

Access Info Europe

OUR POSTAL ADDRESS IS:

Cava de San Miguel 8, 4º centro
28005 Madrid (Spain)

E-MAIL:

info@access-info.org

You can write to us in English, French or Spanish.

TELEPHONE CONTACT:

office numbers (10-19 hrs CET):

+34 91 365 65 58

+34 91 364 06 79

main mobile (any time):

+ 34 667 685 319

You can call us in English, French or Spanish.

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AsktheEU.org EU TRANSPARENCY 2011 - 2012

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

Access Info's mission is that the right of access to information **be enshrined in law and deliver greater transparency in practice.**

Our vision is that everyone in Europe has the right to know what their elected representatives are doing with the power entrusted to them, and how the public's money is being spent and that everyone can access the information they need or are interested to know.



AsktheEU.org EU TRANSPARENCY 2011 - 2012

How well do EU institutions handle the right of public access to EU documents?

In the year running up to 28 September 2012, members of the European public presented a total of 214 requests for documents with European institutions and bodies using the AsktheEU.org request platform. As of 23 September, almost 65% of the 214 requests made using AsktheEU.org resulted in full (37%) or partial (28%) disclosure of documents.

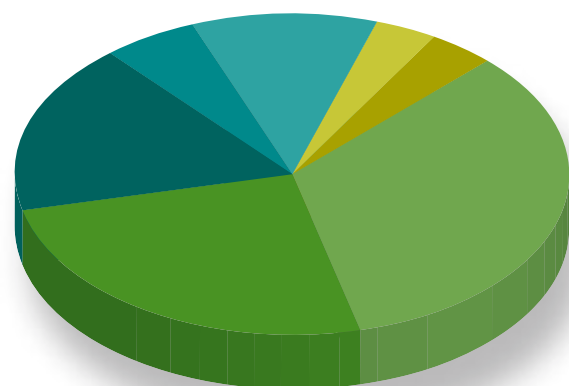
In a further 19% of instances (40 requests) the institution responded that it did not hold the information requested, either because the document did not exist or because it was not in that institutions' possession. Information was refused in only 13 cases (6% of requests).

By contrast, 27 requests (12%), received no response at all from the institution concerned. This is also known as "administrative silence" and is problematic because it is a violation of the right of access to documents under the EU treaties as well as a breach of good administrative practice which requires that members of the public receive motivated responses to the requests. 6 of these cases of administrative silence occurred after the requestor filed a confirmatory application (appeal) and various emails had been exchanged, thus undermining the requestor's right to legal recourse.

Other problems identified include insistence on using online contact forms for the processing of requests, repeated extensions of time limits for handling confirmatory applications and unnecessary demands for citizens to clarify their requests. For more details read the full AsktheEU.org report which will be launched in late October 2012.

In terms of the kind of information being requested, top topics on AsktheEU.org include (with more than 10% of requests each): European Union internal affairs including relations with member states; international relations; the economy, finance and business; and mechanisms to prevent conflicts of interest and lobby controls. These are followed by: environmental issues; policies; budgets; human rights issues and development.

AsktheEU.org REQUEST RESULTS 2012



79 37%
INFORMATION RECEIVED

37 28%
INCOMPLETE INFORMATION

40 19%
INFORMATION NOT HELD

13 6%
INFORMATION REFUSED

27 12%
ADMINISTRATIVE SILENCE

8 4%
AWAITING RESPONSE

9 4%
OTHER

RECOMMENDATIONS TO IMPROVE THE HANDLING OF ACCESS TO DOCUMENTS REQUESTS

Greater emphasis on proactive publication:

Publishing more information online reduces the need for citizens to file access to documents requests and for EU officials to process them. Information about the spending of funds directly by the EU and by Member States, as well as information necessary for following the decision-making process, including which public officials are involved in which decision-making bodies, should be readily available online.

Accept email requests: Some institutions such as the European Central Bank and the European Parliament initially resisted permitting requestors to submit requests via email, even though is provided for by Regulation 1049.

Good administrative practice:

When handling access to documents requests institutions should send an acknowledgement of receipt to the requestor and allocate a reference number to the request. Time frames should always be specified, particularly when applying extensions or handling confirmatory applications. AsktheEU.org has registered at least 11 cases of unspecified extensions and almost thirty extensions invoking the maximum 15-day limit.



About AsktheEU.org

AsktheEU.org is built using the "Alaveteli" software tool designed specifically to help members of the public make requests with public bodies and to make the answers available to all. It is a prime example of the use of new information technologies for promoting government transparency, participation and accountability.

The purpose of AsktheEU.org is to make it easier to file documents requests with the EU and to shed light on EU transparency. All requests from members of the public and the responses from EU institutions are published online in real time. As a result, AsktheEU.org aims to:

EDUCATE THE PUBLIC

AsktheEU.org shows what the requesting process is like and brings visibility to the right of access to EU documents, promoting its use as a tool for citizen engagement and for increasing EU accountability.

REDUCE THE BURDEN ON EU BODIES

Since all correspondence, responses and documents are published online, EU officials should not need to answer the same request twice.

MAP PUBLIC INFORMATION NEEDS

EU officials and civil society alike can get an indication of the type of documents that citizens are interested in. This helps to pinpoint what type of information should be published proactively.

PROMOTE BEST PRACTICES

Comparative analyses of the institutions' respect for the right of access to EU documents can be carried out (comparison between institutions and also evolution of one institution over time).