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**PRINCIPLES AND STANDARDS FOR TRANSPARENCY AND GOOD
GOVERNANCE IN PUBLIC ADMINISTRATION**

by

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The Right of access to information:

Towards a more open and transparent administration.

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This session will measure the progress made on both sides of the Mediterranean regarding the right of access to information and more particularly the challenges of implementing the Council of Europe Convention on Access to Official Documents (Tromsø Convention). The challenges of implementing this right for citizens, particularly in the age of digital technology and open data, will be discussed. The ever-increasing demand for transparency is a challenge to which the public administration must respond with constantly renewed standards and principles.

1. Tromsø and the History of the Right of Access to Information

The Tromsø Convention has been in force since 1 December 2020, with 11 ratifications to date, and more countries having signed and in the process of ratification – including Spain which signed on 23 November 2021.

The Tromsø Convention sets out the basic ground rules for the public to obtain information from public bodies, and I will run through its main elements.

But before I do that, I'd like to look at the right of access to information more broadly and to examine what this right is, where it's come from, and how it fits with the international human rights system today.

I'd say that the right of the public to access information is both a young right and yet also an old right. It's an old right because the first law recognising this right is the 1766 Swedish Freedom of the Press Act, which was a constitutional law giving the public the right of access to documents held by the administration, linked to freedom of expression. So right from the beginning the concept was that information was needed to exercise the right of access to information, and when that information is held by public bodies there is a reinforced right to it.

Around about the same time, Article 14 of the French Declaration of the Rights of Man and the Citizen of 1789 established a right to follow the use of taxes.

I don't have time to give you the full history here, but just to say that things went slowly after that until the second part of the 20th Century. That said, the principle of openness as an essential way to control power continued to develop – in political philosophy and also in law, and with democratic principles such as open court proceedings and the requirement that laws be debated and adopted in public and then published in official journals for all to see.

It was, however, only from the 1970s onwards that the right really started to be enshrined in laws giving the public access to documents held by the public administration. The US Freedom of Information Act dates from 1966 although it was strengthened on various occasions after that, such as after the Watergate scandal.

In Europe 1978 saw the adoption of both the French and the Dutch access to documents laws. The French Law of 1978 LOI n° 78-753 du 17 juillet 1978 *portant diverses mesures d'amélioration des relations entre l'administration et le public* – and I note here that it's more of a good administration measure than a fundamental right of the citizens, but that is fine as it's very much part of good administration.

In 1981, the Council of Europe adopted a Recommendation to member states on “Access to Information Held by Public Bodies” which requires that: “Everyone within the jurisdiction of a member state shall have the right to obtain, on request, information held by the public authorities *other than* legislative bodies and judicial authorities.”¹ It is interesting here that the focus is on the administration, but that's also fine as the judicial and legislative branches already have their degree of proactive transparency.

Democratic countries started to adopt access to information laws (sometimes called freedom of information laws) during the 1980s and then, after the fall of the Berlin wall in 1989, there was a wave of adoptions in new democracies, first in Central and Eastern Europe and then in Latin America, and, more gradually, across Africa, North Africa and the Middle East, and Asia, so that we have 135 laws globally now. There are countries, including in the Mediterranean region that still don't have such laws and while 46 out of 47 Council of Europe member states do, one, Andorra, is still an outlier, although it does have a draft law.

In 2002, the Council of Europe promulgated Recommendation (2002)2 of the Committee of Ministers to member states on access to official documents, which was very influential in setting standards across Europe. In particular, it influenced the younger laws in central and eastern Europe (Slovenia, Croatia, Serbia) and was even referred to as an important standards text in the Latin American region.

Then in 2006 drafting started on what is now the Council of Europe Convention on Access to Official Documents – the Tromsø Convention - and I just note that I was present as a civil society observer in every one of the drafting sessions of the Convention.

Ok, so we have laws and standards, but is it a right? Yes, it is! This has been confirmed by various international human rights bodies, including the Inter-American Court of Human Rights in 2006, very clearly linking it to freedom of expression, by the UN Human Rights Committee in 2011 in its General Comment No. 34 on Article 19 of the International Covenant on Civil and Political Rights.

Similarly, this has been supported by the European Court of Human Rights in a series of cases, starting with the *Társaság a Szabadságjogokért*, (Hungarian Civil Liberties Union, TASZ) v. Hungary case of April 2009. Here the Court argued that when a public body holds information which is essential either for the media to play their role as “public watchdogs” or for civil society to play a “social watchdog” function, then to withhold that information is an interference with freedom of expression, and hence is protected by Article 10 of the European Convention on Human Rights

¹ Recommendation No. R (81) 19 of the Committee of Ministers to Member States on the Access to Information Held by Public Authorities, http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec%281981%29019_EN.asp. Emphasis added.

which protects freedom of expression.² The judges arrived at this conclusion using the logic that when a public body holds information and refuses to release it, it is exercising the “censorial power of an information monopoly” and hence the interference with freedom of expression.³

A further important European Court of Human Rights judgment came in June 2013 in the case of the *Youth Initiative for Human Rights v. Serbia*. The case concerned the refusal of the Serbian intelligence agency to provide the appellant civil society organisation with information about electronic surveillance, even after it had been ordered to do so by the Serbian Information Commissioner.⁴ In finding a violation of Article 10, the Court underscored the existence of a right of access to information and cited the Human Rights Committee General Comment 34, as well as declarations by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression, and the ACHPR (African Commission on Human and Peoples’ Rights) Special Rapporteur on Freedom of Expression, which also confirm the existence and scope of the right of access to information.⁵

Now, the European Court of Human rights has been a bit more hesitant in recognising a full right in all cases, but it has clearly state that this right is one that is linked to freedom of expression as set out in Article 10 of the European Convention on Human Rights, and has emphasised the particular role of social watchdogs such as civil society organisations and journalists in obtaining official information.

It is important to note that the UN Human Rights Committee made clear that the right has two sides to it: the obligation to respond to requests, and to provide information with limited exceptions, and to proactively publish information of relevance.

The European Court of Human Rights has not pronounced clearly on the proactive obligation but in a decision of 28 November 2013 in a case against Austria in which a civil society organisation was seeking information about land records from a regional land register, the Tyrolean Real Property Transactions Commission, not only did the court rule that the refusal to provide this information was a violation of freedom of expression, but stated that given the “considerable public interest” in the land records, it “finds it striking that none of the [Property Transaction] Commission’s decisions was published, whether in an electronic database or in any other form.”⁶ In this way, the Court for the first time hinted, if only in the most subtle way, at the possibility of obligations to proactively publication information.

April 2009, para. 36,

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-92171>. Paragraphs 36 and 38.

³ Ibid, Paragraph 36.

⁴ Case of the Youth Initiative for Human Rights v. Serbia

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-120955>. Last accessed 10 January 2014.

⁵ Ibid, paragraphs 13, 14 and 15.

⁶ Case of Österreichische Vereinigung zur Erhaltung, Stärkung und Schaffung eines wirtschaftlich gesunden land- und forstwirtschaftlichen Grundbesitzes v. Austria,

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-139084>. Last accessed 10 January 2014. Paragraph 46 cited.

Many access to information laws and other laws require proactive publication and even if this dimension is not fully developed in the Tromsø Convention, comparative law and practice makes it clear that this is part of the right.

So, we have a right of access to information which has two elements: obligation to publish and to respond, with limited exceptions, and linked to freedom of expression.

2. A right with what value?

A fundamental right doesn't need to serve a purpose of course. The right to life just is, as is the right to freedom of expression, and so, as the European Court of Human Rights has made abundantly clear, as long as my words don't cross the line into incitement to violence or hate speech, I am free to say some pretty silly things, which I confess that I sometimes do!

It is useful, nevertheless, to consider the value of government transparency from the perspective of good administration. We can identify numerous benefits that flow from making information public.

The fight against corruption: A strong link is often made between making information public and the fight against corruption. There are two ways in which greater transparency has this effect. The first is that it may be that when information is disclosed, fraud or other abuses will be uncovered. The second is that greater transparency reduces the space in which corruption can occur.

This is definitely the case. It's certainly true that a transparent administration will reduce the risks of corruption, and that social watchdogs such as journalists and civil society organisations may obtain information that exposes corruption, and that is of course a good thing for promoting greater integrity in public life.

This is precisely why we have a whole series of requirements for certain types of information to be made public, such as public procurement contracts, or lobby registers, or assets and conflict of interest declaration, and including of course much detailed information on the spending of public funds.

These are mechanisms which are evaluated and promoted by anti-corruption bodies, under the UN Convention on Access to Official Documents and, at the Council of Europe level by GRECO, the Group of States against Corruption, which regularly makes recommendations to member states on how to increase levels of transparency.

That said, it's really important to underline that combatting corruption is not the only reason for opening up your information and being more transparent.

But it's not the only reason, and I'd highlight three other important reasons.

(i) Information for greater participation

When stakeholders are informed, they are better able to have an input into decision making, which in turn can lead to better decisions that genuinely take into account the perspectives and needs of the public.

