of the public to know what interests and influences are behind media companies and hence which might be affecting the slant taken on information which they put out.

The availability of accurate and up-to-date information about media ownership is an essential attribute of a democratic and pluralist media system. Market power cannot be understood or assessed – or effectively regulated – if media authorities and citizens do not know who owns the media in their society. Excessive media concentrations cannot be addressed – or even be identified – unless ownership is fully disclosed. Public knowledge of owners' identities helps to ensure that abuses of media power can be assessed, publicised, openly debated, and even prevented.

Access Info Europe has conducted the first systematic research into the legal framework for transparency of media ownership and found that of 19 European countries surveyed, the public is only able to discover who the actual owners of the broadcast media are, whether from media regulators or from company registers, in fewer than one third of those countries, just six out of

19. The European Union and the Council of Europe are currently active in addressing this issue and there is a moment of opportunity to promote recommendations or even an EU Directive which would secure improvements in the legal framework.

The Right of Access to Information held by Private Bodies

In addition to these existing transparency challenges when it comes to business information, there is another one just over the horizon: if access to information is a fundamental human right, linked to freedom of expression, to what extent do we have a right of access to information when that information is needed to exercise our freedom of expression rights? To what extent, in particular, when we need the information in order to engage in public debate on important matters such as combating corruption, identifying influences on power, or tracking those involved in human rights and environmental violations around the world, can we get information directly from private companies?

At present the strategy being deployed by civil society is to press for public bodies to collect this kind of information from companies and to make it public via normal access to information channels. Indeed, with the exception of South Africa, no country has created a direct right of access to information from private bodies. In the case of South Africa there is a right of access when the information is needed to defend a right, something which has been used to obtain information from water companies in the context of land disputes, for example. In the absence of such a direct right, the strategy of increasing non-financial reporting by companies is more likely to result in public access to relevant information. Indeed, this is something which has been successfully secured in some areas such as environmental information. Networks such as the European Coalition for Corporate Justice, of which Access Info Europe is a member, are working on the issue of non-financial reporting by companies.

Access Info Europe believes that it makes sense to have a strategic focus on information which can be made available via government bodies which collect it from businesses and to work for increased transparency of this information.

4.6 The Right of Access to Information and User Communities

Access Info Europe's goal is to ensure that the right of access to information as a tool is effective in practice to deliver information to those who need it in their daily lives.

As noted above, opinion polls tell us that there is strong support for transparency across the EU region, but this support does not translate into requests. The EU bodies between them receive an estimated maximum of 25,000 requests per year, which even if each were filed by a different member of the public would mean that only 0.00005% of the public is exercising this right at the EU level; in fact many requests are filed by a relatively small number of active CSOs, lawyers and journalists.

There is a widely recognised reality, studied by academics, in countries which have access to information laws, that the great majority of members of the public do not submit access to information requests. Rather, a core community of activists and interested persons will request information and make use of it for wider benefit. Examples could be where just one NGO

requests the budget spending and then does a visualisation with it, or puts voting records from parliament into a website which allows members of the public to track the activities of MPs and MEPs. These “infomediaries” exercise the right of access to information in ways that has broader benefits. And yet, there are too few of these as well.

In Access Info Europe’s analysis, there has been progress in levels of **awareness among civil society and journalists** across the continent of their access to information rights, this being something we have actively and successfully targeted in multiple projects over the past seven years.

There remains, nevertheless, a significant lack of awareness among many European CSOs and citizens of the relevance and usefulness of the right, and in particular of its value in defending other human rights and issues of social concern.

The role of the mass media, which is in a weakened financial position and so has limited resources and needs to be careful about maintaining its current advertising base, is also a concern. Much of the real investigative journalism taking place at present is done by groups of journalists working on the funding model of NGOs. This can be either through dedicated investigative organisations (such as the Organised Crime and Corruption Reporting Project, the Balkan Investigative Reporting Network), international networks (such as the International Consortium of Investigative Journalists) or grants made to individual journalists and investigative teams to support their investigative work. This is positive where it happens, but is relatively limited in volume; many other media outlets do not have the time or resources to invest in filing, pursuing, and writing about request for information.

Individual journalists often know about the right, but **many journalists have not formally exercised their right**: a straw poll of around 40 European journalists participating in Guardian Master Classes in the first part of 2013, found that although almost all had heard of the freedom of information laws, and most knew the name (and even rough date) of their national law, only about 20% had actually submitted formal access to information requests.

