

AG/RES. 2885 (XLVI-O/16)

INTER-AMERICAN PROGRAM ON ACCESS TO PUBLIC INFORMATION

(Adopted at the second plenary session, held on June 14, 2016)

THE GENERAL ASSEMBLY,

REITERATING the vital role of international instruments in the promotion and protection of access to public information, as well as the essential role of access to public information in electoral and democratic processes; in state governance, transparency, and anticorruption efforts; in the protection and promotion of human rights, especially the right to freedom of thought and expression; and in freedom of the press;

RECALLING that the principle of maximum disclosure is consubstantial to access to public information;

REAFFIRMING the importance of the Model Inter-American Law on Access to Public Information in the promotion of access to public information, as well as the role of member states, the General Secretariat of the Organization of American States, and civil society and other social actors in implementing the Model Law; and

TAKING NOTE of the “Preliminary Draft Inter-American Program on Access to Public Information” (CP/CAJP-3135/13), presented by the Department of International Law at the meeting of the Committee on Juridical and Political Affairs (CAJP) held on April 11, 2013, pursuant to resolution AG/RES. 2727 (XLII-O/12), and the recommendation of the CAJP that said preliminary draft program be referred to the General Assembly for adoption,

RESOLVES:

1. To adopt the Inter-American Program on Access to Public Information included in this resolution.
2. To request that the Department of International Law of the Secretariat for Legal Affairs coordinate the actions necessary for the Program’s full implementation.
3. To request the Permanent Council to report to the General Assembly at its forty-seventh regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

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A. In relation to member states

1. To proceed with the adoption and implementation of domestic legislation on access to public information, using the contents of the model inter-American law on this subject as a guide, specifically through the following actions:
 - a. Adoption, management, and dissemination of prompt, modern systems of disclosure that provide access to information in the possession of public authorities, in order to minimize the need for individuals to submit information requests.
 - b. Incorporation in their legislation of regulations identifying “key information” subject to proactive dissemination.
 - c. Implementation of a maintenance, storage, and disposal system for information assets.
 - d. Creation, maintenance, and publication of a registry of requests and disclosures.
 - e. Promotion of tools and mechanisms to monitor and evaluate application of the regulations and practices of institutions required to observe the law, including, *inter alia*, the use and analysis of indicators and statistics.
 - f. Incorporation into domestic legislation of a clear, precise system of exemptions.
 - g. Establishment of a clear system regarding the burden of proof that reaffirms that said burden lies with the State in cases where requests for information are denied.
 - h. Implementation of clear legislation on the procedures for submitting information requests, the contents of such requests, reproduction costs, timeframes, the public authority’s responsibilities, the role of interested third parties, and formats for delivering the information.
 - i. Implementation of clear legislation on administrative and judicial review of decisions denying access to information.
 - j. Clear establishment of the liability of public authorities or information officials under national legislation.
 - k. Creation and/or strengthening, as appropriate, of an information committee with operational, budgetary, and decision-making autonomy.

1. Promotion of access to public information in all branches of government and at all levels of the internal governmental structure at the federal, state, and local levels; to independent or autonomous agencies, organizations, or entities owned or controlled by the State; and to private organizations or individuals that receive substantial (direct or indirect) state funds or benefits or that perform functions or public services, pursuant to national legislation.
2. To promote the right of access to public information as part of national development and growth strategies and of sector-specific policies, including awareness campaigns targeting the most vulnerable groups.
3. To authorize a budget for each public body, subject to statutory requirements, to enable them to fulfill their obligations in the area of access to public information.
4. To establish, where appropriate, an adequate training system for officials responsible for providing information.
5. To conduct research and studies on the socioeconomic impact of access to public information, in collaboration with civil society and other social actors, and disseminate the results among key actors.
6. To consider their participation in the yearly special meetings held in the framework of the Committee on Juridical and Political Affairs of the Permanent Council of the Organization of American States to assess progress by countries in implementing the Model Law, share good practices, and evaluate the implementation both of the program, with a view to improving and strengthening it, and of the project being carried out by the Department of International Law to enhance member states' capacity in the area of transparency and equal access to public information.

B. In relation to the General Secretariat of the Organization of American States

1. To support member states and their efforts to adopt legislative measures and other appropriate steps to ensure access to public information and, specifically, to implement the Model Law or to continue their adaptation to it.
2. To facilitate forums for sharing good practices and successful experiences that ensure prompt and effective access to public information.
3. To disseminate the contents of the Model Inter-American Law on Access to Public Information by preparing publications and organizing events such as conferences, workshops, and technical meetings, among others.
4. To promote exchanges of experiences and practices to protect the confidentiality of personal data.
5. To promote training programs for judges and tribunals at the national level on the proper enforcement of judicial guarantees that protect the right of access to public information.

6. To promote channels of collaboration with other international organizations and cooperation agencies working in this field, with a view to facilitating the exchange of information and cooperation.
7. To maintain a virtual platform that, *inter alia*, contains the domestic legislation of member states on access to public information and related best practices.

C. In relation to the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights

1. To develop and publicize the contents of the inter-American legal framework on the right of access to information, including the Model Inter-American Law on Access to Public Information, by preparing reports on the scope of the right and the application of its principles, providing assistance to member states, and organizing and participating in training programs for staff of national authorities for access to information and justice system personnel.

D. In relation to non-state actors

1. To invite civil society organizations and other social actors to support states in their initiatives to modernize their laws and systems for disclosure of public information and actively to participate in and support the implementation of this program.
2. To encourage the media to raise public awareness of guarantees in order to improve access to public information.
3. To request that cooperation agencies, development banks, and donor countries support member states by providing financing for initiatives to modernize domestic laws, for projects to enhance member states' capacity to boost transparency and equal access to public information, and for implementing this program.