Here I want to say a word about lobbying. Now, if the definition of a lobbyist is someone outside of official government structures and processes who tries to influence decisions and law making, then I am actually a lobbyist! For that reason, I am registered in all relevant lobby registers, such as the European Union's Register, known as the Transparency Register. Lobbying is not only about big business: small and medium enterprises, civil society organisations, grass roots, organisations, and others can engage in lobbying. Of course, they don't have the same resources as big multinational companies, which is why we

need rules that regulate lobbying and why we need to have good levels of transparency. If well regulated, lobbying is a way in which those interested in a decision can take the initiative to present their perspectives.

I would stress that there is a difference between participation processes and lobbying, and it is important for governments proactively to organise participation and to make it easier for all stakeholders and for members of the general public to have their say, particularly in decision that might affect them. This is why we often see a lot of participation exercises at the local level, allowing the public to engage with the planning in their municipality.

The key here is that any kind of participation needs the public to be informed in advance, and that is why there is an increasing recognition that transparency applies to ongoing decision making as well as to other activities of government. If information is only released in after decisions have been taken then it's too late for the public to engage, hence information has to be made public, ideally proactively, and in a timely fashion.

(ii) Greater legitimacy of decisions / combatting disinformation

A second good reason for working on both proactive and reactive transparency is that it can result in greater legitimacy of decisions. Furthermore, ensuring that good quality official information is available on government websites can help all those who are working to combat misinformation and disinformation.

These are benefits of transparency that should be a priority for all those concerned about declining levels of trust in government, with the public feeling distanced and with “fake news” circulating widely – problems that are widely recognised to be threats to threat to democracy itself.

If a decision-making process is open and participatory it is far easier for the public to understand how and why decisions were taken and to support or, at least, accept those decision. This is a lesson that was learned from the Covid-19 pandemic thus far, in some countries better than in others.

Similarly, it is important the public and professional fact checkers are able to have rapid access to accurate information so that they can disseminate the counter narrative to that being put out by those spreading misinformation.

(iii) More efficient public administration

A third good reason for investing in transparency is that it can result in a more efficient public administration.

The greater efficiency comes about in two ways. The first is that, by better organising your information so that you can make it public, you will have your department's information better organised for your own internal decision making.

The second is that one of the main users of information that is published proactively is actually other parts of government. I can assure you that many times public officials around

the world have said to me that their own colleagues – in the same ministry or municipality or in a different one – have told them how useful it is to be able to find the information easily, without having to request it from another public body. Given the number of people who work in public administrations these days, and given the huge quantity of information generated in this information age, this is a really important consideration for you. It also helps justify any extra effort that is required to organise your information so that you can be more transparent.

3. Main elements of Tromsø

The Convention on Access to Official Documents, the Tromsø Convention, is actually quite a short text.

A first point to underscore is that the Convention clearly permits any party to have higher standards (Article 1.1) and the Explanatory Memorandum makes clear that the Council of Europe's Human Right Committee (CDDH) approved this Convention in the understanding that it is a "core of basic obligatory provisions" and that states parties "undertake to implement rigorously this minimum core of basic provisions". So, being basic, there is nothing optional about the provisions of the Tromsø Convention.

I will address here six key aspects of the Convention:

- A right of everyone
- Broad definition of document
- The scope of public bodies
- Easy requests and fast responses
- The exceptions and the harm and public interest test
- The requirement for independent oversight of the right

(i) A right of everyone

Consistent with international recognition of the right of access to information as a fundamental human right, and hence a universal one, the Tromsø Convention requires states parties to "guarantee the right of everyone, without discrimination on any ground, to have access, on request, to official documents held by public authorities." (Article 2.1).

The non-discrimination aspect is underlined by the requirement that "Requests for access to official documents shall be dealt with on an equal basis" (Article 5).

This means that it is not only citizens and residents of a particular country who have that right, but anyone from anywhere in the world. Of course, there will be practical issues, such as using an official language of the state from which you are requesting the information, but the principle is clear.

In line with this, Article 4 requires that formalities should be limited and that applicants shall not be obliged to give reasons for the request. Furthermore, the Convention encourages – although does not require – states parties to "give applicants the right to remain anonymous except when disclosure of identity is essential in order to process the request."

It is actually pretty rare for identity to be essential, given that in most countries in Europe, requests for personal data are channelled via different processes established by data protection rules. Hence there is almost no need to know the identity of an applicant. After all, the decision that is being taken is whether the information can be made public or not. We should recall that,

once information has been disclosed, it is linked to the requesters right to freedom of expression, and hence he or she can refer to it and share it, in line with the right to freedom of expression.

(ii) Broad definition of document

I would argue that the definition of what is an “official document” is the most important and valuable contribution of the Tromsø Convention to international standard setting on the right of access to information.

This is because the definition is very clear, and it contributes to breaking down the artificial barrier between “internal” and “public” documents – a barrier which still exists, regrettably, in the mind of many bureaucrats to this day.

The definition, in Article 1.2(b), simply states that “*official documents means all information recorded in any form, drawn up or received and held by public authorities.*”

Hence any document, whenever it was created or by whom, can be requested. This does not mean that the document will be disclosed – for that we need to take into consideration the exceptions as well – but at least there is a right to ask for anything, and, importantly, for any “information” in any format, which can include everything from excel sheets to photos to tape recordings. The French Commission on Access to Administrative Documents (CADA) has determined that the source code of algorithms is a “document”, in some jurisdictions text and WhatsApp messages are covered, and elsewhere it’s possible to get handwritten notes.

In line with the requirement that all information held by public bodies falls under the scope of the right to request and receive information, the Explanatory Memorandum makes clear that archives are also included, stating that “Official documents transferred to archives remain under the scope of this Convention” (Article 15).

(iii) Scope of public bodies

The definition of the scope of the right in Tromsø is actually my least favourite part of the Convention, and one which civil society heavily criticised at the time of its adoption as being too narrow.

The Convention apply to “public authorities” defined as government and administration at national, regional and local level, as well as legislative and judicial authorities insofar as they perform administrative functions according to national law, and also to natural or legal persons insofar as they exercise administrative authority (Article 1).

That is positive, but it leaves the non-administrative functions of legislative and judicial bodies, along with natural or legal persons insofar as they perform public functions or operate with public funds out of the mandatory scope for states parties.

In fact, surveying the access to information laws of the Council of Europe region, the situation is not too bad. As confirmed in the recent Parliamentary Assembly of the Council of Europe Recommendation 2204 (2021) on Media freedom, public trust and the citizens’ right to know, adopted on 22 June 2020, 31 out of 46 access to information laws in the Council of Europe region do apply to the legislative branch – which is two thirds, which is not too bad. For the judicial branch, 25 out of these 46 access to information laws apply fully to the judicial branch, which is over half (the glass is more than half full) and while not ideal, clearly points to a trend

in the direction of including all branches of government under the scope of the obligations of the right of access to information.

It is important to note that the trend globally is to apply the right of access to absolutely every branch of the state power, and hence I am optimistic that most countries which sign and ratify the Tromsø Convention will eventually sign up to these optional provisions.

(iv) Easy requests and fast responses

There are various important procedural aspects in Tromsø which relate to the processing of requests. These include public authorities shall help applicants with their requests, and that if a public body does not hold the information, then they shall try to find out who does.

Furthermore, and very importantly, responses must be rapid. The Convention specifically requires that “A request for access to an official document shall be dealt with promptly. The decision shall be reached, communicated and executed as soon as possible or within a reasonable time limit which has been specified beforehand” (Article 5).

Although the drafters of the Convention shied away from identifying particular timeframes, it is noted that the average in the current laws around the Council of Europe region is around 15 working days (although there is a range of timeframes across the region) and that the European Union’s own rules establish 15 working days with a 15-day extension.

What is clear is that these are maximum timeframes and that the responses should be provided as soon as possible.

(v) Exceptions: The Harm and Public Interest Tests

A very important aspect of the Convention is that it sets out, in Article 3, a finite set of grounds on which states parties may deny access to official documents. It is required that the limitations be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting one of eleven interests:

- a) national security, defence and international relations;
- b) public safety;
- c) the prevention, investigation and prosecution of criminal activities;
- d) disciplinary investigations;
- e) inspection, control and supervision by public authorities;
- f) privacy and other legitimate private interests;
- g) commercial and other economic interests;
- h) the economic, monetary and exchange rate policies of the state;
- i) the equality of parties in court proceedings and the effective administration of Justice;
- j) environment; or
- k) the deliberations within or between public authorities concerning the examination of a matter.

There is actually an optional additional grounds for denying information, which is that of protecting communications between the government and the Royal Family, should a country both have a royal family and seek to invoke this exception.

These are not, however, blanket exceptions, because each one may only be invoked if, on the one hand, disclosure of the requested information would or would be likely to harm one of the protected interests and unless there is an overriding public interest in disclosure.

This harm and public interest test is a key feature of many access to information laws, but it is also one of the most complex aspects to apply in practice, and hence public officials responsible for implementing the laws need extensive training on how to do so, particularly in countries with relatively new laws, which have not yet developed a strong transparency culture.

(iv) Independent Oversight

Ensuring that applicants have a relatively easy way to appealing against refusals and defending their right of access is another feature of the Tromsø Convention.

Article 8 requires that there shall be an “expeditious and inexpensive review procedure” as well as the right of appeal to a court or another independent and impartial body established by law.