There is still a need to educate, train, provide support to, and hand-hold access to information requesters. There is also an opportunity to do so because, with the level of discussion around access to information in many countries, journalists and CSOs are more willing than ever to give it a go. There is a demand for guidance material, as Access Info Europe has found through the popularity of its [Guide on Access to EU Documents](#) and the [Legal Leaks Toolkit \(Legal Leaks website\)](#).

There are countries where it’s harder to obtain information than others, but the use of comparative data can often be valuable and can be used to pressure governments to open up. In that respect, working with the user communities is one of the most effective ways to improve transparency in practice and bring the European countries which are lagging behind up to higher openness standards.

There is a need for more comparative information and positive case studies and for civil society activists to be informed about the current best practices for use in advocacy. There is also a need to increase the availability of information on decisions by information commissioners and jurisprudence from national courts. The ever-evolving thinking on the right of access to information means looking at the legal framework alone does not give a full picture and the

laws have to be read in the light of the nuances brought by these interpretations. There is a clear need to summarise, translate and disseminate key decisions. These decisions include the rulings of the European Court of Justice and European Court of Human Rights which Access Info Europe monitors and reports on to the wider community.

There are a number of information networks which help disseminate news and information on the right of access to information, including the global [Freedom of Information Advocates Network](#) (which Access Info Europe acts as the Secretariat for), [Freedominfo.org](#), and [Right2INFO.org](#) (which Access Info Europe helped found).

There is also a new network of information commissioners to gather information which activists can use in advocacy and legal appeals. Access Info Europe is in regular contact with all these networks, discussing priorities and strategies for information sharing, and how they can best serve the right to information movement and a wider community of civil society activists and interested citizens.

5. Project Selection: Seven Questions

Selecting projects in line with the needs and opportunities outlined above should clearly be part of Access Info Europe's strategic approach.

There are however many projects which could fit into this framework. When selecting our core projects, we check whether it fits our mandate, whether we are clear both what the needs are and whether we have a strategy, and also whether we have the resources - which is a human resources as well as a funding question. We must evaluate the likelihood of having a positive impact on the problem and consider whether we are adding value, or whether someone else is already doing it. Last but not least, we evaluate whether the project fits with our project portfolio. Hence, when developing strategy-based projects, we seek to answer the following seven questions:

1) Does the project fit with our mandate?

Access Info Europe's mandate requires that we undertake access to information work so as to defend the right itself and also, importantly, to ensure that the right serves to help in protecting human rights, promoting participation, and increasing accountability.

The mandate question is absolutely essential to us undertaking any initiative. In the past seven years we have been successful at maintaining a focus on the core of our mandate. That's a challenge when it comes to funding but thus far we have been able to sustain our work whilst declining engagement in projects which would lead us to stray too far from our mandate.

2) Is there a need?

The context analysis above places an emphasis on mapping out the need for access to information's work. We find out about needs through a variety of routes: from our own work, from our reading and our networks, and sometimes because an organisation or individual will come to us and tell us about a problem.

The lively and growing transparency community is making it increasingly easy to identify what needs exist. But there are also a lot of myths around what is and what is not available. Access Info Europe's approach is always to ask the question: can we actually get that information? If we are not sure, we will test before proceeding further.

Sometimes a need will surprise us: when the UK based NGO Reprieve approached us about the CIA flights research in 2011, we had assumed that all possible research in this area had already been completed. Sometimes we will not know until we are contacted: the need for data on detention of migrant minors was not on our radar until we discussed it with academic researchers.

3) Do we have a strategy?

Having a strategy as to how we are going to approach a particular problem is essential to advancing solutions. Many CSOs get involved in trying to address needs without having a clear vision of how they will do it. To be effective we should first verify whether we have a clear vision of what reforms are needed, what action is to be taken and by whom.

In the field of transparency it may seem that the answer is simple: just get the government to publish the information! There are, however a range of strategies and tactics which have to be deployed to get to that point. Sometimes just asking is enough and in other cases prolonged litigation is needed. For one campaign, direct contact with key public officials is the best strategy, in another there will be a need to build public support and make a noise in the media. It's essential to have an idea of the type of strategy to be followed in order to answer other questions about resources, impact and coherence.

4) Do we have the resources?

