

OPEN SOCIETY
JUSTICE INITIATIVE

TEN PRINCIPLES ON THE RIGHT TO KNOW

1. Access to information is a right of everyone.

Anyone may request information, regardless of nationality or profession. There should be no citizenship requirements and no need to justify why the information is being sought.

2. Access is the rule – secrecy is the exception!

All information held by government bodies is public in principle. Information can be withheld only for a narrow set of legitimate reasons set forth in international law and also codified in national law.

3. The right applies to all public bodies.

The public has a right to receive information in the possession of any institution funded by the public and private bodies performing public functions, such as water and electricity providers.

4. Making requests should be simple, speedy, and free.

Making a request should be simple. The only requirements should be to supply a name, address and description of the information sought. Requestors should be able to file requests in writing or orally.

Information should be provided immediately or within a short timeframe. The cost should not be greater than the reproduction of documents.

5. Officials have a duty to assist requestors.

Public officials should assist requestors in making their requests. If a request is submitted to the wrong public body, officials should transfer the request to the appropriate body.

6. Refusals must be justified.

Governments may only withhold information from public access if disclosure would cause demonstrable harm to legitimate interests, such as national security or privacy. These exceptions must be clearly and specifically defined by law. Any refusal must clearly state the reasons for withholding the information.

7. The public interest can take precedence over secrecy.

Information must be released when the public interest outweighs any harm in releasing it. There is a strong presumption that information about threats to the environment, health, or human rights, and information revealing corruption, should be released, given the high public interest in such information.

8. Everyone has the right to appeal an adverse decision.

All requestors have the right to a prompt and effective judicial review of a public body's refusal or failure to disclose information.

9. Public bodies should proactively publish core information.

Every public body should make readily available information about its functions and responsibilities and an index of the information it holds, without need for a request. This information should be current, clear, and in plain language.

10. The right should be guaranteed by an independent body.

An independent agency, such as an ombudsperson or commissioner, should be established to review refusals, promote awareness, and advance the right to access information.

**Countries/ Major Territories with enforceable Access to Information (ATI) Provisions
in their Constitutions and/or National/Federal Laws, and
Dates of Adoption & Significant Amendments – 86 as of March 2009,
including 2 territories (Cayman Islands and Hong Kong),
plus 6 countries with ATI provisions**

**Africa and Middle East
(7)**

Angola 2002, 2006
Ethiopia 2008
Jordan 2007
Israel 1998
South Africa 2000
Uganda 2005
†Zimbabwe 2002

**Americas & Caribbean
(21)**

Antigua & Barbuda 2004
Belize 1994
‡ Brazil
*Canada 1983, 2001
**Cayman Islands 2007
Chile 2008
Colombia 1985, 1998
‡Costa Rica
Dominican Republic 2004
Ecuador 2004
Guatemala 2008
Honduras 2006
Jamaica 2002
*Mexico 2002
Nicaragua 2007
Panama 2002
Peru 2002
St. Vincent & Grenadines
2003
Trinidad & Tobago 1999
Uruguay 2008
*USA 1966, 1976, 2002

Asia & Pacific (13)

*Australia 1982, 2004
Bangladesh 2008

China 2007
Cook Islands 2008
**Hong Kong 1995
*India 2005
Japan 1999
New Zealand 1982, 2003
Nepal 2007
‡Philippines 1987
South Korea 1996, 2004
Taiwan 2005
Thailand 1997

Central Asia (4)

Kazakhstan 1993
Kyrgystan 2007
Tajikistan 2002
Uzbekistan 1997

**Central/Eastern
Europe (24)**

Albania 1999
Armenia 2003
Azerbaijan 2005
*Bosnia & Herzegovina
2000
Bulgaria 2000
Croatia 2003
Czech Republic 1999
Estonia 2000
Georgia 1999, 2001
Hungary 1992, 2003
Kosovo 2003
Latvia 1998
Lithuania 1996, 2000
Macedonia 2006
Moldova 2000, 2008
Montenegro 2005
Poland 2001

Romania 2001
Russia 2009
Serbia 2003
Slovakia 2000
Slovenia 2003
Turkey 2003
Ukraine 1992, 2002

Western Europe (17)

Austria 1987
Belgium 1994, 2000
Denmark 1985, 2000
Finland 1951, 1999
France 1978
*Germany 2005
Greece 1986, 1999
Iceland 1996, 2003
Ireland 1997, 2003
Italy 1990
Liechtenstein 1999
Netherlands 1980, 1991
Norway 1970
Portugal 1993, 1999
Sweden 1766, 1949, 1976
Switzerland 2004
United Kingdom 2000
--Scotland
--Wales

**Countries w/ ATI
provisions (5)**

*Argentina 2003
Bolivia 2004
Luxembourg 1978
Pakistan 2002
Spain 1992, 1999

† Law has been used primarily to restrict ATI and freedom of expression. ‡Actionable right to information enshrined in Constitution but not implemented by statute. * Federal system: several states (also) have ATI laws. ** Territories.

MORE INFORMATION

To learn more about the Justice Initiative's freedom of information activities, please contact:
Sandra Coliver, Senior Legal Officer, New York, scoliver@justiceinitiative.org
Darian Pavli, Legal Officer, New York, dpavli@justiceinitiative.org
Eszter Filippinyi, Budapest, filippinyi@osi.hu
www.justiceinitiative.org