The Convention does not go as far here as requiring the establishment of an information commissioner or similar oversight body, and it is agnostic on whether there should be internal administrative appeals or not, reflecting the very mixed practice around the Council of Europe region, but what is clear is that there must be easy to use, cheap, and agile appeals processes put in place.

4. Proactive Publication: An obligation under the right of access to information

Article 10 of the Tromsø Convention is on the documents that shall be made public at the initiative of public authorities.

Specifically, it states that:

At its own initiative and where appropriate, a public authority shall take the necessary measures to make public official documents which it holds in the interest of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest.

The *raison d'être* for proactive publication – that it increases transparency without the need for requests, hence making the work of the public administration more efficient, and also permits citizens to become involved in the decision-making process is underlined in the Explanatory Memorandum (Paragraph 71).

What neither the Convention nor the Explanatory Memorandum do is to define precisely which information which should be published proactively. The Explanatory Memorandum does, at least, shed some light on this by giving an indicative lists based on good practices from some countries, noting that it is typical for public bodies to be required to publish information about their “structures, staff, budget, activities, rules, policies, decisions, delegation of authority, information about the right of access and how to request official documents, as well as any other information of public interest” (Paragraph 72). In this way the Tromsø Convention goes further than the recommendation of the UN Human Rights Committee which merely requires that information of relevance be published proactively.

The Explanatory Memorandum also recommends that own-initiative publication be done on a regular basis, and “in formats including the use of new information technologies (for example web pages accessible to the public) and in reading rooms or public libraries, in order to ensure easy, widespread access” (Paragraph 72).

It is suggested that “one criterion which public authorities may use to determine which documents should be published proactively is if a document, or a particular kind of document, is frequently requested” (Paragraph 73).

There is, however, no further guidance on what might be in the public interest nor how to determine it.

Civil society groups such as Access Info and Sustentia have more recently mapped the typical classes of information that are made available proactively in order to develop a proactive publication standard, the latest version of which is attached as Annex A to this paper.

An overview of the classes of information detailed in this standard includes:

State Level Information and Data	Institutional Level Information and Data
National Laws, and draft legislation Government Budget & Spending Judicial Information Election Data National Statistics Health Sector performance Education Crime Statistics Media and Internet Environmental and Climate Change data Migration National Geo-Spatial Data Land Ownership Transport Data Public Procurement Company Register Weather Forecast Right of Access to Information	Institutional Information Organisational Information Operational Information Policies, Acts, Decisions Budget Information Public Procurement and Contracts Grants and Subsidies Expenditure on Travel, Missions, Entertainment Public Officials Open Meetings Decision-Making & Public Participation Interest Groups & Lobby Transparency Public Services, Complaints, Whistleblowers Datasets & Statistics Publications Transparency & the Right to Information
<i>Chart courtesy of Access Info Europe</i>	

5. Practical Challenges for Public Administrations

Having a law is, of course, only the first step in developing a strong access to information regime of the kind required by the Tromsø Convention. There are a series of practical considerations that public administrations will have to consider to ensure that implementation of the access to information rules are effective.

This is the internal infrastructure needed to comply with the obligation to provide information to the public in a timely and comprehensive manner. There are five key aspects to this:

(i) Data management and record keeping

Good information and data management is an essential underpinning of any transparency system: you need to be able to find the data and documents that are requested and that you are going to publish proactively. You also need to ensure that these documents are created in the first place, which is why it's imperative to have clear rules and standards on record keeping.

For instance: you need to ensure that meetings of minutes are actually drawn up, that they are linked in your archiving system to documents shared before, during, or after a meeting or a decision-making process, so that they can be retrieved rapidly upon receipt of a request.

This means having a set of rules and procedures governing archival and retrieval – because, don't forget that historical documents can also be requested. What that means in practice is that if you and a meeting last week and a few documents were shared at it and a decision was taken, you might well remember which they were and be able to find them easily. But time passes quickly, and in five years' time, with staff having changed, will you be able to find as quickly all the documents that were used in taking the important decisions that you are taking today?

(ii) Transparency by Design

It is also really important to anticipate, plan for, or “design in” transparency – something that is also referred to as “*transparency by design*”. What this means is you need to think about how you are collecting data, so that you can make it public.

For example, when you are collecting data on a public consultation with the plan that the submissions could be made public later, you will need to think about asking members of the public if they agree to having their names and ideas made public as per your national data protection rules. Or you can make it a precondition of a process that all lobbyists who are in the lobby register and participate in public consultations will have their names made public.

For example, in the European Union, the names of recipients of agricultural subsidies under €1,250 is not published if they are private persons, but over that amount it should be public. That means that you need to ensure that you prepare your database so that you can make it public and still protect the privacy of some people.

Similarly, you need to think about how you name your documents so that you can find them with quick searches. If your “minutes of meetings” are sometimes also called “notes of proceedings” that will inevitably complicate things, so it's better to plan to have standard terminology that everyone uses.

(iii) Digitalisation

It's really important in the third decade of the 21st Century to ensure that information is stored in a digital and machine-readable, open source format. This means that you and your colleagues will need to let go of the idea that it's only an official document if it's been given an official number, been printed, been signed and stamped and then scanned as an image stored in a PDF! That may look more “official” but it's really hard for the public to use, and hence that kind of approach actually limits freedom of expression and hence is a restriction on the right!

The sooner you invest in moving from paper-based systems to well-designed digital systems, the better it will be for transparency and also the better it will be for your public authority as you will be better organised and so more efficient.

(iv) Personnel

It sounds obvious but you need to have public officials to work on both responding to requests and on proactive publication. These public officials need to be trained and retrained on a constant basis – they don't need to know only about the text of the access to information law, but they need to know about the guidelines and the decisions of the information commissioner or oversight body and any court jurisprudence.

For example, if the law states that documents in preparation are exempt from release, there is often a tendency to refuse access to documents that are largely ready, but still being used or discussed, such as part of an ongoing decision-making process. Given that decision-making processes can last many months, or even years, this can result in the public being denied access to crucial information that is needed to participate in public debate around that particular decision.

It may be that the law has not been very clear on this point, but once an information commissioner or a court has ruled firmly that a document in preparation is a document that is half written on someone's computer, not a document that has been shared with a dozen or more other public officials, then every information officer needs to be trained on this jurisprudence so that they can apply the access to information law correctly henceforth.

(v) Internal systems for handling requests.

One of the biggest challenges that many public bodies face is meeting the deadlines set out in a18 laws. In part this is for reasons of lack of good document management systems, as already commented upon above.

Another key problem is that there is a failure to establish clear internal system for handling the request. For instance, if there is a 15 working day time frame, and if the head of unit needs two days to review and sign off on the final decision to release or not the information, that leaves only 13 working days to prepare the answer. If the legal department needs another two working days, that leaves only 11. If the initial review of the request and passing it to the department which has the information will take one day, then the department that holds the requested document has just 10 working days. Which is fine if they do indeed hold all that has been requested, but if not, and if there needs to be coordination with other departments, then the time quickly evaporates.

For these reasons a very clear internal process must be established and everyone in the chain needs to be informed about it. Furthermore, there needs to be a plan for what happens if, for example, the head of unit is out of the office for a trip or conference, or if the lawyers have a court case going on and are busy, or if the information officer is on annual vacation. All this needs to be anticipated and planned for.

Furthermore, it is recommended that not every single request and response has to be passed by the lawyers or signed off by the head of unit. There will be many requests for standard classes of documents such as spending data or project planning, much of which can be tagged at the moment of creation as something that can be released (hence the importance of the “transparency by design”). This means that requests for basic information can be released well within the maximum time frame, in compliance with the Tromsø Convention requirement that requests be responded to “promptly” and “as soon as possible”.

As the European Court of Human Rights has affirmed “news is a perishable commodity” – it loses its value if it is not allowed to circulate freely in a timely manner – and the same goes for information: information is both a valuable and a perishable commodity and the public should be provided with access to information as soon as possible, in line with the recognition that this is a fundamental right.

~ ends ~

Annex A: Proactive Publication Standards.



Version June 2021

PROACTIVE PUBLICATION STANDARDS

Developed by Access Info Europe and Sustentia

The UN Human Rights Committee has stated:

To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.

This definition of which information should be published proactively is based on an extensive survey of legal frameworks, model laws, and on the work done by the open data community in promoting proactive publication of specific data sets.

It is noted that these standards for proactive publication, like the right of access to information, always take into consideration the legitimate exceptions permitted for the right of access to information, which include protection of any information that would harm the privacy or data protection rights of private individuals, as well as other considerations such as protection of national security or commercial secrets (subject only to appropriate harm and public interest tests). Hence not all possible information in every category will be published.

As an example, information on grants and subsidies may be published for larger subsidies to commercial interests, to industry or to farmers, but not to private individuals in situations of privation receiving some kind of social security support.

Part I looks at state level publication

Part II at what should be made available by each institution

I. State Level Publication of Information and Data

At the state level, all the following information should be available. Some of it will be on a centralised website or data portal, or in other cases it will be on the website of the relevant ministry. For key information, the data should be collected from all relevant public bodies and private bodies performing public functions and published centrally to ensure that it is easily findable and accessible for the public.

1. National Laws, and draft legislation

- All national laws and statutes available online, in consolidated versions as in force along with history of modifications.
- Draft laws prepared by administration as well as those being considered by the national parliament, along with details of timeframes, opportunities for comment, structured participation processes.