Resources include financial and human resources but also skills and expertise. Access Info Europe is now widely looked to as the leading specialist access to information organisation in Europe. This places increasing demand on our time and we have to be disciplined about which work we take on.

Having the human resources is key, which means both the available team member time (and hence the finances), as well as the relevant skills and expertise. The Access Info Europe team knows a lot about the right to information and also has particular strengths in campaigning. We endeavour to ensure that team members are interested in and even passionate about the particular substantive issues that they are working on. Where longer term research projects are needed, we have or can identify consultants who can assist in carrying out the research.

We have the capacity to structure comprehensive campaigns which incorporate diverse tools such as research, training, events, recommendations, legal drafting, litigation, communications, coalition building, media outreach, and meetings with high level officials, policy and law-makers. We have a solid network of contacts around Europe, including civil society, information commissioners, public officials, lawyers, journalists, and staff of inter-governmental organisations. We prefer projects which make use of this complement of skills and resources as it increases the likelihood of having an impact.

Sometimes we will take a deliberate decision to undertake activity even though resources are limited. This has been the case, for example, with the campaign in Spain, where the time and

effort invested far exceed the meagre resources we have had. This was something we were, nevertheless, very committed to doing and we believe it has been something worth doing, and which we should continue: we have contributed to the debate about access to information, have advanced the transparency law, and have supported the development of civil society in Spain.

5) Is there a chance of having an impact?

Having an impact on a transparency problem does not only mean obtaining the information (although that is clearly the end goal) it can also mean raising awareness about the problem, initiating or contributing to the debate, and/or mobilising others to campaign about it, with the idea that these interim responses will have an impact on the end goal of greater transparency.

In assessing whether we will have an impact, we consider whether we or others have a track-record of having an impact on similar problems in the past. At the same time, the Access Info Europe team is ready to take risks and to try out new tactics in order to find better ways in which to advance the right to know. Within the team, we are constantly evaluating the lessons learned from any particular project or scenario and brainstorming how we could do things differently and more effectively in the future.

6) Is Access Info Europe adding value?

If other organisations are already working on an issue from the right of access to information perspective, then Access Info Europe does not need to undertake the work ourselves. This is one of the reasons we have focused our national level activities in Western Europe, given that most Central and Eastern European countries have at least one organisation working on access to information issues. That said, sometimes we will partner with existing national organisations on a project, where we can bring specific added value, such by providing analysis based on the international standards, or training on how to exercise the right in other countries or to obtain EU documents.

Sometimes we will engage in projects which many people are working on. This may be through a small action such as signing up to a campaign or being part of a wider movement (contributing to work on aid transparency for example). It may also be that we bring our specialist transparency perspective to a broader issue and help move the campaign forward by focusing on the access to information angle (transparency about media ownership for example).

7) Coherence: does this fit with what we have done / are doing?

Access Info Europe believes that change will only occur through sustained effort, adjusting and refining tactics according to lessons learned, but maintaining a consistency of objectives over time. Hence the coherence question about whether a new project fits with what we are already doing is important.

Skipping from one issue to another is less likely to have an impact. At the same time, new projects can permit us to try new approaches to solving existing problems, to approach from new angles, and to integrate new communities into pro-transparency campaigns. New funding opportunities and new activities can help us learn and grow. There is therefore a balance

between taking on new work and ensuring that we sustain effort on existing campaigns and projects.

We aim to ensure that the projects we have are interlinked and mutually reinforcing. So for example, the RTI-Rating is an invaluable tool for our request and training projects – the Access Info Europe staff regularly refer to the RTI Rating website and we know that many other NGOs, researchers and journalists do as well. Having coherent, interlinked projects increases the likelihood that our small team will have an impact in our campaign goals.