2. Government Budget & Spending

- National government budget with planned expenditure for the upcoming year
- Income, included detailed tax income data
- Updated budget with actual expenditure
- Expenditure reports, detailed, regularly updated, and available for previous years
- Audit reports and evaluations (all historic copies must be available)

3. Judicial Information

- Database of court decisions
- Data on civil, criminal, and administrative court processes, including on timeframes and on outcomes

4. Election Data

- Election Results
- Results by constituency / district for all major national electoral contests.

5. National Statistics

- Key national statistics on demographic and economic indicators such as Gross Domestic Product (GDP), or unemployment and population statistics.
- Census data
- Trade data: Details of the import and export of specific commodities and/or balance of trade data against other countries.
- All SDG datasets not covered by other categories here, gathered in one place, in an open data, easily accessible format.

6. Health Sector performance

- Statistics generated from administrative data that could be used to indicate performance of specific services, or the healthcare system as a whole. Including, mortality and survival rates; levels of vaccination; levels of access to health care; health care outcomes for particular groups; and waiting times for medical treatment.

7. Education

- Data on performance of education system Test scores for pupils in national examinations (not only rates of approvals); School attendance rates; Teacher attendance rates.

8. Crime Statistics

- Statistics on levels and nature of crime, with high granularity on types of crime and geographical data, which should include, specifically:
 - o Gender crimes data

- Attacks on freedom of expression: data including attacks on and killing of journalists, human rights defenders, and environmental activists

9. Media and Internet

- Data on radio and broadcast licences issued along with all official data on viewing figures
- Data on Transparency of Media Ownership (all media outlets)
- Data on state funded advertising
- Data on levels of internet access (disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location, etc.)

10. Environmental and Climate Change data

- Environmental Impact Assessments
- Emissions data
- Air quality data: data about the daily mean concentration of air pollutants, especially those potentially harmful to human health.
- Water Quality: data on the quality of designated drinking water sources and environmental water sources.
- Biodiversity monitoring data

11. Migration

- Data on immigration and emigration
- Data on integration, employment, and well-being of migrants

12. National Geo-Spatial Data

- A geographical map of the country including national traffic routes, stretches of water, and markings of heights. The map must at least be provided at a scale of 1:250,000 (1 cm = 2.5km).
- Database of postcodes/zipcodes and the corresponding spatial locations in terms of a latitude and a longitude.
- Data on administrative units or areas defined for the purpose of administration by a (local) government.

13. Land Ownership

- Land ownership data (cadastre): Map of lands with parcel layer that displays boundaries in addition to a land registry with information tenure of all parcels of land.

14. Transport Data

- Transport data with details of when (times) and where (stops) public transport services, such as buses and rail services, are expected to operate.

15. Public Procurement

- Detailed information on public procurement processes, criteria, number of participants, amounts tendered, and outcomes of decision-making on tender applications with details of the bid and the awardee
- Information regarding minor contracts (those issued with no tender process) with the names of contractors, values of contract, details of work to be performed

- Information on other agreements signed, with details on parties, purpose, value, term of duration, and amendments
- Copies of contracts and agreements, interim reports, modifications of contracts, interim and final evaluations, and reports on completion of contracts, audit reports.

16. Company Register

- Database with all registered companies along with details of owners and annual accounts and reports from each registered company.
Beneficial ownership register, with details of all owners including the ultimate, beneficial, owners of every company.

17. Weather Forecast

- 3-day forecasts of temperature, precipitation and wind.
- All historical weather data as collected by the national meteorological agency.

18. Right of Access to Information

- Annual report on compliance with the right of access to information, with data on requests, including timeframes for responding, exceptions applied for refusals and all other relevant data.
- Details of all appeals against refusals, including the decision of the independent oversight body (Information Commissioner, Transparency Council, Ombudsman's Office, or other body as relevant).
- Details of all court cases relating to the right of access to information (constitution and/or law), with the decisions of each court in the appeal process collected in one place.

II. Institutional Level Publication of Information and Data

This section sets out the information – including documents and data – that should be available about all public bodies and other bodies performing public functions and/or operating primarily with public funds. The data could be made available on a websites that permit it to be easily accessed institution by institution. This can be achieved a central, searchable website, and/or on the websites of each body.

1. Institutional Information

- Legal basis of the institution
- Internal regulations
- Description of functions and powers

2. Organisational Information

- Organisational structure, which should include key personnel, such as the head of the body and each department
- Property (real estate) held by the public body

3. Operational Information

- Strategy and plans (annual and multi-annual)
- Programmes with specific goals, activities

- Evaluations of compliance and results

4. Policies, Acts, Decisions

- Decisions, regulations, resolutions, agreements, other formal acts, particularly those that directly affect the public and/or constitute an interpretation of law or have legal effects.

5. Budget Information

- Budget – planned and actual
- Income from all other sources (services, property, international organisations, etc.)
- Expenditure reports, detailed, regularly updated, and available for previous years
- Audit reports and evaluations (all historic copies must be available)

6. Public Procurement and Contracts

- By institution if not in a centralised database:
- Detailed information on public procurement processes, criteria, number of participants, amounts tendered, and outcomes of decision-making on tender applications with details of the bid and the awardee
- Information regarding minor contracts (those issued with no tender process) with the names of contractors, values of contract, details of work to be performed
- Information on other agreements signed, with details on parties, purpose, value, term of duration, and amendments
- Copies of contracts and agreements, interim reports, modifications of contracts, interim and final evaluations, and reports on completion of contracts, audit reports.

7. Grants and Subsidies

- Information on the beneficiaries of grants and subsidies, the objectives, amounts and reports on implementation and evaluation

8. Expenditure on Travel, Missions, Entertainment

- Travel expenses (transport, accommodation, meals, entertainment, other) of all senior and mid-level public officials
- Summary of expenditure of all other public officials on
- Meetings, events, and entertainment expenditure

9. Public Officials

- Names of senior personnel and their responsibilities along with their profiles, career information
- Salaries of all ministers, elected officials, senior public officials (including politically appointed advisors), judges, directors of publicly run private companies, etc.
- Salary scales by posts for all other officials
- Assets declarations and conflict of interest declarations of all ministers, elected officials, senior public officials (including politically appointed advisors), judges, directors of publicly run private companies, etc.

10. Open Meetings

- Information on meetings including which are open meetings and how to attend these meetings;

11. Decision-Making & Public Participation

- Copies of draft policies, decisions, and regulations along with evidentiary reports and impact assessments being used in the decision-making process, along with the time lines and decision-making moments, so as to permit public comment
- Information on how to participate in structured consultation processes and, after each process, a report on how the public input was taken into consideration

12. Interest Groups & Lobby Transparency

- The agendas of all senior public officials
- Minutes of all meetings held with lobbyists and other interest groups
- Institutional / national lobby register

13. Public Services, Complaints, Whistleblowers

- Descriptions of services offered to the public, guidance, copies of forms, information on fees and deadlines;
- Contact information for public, including citizen support/information service
- Information on how to make formal complaints about the body, including institutional level mechanism and/or contact information of a relevant ombudsman's office or similar

14. Datasets & Statistics

- Datasets and statistics gathered by the body should be indicated on the website of the body, and either available for download or with links to the relevant open data portal

15. Publications

- Information on publications issued, including whether publications are free of charge or the price if for sale

16. Transparency & the Right to Information

- Information on the right of access to information and how to request information, including contact information for the responsible person in each public body
- Publication of requests received, information requested, appeals and outcomes

The Tromso Convention & the Right of Access to Information

Helen Darbshire / Access Info Europe
@helen_access

Madrid 2006+



Convention du Conseil de l'Europe sur l'accès aux documents publics



Tromsø – 1 December 2020



offentlighetsprincipen

1766: Anders Chydenius

(Suède / Finlande)