6. Defining Strategies in Response to Context, Needs & Opportunities

Context/Issue	Need/Opportunity	Strategy/Tactics	Projects
<p>Access to Information is a fundamental human right but laws still weak in many European countries, being too limited in scope, not applying to legislative, parliament, and private bodies. Proactive publication requirements are limited.</p> <p>Reuse rights are not clear especially as there are conflicts caused by the PSI directive.</p> <p>Council of Europe Convention on Access to Official Documents exists and is influencing standards but still not signed/ratified by many countries.</p> <p>Jurisprudence of European Court of Human Rights and UN Human Rights Committee still to be fully explored.</p>	<p>Need to promote legal frameworks for the right which are consistent with its recognition as a fundamental right.</p> <p>Opportunity to use the courts, including international courts to develop jurisprudence giving full effect to the right.</p> <p>Need to secure commitments from countries to improve standards.</p> <p>Opportunities to secure these commitments in processes such as OGP, UNCAC and through ratification of Convention on Access to Official Documents.</p> <p>Problem of legal framework which permits charging for information, especially when held in large databases and registers</p>	<p>Map, track and report on best legal frameworks. Use this data in campaigns to widen scope of access to information laws.</p> <p>Conduct or support national level campaigns for strong access to information laws. Promote ratification of Convention on Access to Official Documents, as well as standards of European Court of Human Rights and UN Human Rights Committee with access to information now established as a right.</p> <p>Use UNCAC mechanism to advance adoption & strengthening of laws.</p> <p>Promote debate on standards via the OGP forum.</p>	<ul style="list-style-type: none"> » RTI Rating – including national campaigns on legal framework » Open Government Standards » EU Transparency Rules (Regulation 1049) » Lectures, papers, analysis, community debates on the right to know
<p>Decision Making Transparency: Participation and Accountability</p> <p>Varied access to information in practice across Europe with some particular black spots. Information needed to track decision making not available, with notable lack of transparency and of</p>	<p>Need to ensure right to information is resulting in transparency in practice in key areas of public life, thereby permitting participation and accountability.</p> <p>Need to monitor and challenge pervasive applications of exceptions – notably privacy, decision making, commercial</p>	<p>Identify mechanisms for refusing access to information about key decision making processes and target these with campaigns and litigation where necessary.</p> <p>AIE campaigns for transparency of information about lobbying from public</p>	<ul style="list-style-type: none"> » EU Transparency » Spain – transparency in practice » EU Citizens II: Openness in Context of Crisis » Lobbying Transparency - EU level and national

<p>consultative processes around responses to the financial crisis. Concern about influence of big business, banks and the impact of lobbying on decision making in the context of insufficient regulation of lobbying.</p> <p>Overuse of exceptions in sensitive areas of decision making:</p> <ul style="list-style-type: none"> - Decision making exceptions - Privacy when applied to public officials and to lobbyists - International Relations - Copyright <p>Need to promote good record keeping so that the information needed to track decision making is created.</p>	<p>interests, intellectual property and international relations – to refuse access to decision making information.</p> <p>Need to monitor for appropriate level of record-keeping to permit the public to follow decision-making processes</p> <p>Need for more proactive transparency in areas where there are information inequalities such as information currently available to lobbyists and not to the public.</p> <p>Opportunity to move from recognition of right to greater transparency in practice, making use of Ombudsman Offices, Information Commissioners and Courts (national/EU, European Court of Justice, & European Court of Human Rights).</p>	<p>bodies at EU and national level</p> <p>Support ALTER-EU campaign for mandatory register and transparency related to lobbying including by participating in the pan-European pre-election pledge campaign.</p> <p>Map and press for availability of data sets with high value for democracy, human rights, anti-corruption</p>	
<p>Access to Information for Human Rights</p> <p>For sensitive areas of human rights in Europe, information is still not available. There are particular needs in sensitive areas such as rendition, freedom of assembly, migrants’ rights, surveillance, arms exports.</p> <p>Information about corruption often needs systematic mapping and additional campaigning.</p>	<p>Need to carry out systematic pan-European monitoring of transparency on specific human rights issue and to support CSOs obtaining information. Opportunity offered by access to information being a right.</p> <p>Groups working on environmental issues need support in some countries.</p> <p>Anti-corruption groups are strong on access to information but need support, particularly in countries of western Europe. Opportunities provided by concern to root out corruption in context of financial crisis.</p>	<p>Deploy Access Info Europe’s specific expertise in supporting human rights organisations, providing training and support, and hand-holding groups through the appeals process where necessary.</p> <p>Bring the Access Info lens to standard-setting on what are the appropriate levels of transparency on key datasets for human rights protection and in areas such as the fight against corruption.</p>	<ul style="list-style-type: none"> » Access for Rights <ul style="list-style-type: none"> - Rendition flights - Police and Protest - Detention of Migrants - Surveillance transparency - Exports arms » Environment: ad hoc projects » Corruption: support for groups in crisis-hit countries and standard-setting through the Open Government Standards