Déclaration de droits de l'homme et du citoyen (1789) - Article 14

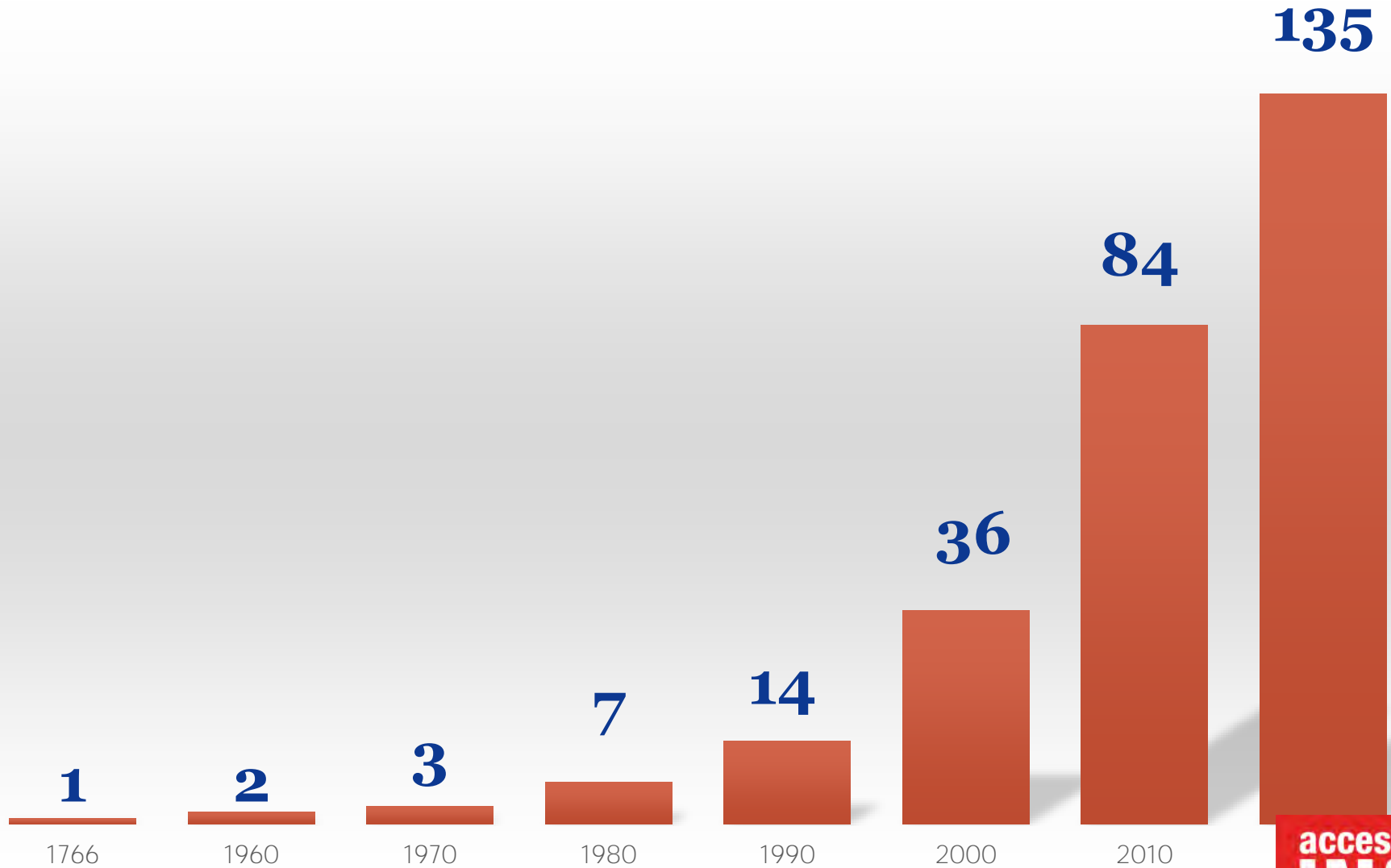
Tous les Citoyens ont le droit de constater, par eux-mêmes ou par leurs représentants, la nécessité de la contribution publique, de la consentir librement, **d'en suivre l'emploi**, et d'en déterminer la quotité, l'assiette, le recouvrement et la durée.

France, 1978

**LOI n° 78-753 du 17 juillet 1978
portant diverses mesures
d'amélioration des relations entre
l'administration et le public**

+ Creaction de la CADA – La Comisión
d'accès au documents administratifs

Access to Information Laws



Council of Europe

- 1981 Recommendation on Access to Information Held by Public Bodies
- 2002 Recommendation on Access to **Official Documents** (“documents publics”)

Est-ce
vraiment un
droit?

La Cour Interaméricaine de Droits de **l'Homme** - 19 septembre 2006



Le droit d'accès à la information et une partie
inhérente de liberté d'expression

La Court Européene de Droits de l'Homme

14 avril 2009 + 25 juin 2013 + 8 novembre 2016 ++



European Court of Human Rights



- Liée au droit de liberté d'expression
- Rôle des “*social watchdogs*”
- Notions de “monopoles de l'information”

La Commission Africaine des Droits de **l'Homme** et des Peuples



Loi Type pour l'Afrique sur l'Accès à l'Information

EU Treaties - 2009



La Committee de Droits de l'Homme des Nations Unies - 27 July 2011



Liberté d'expression et information (Art.19)

Committee de droits de l'homme des Nations Unies

Le paragraphe 2 de l'article 19 vise un droit d'accès à l'information détenue par les organismes publics.

Cette information est constituée par les dossiers détenus par un organisme public, quelles que soient la forme sous laquelle elle est stockée, la source et la date de production.

Pourquoi la transparence?

1. La lutte contre la corruption
2. La participation pour de meilleures décisions
3. Une plus grande légitimité des décisions
4. Une administration publique plus efficace

Convention du Conseil de l'Europe sur l'accès aux documents publics



Tromsø – 1 December 2020

Droit de toute personne

Chaque Partie garantit à toute personne, sans discrimination aucune, le droit d'accéder, à sa demande, à des documents publics détenus par des autorités publiques

Aide

L'autorité publique aide, dans les limites du raisonnable, le demandeur à identifier le document public demandé.

Article 4 – Demandes d'accès aux documents publics

1. Le demandeur d'un document public **n'est pas tenu de donner les raisons** pour lesquelles il souhaite avoir accès audit document.
2. Les Parties peuvent donner le droit aux demandeurs de rester **anonymes** sauf si la divulgation de l'identité est essentielle pour traiter la demande.

Format de choix

... le demandeur a le droit de choisir de **consulter l'original ou une copie**, ou d'en recevoir une copie dans la forme ou le format disponibles de son choix, sauf si **cette préférence n'est pas raisonnable.**

« autorités publiques »

1. le **gouvernement et l'administration** aux niveaux national, régional et local ;
2. les organes législatifs et les autorités judiciaires dans la mesure où ils accomplissent des fonctions administratives selon le droit national ;
3. les personnes physiques ou morales, dans la mesure où elles exercent une autorité administrative.

« autorités publiques »

1. les organes législatifs pour ce qui concerne leurs autres activités ;
2. les autorités judiciaires pour ce qui concerne leurs autres activités ;
3. les personnes physiques ou morales, dans la mesure où elles accomplissent des fonctions publiques ou fonctionnent grâce à des fonds publics, selon le droit national.

Définition de “document”

On entend par «documents publics» toutes informations enregistrées sous quelque forme que ce soit, rédigées ou reçues et détenues par les autorités publiques.

€ € €



Informations pour participer



Listes des réunions

57	27/01/2015	Unit C/2; Unit C/3	Deutsche Börse AG	Meeting on MiFID II/MiFIR - Deutsche Börse Group
58	24/02/2015	Unit B/3	Shift	Conference on the Launch of the UN Guiding Principles Reporting Framework, London.
59	29/01/2015	Unit C/2; Unit C/3	Afore Consulting	Meeting with the Senior asset management delegation
60	10/02/2015	Unit C/2; Unit C/3	The Quoted Companies Alliance	Meeting with the Quoted Companies Alliance
61	20/01/2015	Unit B/3	Financial Reporting Council	Clear and Concise reporting event
62	22/01/2015	Unit D/4	Swiss Re Ltd.	International issues, long-term investment
63	28/01/2015	Unit D/1	European Union Chamber of Commerce in China	to discuss prospects of the EU-China investment agreement
64	26/02/2015	Unit B/3	Deutsche Börse AG	Non-financial reporting
65	24/02/2015	Unit D/4	Geneva Association	Geneva Association conference: what does good insurance regulation look like?
66	26/01/2015	GUERSENT Olivier	ESL & NETWORK EUROPEAN AFFAIRS SA	Lunch with ESL network
67	27/01/2015	GUERSENT Olivier	Orange	Rdv avec Orange
68	29/01/2015	GUERSENT Olivier	Crédit Agricole S.A.	Meeting with Credit Agricole
69	12/02/2015	GUERSENT Olivier; MERLIN Martin; Unit C/1	BANCO BILBAO VIZCAYA ARGENTARIA	Meeting with BBVA
70	12/02/2015	GUERSENT Olivier	Finance Watch	Meeting with Finance Watch
71	03/03/2015	GUERSENT Olivier	European Association of Co-operative Banks	6th Convention on Co-Operative Banks in Europe, European Association of Co-operative Banks
72	27/01/2015	Unit E/4	Avisa Partners; IPK European Strategy Ltd	Some issues relate to level 2 implementation and others issues relating to EMIR
73	17/02/2015	Unit C/2; Unit C/3	Deutsches Aktieninstitut	Meeting with xxx and xxx
74	23/01/2015	Unit C/2; Unit C/3	EUROPEX - Association of European Energy Exchanges	Meeting with EUROPEX - physical settled contracts and financial instruments under MiFID II
75	12/02/2015	Unit C/2; Unit C/3	FTI Consulting Belgium	Meeting with XXX
76	05/03/2015	GUERSENT Olivier	European Financial Services Round Table	Sixth EFR Stakeholder Round Table - session 1: Boosting European Growth, long term investment and infrastructure
77	21/01/2015	Unit D/3	European Payment Institutions Federation	Payment Services Directive 2
78	04/02/2015	NAVA Mario; Unit D/4	Bermuda Monetary Authority; Sleptoe & Johnston LLP	Le processus d'équivalence des Bermudes au regard de Solvency II
79	19/01/2015	Unit C/2	International Securities Lending Association	SFTR
80	29/01/2015	Unit D/4	Allianz SE	Current regulatory issues
81	20/01/2015	NAVA Mario; Unit D/3	Deutscher Sparkassen-und Giroverband	Payment Services Directive (PSD 2)
82	21/01/2015	Unit D/4	APREF	Current regulatory topics affecting reinsurers (Solvency II, man-made and natural disasters, international developments)
83	26/01/2015	Unit C/2; Unit C/3	Sanford C. Bernstein Limited	Meeting with XXX
84	26/01/2015	Unit C/2; Unit C/3	AMC Strategy	Meeting with BEUC
85	29/01/2015	Unit C/1; Unit C/2; Unit D/2	ABI: Italian Banking, Insurance and Finance Federation	Meeting with German Association of Public Banks
86	02/02/2015	Unit C/2; Unit C/3	Bureau Européen des Unions de Consommateurs	Meeting with BlackRock
87	06/02/2015	Unit C/2; Unit C/3	Bundesverband Öffentlicher Banken Deutschlands	Meeting with BlackRock
88	24/02/2015	Unit C/1; Unit C/2; Unit C/3	BlackRock	Citi European Banks Regulatory Trip 2015 (Paris, Brussels, Frankfurt) - Tues 27th January
89	27/01/2015	Unit E/3	Candriam; CarlsonCapital; Citi Research; Fidelity; Petercam; Pioneer Investments; T Rowe Price; UBS Group AG; Zurich Insurance Company Ltd	Meeting with COCERAL
90	30/01/2015	Unit C/2; Unit C/3	Comité du commerce des céréales, aliments du bétail, oléagineux, huile d'olive, huiles et graisses et agrofournitures de l'U.E.	Meetings on ELTIF during mission in London interview asset managers, pension funds and national regulators to assess their preparations for the entry into force of ELTIF
91	23/01/2015	Unit C/3	BlackRock; Financial Conduct Authority (FCA); Kohlberg Kravis Roberts & Co. Ltd; TheCityUK	TheCityUK IRSG Roundtable Seminar on the future of financial supervision in the EU
92	28/01/2015	NAVA Mario	TheCityUK	To present the new Director
93	28/01/2015	NAVA Mario	TheCityUK	To present Ernst and Young Financial Services (FS) department (studies, European surveys and offers)
94	23/01/2015	NAVA Mario; Unit D/1; Unit D/3; Unit E/4	Fédération bancaire française	Roundtable organised by the Centre des Professions Financières on IFRS
95	30/01/2015	NAVA Mario; Unit D/4	Ernst & Young Europe	Invitation to attend the EBF's 284th Executive Committee on 30 January 2015 - speak
96	21/01/2015	Unit B/3	Centre des Professions Financières on IFRS	Meeting on MiFID markets issues
97	30/01/2015	NAVA Mario	European Banking Federation	
98	27/01/2015	Unit C/2	Avisa Partners; IPK European Strategy Ltd	

procès-verbaux des réunions



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate D - Water, Chemicals & Biotechnology
ENV.D.1 - Water

EXPERT GROUP ON REVIEW OF WFD PRIORITY SUBSTANCES LIST (EG-R) SUB-GROUP OF THE WORKING GROUP E ON PRIORITY SUBSTANCES

MINUTES

Participants: Jorge RODRIGUEZ ROMERO (**JRR**), Madalina DAVID (**MaD**), Karola GRODZKI (**KG**), Steven EISENREICH (**SE**), Ana PAYA PEREZ (**APP**), Klaus DAGINNUS (**KD**), Sandrine ANDRES (**SA**), Alice JAMES (**AJ**), Benoît FRIBOURG-BLANC (**BFB**), John BATTY (**JB**), Helen WILKINSON (**HW**), Raphaël DEMOULIERE (**RD**), Marc BABUT (**MB**), Mélissa DALLET (**MeD**), Petra RINGELTAUBE (**PR**), Mario CARERE (**MC**), Theodora TEN HULSCHER (**DH**), Eric VERBRUGGEN (**EV**), Helene LAGER (**HL**), Henning CLAUSEN (**HC**), Ismene JAEGER (**IJ**), Nadia HAIAMA (**NH**), Ann DIERCKX (**AD**), Andre LECLOUX (**AL**), Katrien DELBEKE (**KaD**), Frank VAN ASSCHE (**FvA**), Klaas DEN HAAN (**KdH**), Mick HAMER - Syngenta (**MH**), Dolf VAN WIJK - Euro Chlor (**DvW**).

First day of the meeting: 21 September 2009

Documents reçus des tiers

Emer Hogan

From: Emer Hogan
Sent: 21 January 2015 11:34
To: Emer Hogan
Subject: FW: Meeting Tomorrow
Attachments: NTMA Group issues note.doc

-----Original Message-----

From: Beausang, William
Sent: 17 July 2012 17:28
To: 'Adrian O'Donovan'
Cc: Andrew O'Flanagan; Aileen O'Reilly; O'Connor, Evelyn; 'Richard Humphreys'
Subject: RE: Meeting Tomorrow

Adrian,

Following our discussion yesterday, please see 'non-paper' attached in which we tried to capture through yesterday and identify in broad terms how we might to propose to address them.

As you will see the document is presented as a DPER paper but with the objective of setting out you identified and how we would propose to address them in the context of the public financial in FOI.



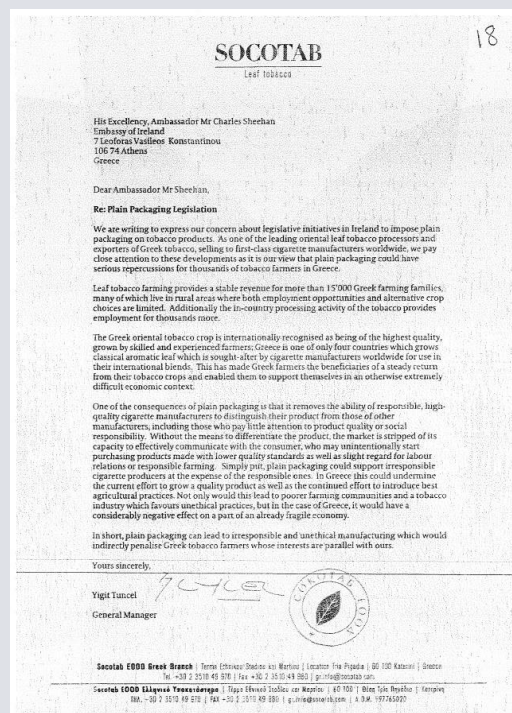
IBERDROLA

2.3. Sobre las reducciones temporales en la tarifa de respaldo como sistema de fomento para el desarrollo de las modalidades de autoconsumo y de producción con autoconsumo.

El fomento de autoconsumo mediante ahorros de peajes de respaldo es una señal errónea, con efectos sobre el sistema y de difícil implementación. Sistemas de apoyos directos a la inversión se consideran más apropiados.

En el artículo 16.4, se habilita al Ministerio de Industria, Energía y Turismo a aplicar reducciones temporales del peaje de respaldo, para fomentar el desarrollo de las distintas modalidades de suministro con autoconsumo y producción con autoconsumo.


El ahorro de peajes de respaldo como señal de inversión es un error.





Machine-readable version of the EU budget

Friedrich Lindenberg made this access to information request to Budget (BUDG)

 The request was **successful**.

From: Friedrich Lindenberg

30 January 2012

Dear Budget (BUDG),

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

* What process is used to create the EUs budget documents; which interim formats and representations are generated?

* A machine-readable version of the Union's budget for 2012, 2011 and 2010 [1]. Machine-readable formats include CSV, XLS and XML (which is most likely used in the generation of the existing version), but not PDF and HTML.

Follow

There are request

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learnt

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Similar

Financial
To Budget (2012

Accounting

Notes prise en réunions

Rept on + ms7

Working party on Information 25 June
Tues 7 Sept. - near WPI

Access to Documents recent

waiting for signals from EP

EP gov has volume

Le falls sites inv. Lichner

LIFE sites - map for R111R / Iphim

AFCO (associated) sites Fochonville

Particular sites (with Rly Harkiss)

Lyot (Rly)

diff. approaches with sites

It end may custom search R111R + LIFE

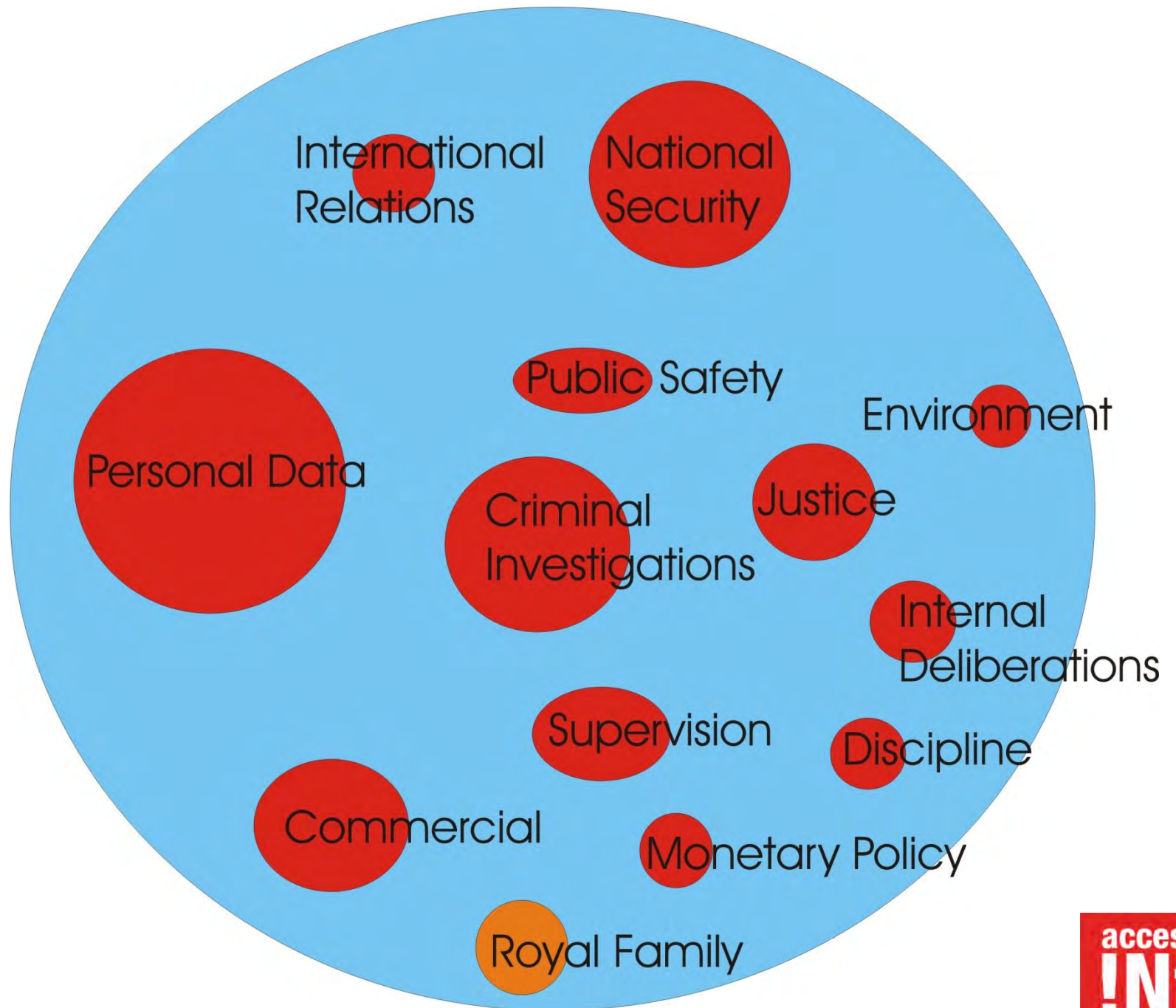
may have approach a priori

Mais ... ce n'est pas
possible ...
toute l'information?

Exceptions



- a) la sécurité nationale, la défense et les relations extérieures ;
la sûreté publique
- b) la prévention, la recherche et la poursuite des activités criminelles
- c) les enquêtes disciplinaires
- d) les **missions de tutelle, l'inspection et le contrôle par l'administration**
- e) la vie privée et les autres intérêts privés légitimes
- f) les **intérêts commerciaux et d'autres intérêts** économiques
- g) la politique économique, monétaire et de change de **l'État**
- h) **l'égalité** des parties à une instance juridictionnelle et le bon fonctionnement de la justice
- i) **l'environnement**
- j) les délibérations au sein de ou entre les autorités publiques **concernant l'examen d'un dossier.**



17 April 2009

Proposal by [REDACTED] Estonia, Finland and [REDACTED]

Article 4, paragraph 2, point (c) "Legal advice and court proceedings"

Commission proposal: 2. The institutions shall refuse access to a document where disclosure would undermine the protection of:

(c) legal advice and court proceedings¹, arbitration and dispute settlement proceedings.

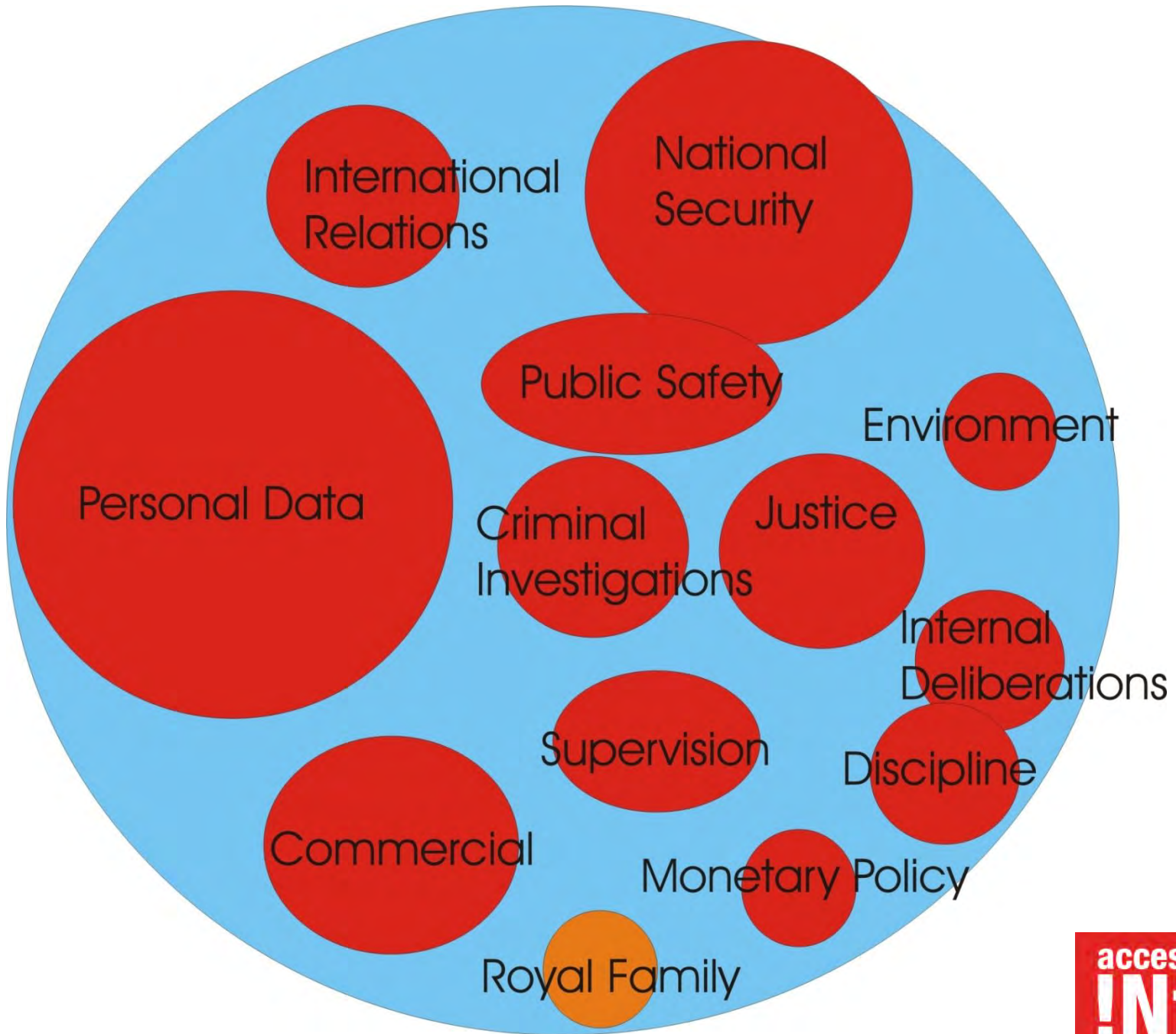
Proposal of the [REDACTED] Estonian, Finnish and [REDACTED] delegations:

Delete Commission proposal and uphold the existing article 4, para 2, (c)

Justification:

Several delegations have raised the need for an absolute exception relating to legal advice. We believe, however, that the existing wording of Article 4, par 2 (c) should be upheld. The exception, as interpreted by the European Court of Justice in C-39/05P (Turco), represents a fair and balanced approach. The ruling establishes that while access to legislative documents is the main rule, access can be denied if the requested document is particularly sensitive or wide in scope. All categories of documents held by the institutions are covered by the regulation on access to documents. Access to such documents can only be denied following a case-by-case assessment if they are covered by one of the exceptions provided for in the regulation. Moreover, the Court has established that the risk of harm to a protected interest needs to be reasonably foreseeable and not purely hypothetical.

It is much welcomed that the Legal Service of the Council following the judgment in C-39/05P has taken all necessary measures in order to implement in the fullest possible way the just mentioned judgment. A list on "CLS opinions to which public access has been granted following the ECJ judgment as of 26 November 2008" has been distributed to the WPI working group. According to this list access or partial access was at that time granted to 24 legal opinions. The Legal Service of



305

Rikke Demant Hansen

Fra: Jonas Bering Liisberg
Sendt: 6. juli 2009 15:05
Til: marc.lepouvre@consilium.europa.eu; jakob.thomsen@consilium.europa.eu;
minna.immonen@consilium.europa.eu
Cc: maria.hellberg@justice.ministry.se; paivi.leino-sandberg@om.fi;
henrikka.leppo@formin.fi; Klaus Juel Werner; Lars Bo Kirketerp Lund; Bolette Weis F
Emne: VS: Report of 1 July
Klassifikation: UKLASSIFICERET

Dear colleagues,

First of all many thanks to the Secretariat for preparing and distributing the report.

[REDACTED]

We hope that you will find our observations useful with a view to preparing a revised version in cooperation with the Presidency.

Best regards,

Jonas Bering Liisberg

JONAS BERING LIISBERG / JOBELI@UM.DK
HEAD OF EU LAW DEPT / LEGAL SERVICE
DIRECT +45 3392 0403 / MOBILE +45 2528 3709

MINISTRY OF FOREIGN AFFAIRS
ASIATISK PLADS 2 / DK-1448 KØBENHAVN K
TEL +45 3392 0000



Préjudice

VS

intérêt public

Importante!!!

L'accès aux informations contenues dans un document public peut être refusé si leur divulgation porte ou est susceptible de porter **préjudice** à l'un ou à l'autre des intérêts mentionnés au paragraphe 1, à moins qu'un **intérêt public supérieur** ne justifie la divulgation.

Importante!!!

Le responsable de l'information qui refuse l'accès à une information demandée doit prouver que:

(a) l'information relève d'une des exceptions prévues par la présente loi;

et

(b) le préjudice que sa divulgation risquerait de causer aux intérêts protégés par l'exception l'emporterait sur l'intérêt public qu'elle présenterait..



14	[REDACTED]
15	[REDACTED]
16	[REDACTED]
17	[REDACTED]
18	[REDACTED]
19	[REDACTED]
20	[REDACTED]
21	[REDACTED]
22	[REDACTED]
23	[REDACTED]
24	[REDACTED]
25	[REDACTED]
26	[REDACTED]
27	[REDACTED]
28	[REDACTED]

Food hygiene ratings - 5 search results

Name 

Rating 

Last inspection

[Godalming and Farncombe Bowling Club](#)

Godalming And Farncombe Bowling Club Phillips Memorial Park The Burys Godalming



03 July 2019

[The Cellar Camino](#)

Council Offices The Burys Godalming Surrey GU7 1HR



11 May 2021

[Waverley Borough Council](#)

Council Offices The Burys Godalming Surrey GU7 1HR



07 February 2020

[The Best Kebab](#)

The Burys Godalming Surrey GU7 1HR



09 December 2019

Costa Coffee

74 High Street Godalming Surrey
GU7 1DU



24 February 2020

The Godalming Food Company

101 High Street Godalming Surrey
GU7 1AQ



03 December
2019

Cote

7-11 High Street Godalming Surrey
GU7 1AZ



22 July 2021

Recently inspected
– new rating to be
published soon

Oriental Chef

125 High Street Godalming Surrey
GU7 1AQ



25 March 2021

KPC House

138 High Street Godalming Surrey
GU7 1AB



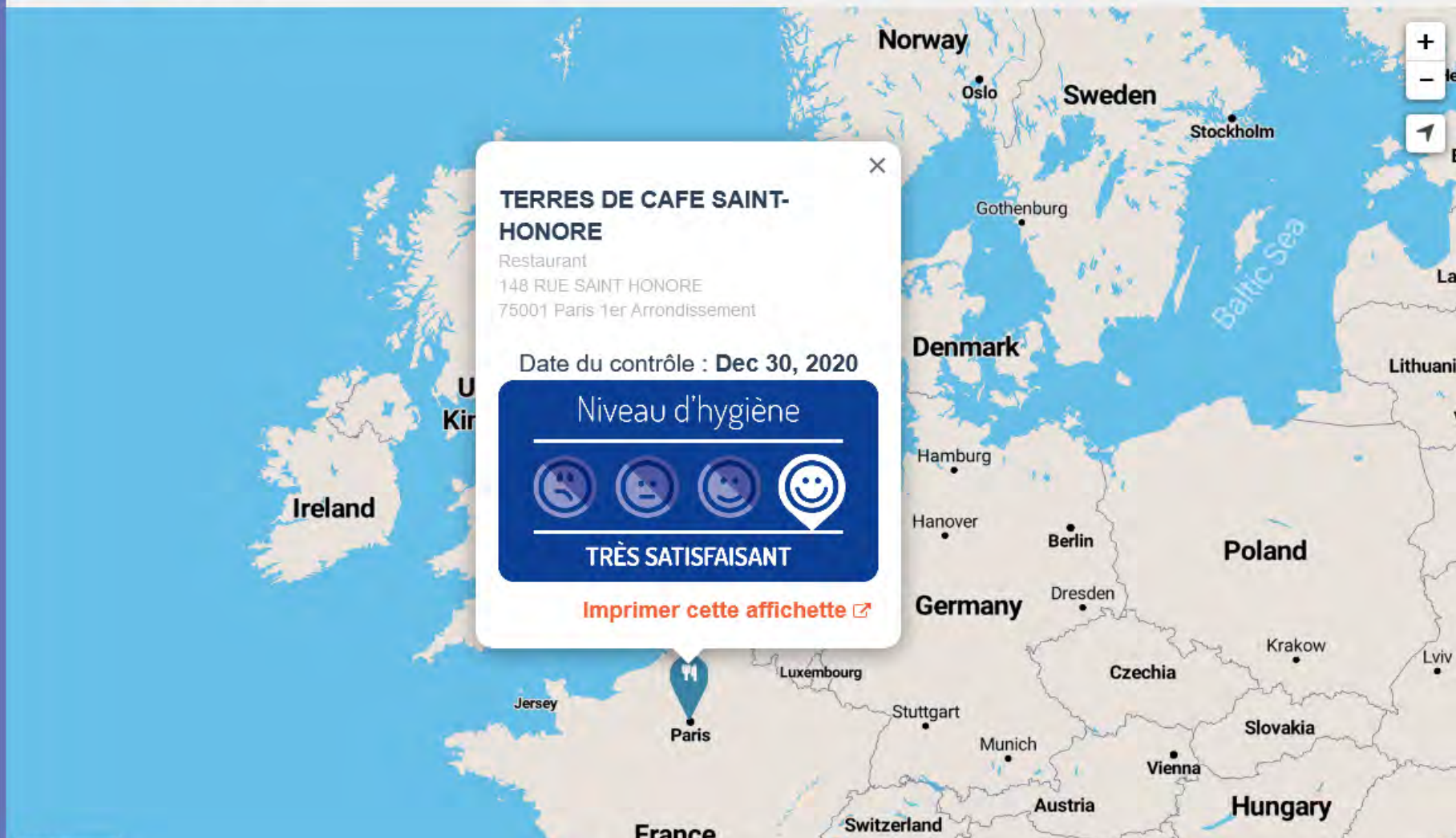
10 June 2021

Les résultats des contrôles sanitaires accessibles à tous

terres de cafe



Text search terres de cafe



TERRES DE CAFE SAINT-HONORE

Restaurant
148 RUE SAINT HONORE
75001 Paris 1er Arrondissement

Date du contrôle : Dec 30, 2020

Niveau d'hygiène



TRÈS SATISFAISANT

[Imprimer cette affichette](#)

**Publication
Proactive**



*Spanish Government
Decree*

TOP SECRET

cocoa butter 20% minimum. Milk solids 14% minimum. Store in a dry place.
 A conserver au sec et à l'abri de la chaleur. • **Schweizer weisse Schokolade**
100 con torrone (10%) al miele e mandorle. Ingredienti: Zucchero, latte
 . Ingredientes: Azúcar, **leche** entera en polvo, manteca de cacao, miel (3%),
 akaoné máslo, med (3%), jádra **mandlí** (1,6%), emulgátor (**sójoy** lecitin),
 λακτωματοποιητής (λεκιθίνη **σόγιας**), ασπράδι **αυγού**, άρωμα. Διατηρείται

ВЫЙ
 ЧНЫЕ
 угат
 me./

توبلر
 الشو
 ١٢,٠

360 g
 الوزن

NUTRITION INFORMATION

	Per 100 g	Per 32.7 g (1 triangle)
ENERGY	2240 kJ/535 kcal	733 kJ/175 kcal
FAT	29.5 g	9.6 g
of which saturates	18.0 g	5.8 g
CARBOHYDRATE	62.0 g	20.5 g
of which sugars	62.0 g	20.5 g
FIBRE	0.2 g	0.06 g
PROTEIN	6.1 g	2.0 g
SALT	0.23 g	0.07 g

Total Carbohydrate 62.2g/100g, 20.56g/32.7g; Trans fatty acids
 0.39g/100g, 0.13g/32.7g; Sodium 87mg/100g, 29mg/32.7g
 Contains 11 triangles.



Tromsø Article 10

De leur propre initiative et lorsque cela s'avère approprié, les autorités publiques prennent les mesures nécessaires pour mettre à disposition les documents publics **qu'elles détiennent** dans **l'intérêt de promouvoir la transparence et l'efficacité de l'administration et pour** encourager la participation éclairée du public à des **questions d'intérêt** général.

Publication proactive

- Structure, normes
- Règles et procédures
- Information Financière –à la fois les budgets et les dépenses !
- Statistiques - SDGs
- Participation
- Intégrité politique - GDB

5 Défis pratiques

1. Bonne gestion des données
2. Tenue de dossiers
3. La transparence dès la conception
4. Digitalisation (numérisation)
5. Ressources humaines

Merci bien!

Thank you!

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@helen_access