

INTER-AMERICAN PROGRAM ON ACCESS TO PUBLIC INFORMATION

(Adopted at the Second Plenary Session, held on June 14, 2016.
Resolution AG/RES. 2885 (XLVI-O/16))

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;

TAKING NOTE of the proposed “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 held on April 11, 2013, pursuant to resolution AG/RES. 2727 (XLII-O/12), and the recommendation of the CAJP that this preliminary draft program be referred to the General Assembly for its approval;

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 full implementation of the program.
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 shall be subject to the availability of financial resources in the program-budget of the Organization and other resources.

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A. Regarding Member States

1. To proceed with the adoption and implementation of domestic legislation on access to public information, using the content of the corresponding Model Inter-American Law as a point of reference, specifically through the following actions:
 - a) The adoption, management, and dissemination of flexible, modern disclosure schemes that enable access to information in the possession of public authorities, in order to minimize the need for individuals to submit requests for information.
 - b) The incorporation of regulations in their legislation to identify the “key information” subject to proactive dissemination.
 - c) The implementation of a maintenance, storage, and disposal system for information assets.
 - d) The creation, maintenance, and publication of a registry of requests and disclosures.
 - e) The promotion of tools and mechanisms to monitor and evaluate enforcement of the regulations and practices of institutions required to observe the law, including, among others, the use and analysis of indicators and statistics.
 - f) The incorporation into domestic legislation of a clear, detailed system for exemptions.
 - g) The establishment of a clear system regarding the burden of proof, which reaffirms that said burden lies with the state in cases in which requests for information are denied.
 - h) The implementation of clear legislation on the procedures for submitting requests for information, the content of requests, costs for reproduction, timeframes, public authority responsibility, the role of third parties, and the formats for delivering the information.
 - i) The implementation of clear legislation on administrative and judicial review of decisions to deny access to information.
 - j) The clear establishment of the responsibility of public authorities or information officials, pursuant to national legislation.
 - k) The creation and/or strengthening, as appropriate, of a Committee on Information, with operational, budgetary, and decision-making autonomy.

- l) The promotion of access to public information in all branches of the government and at all levels of the internal governmental structure, at the federal, state, and local level, as well as for independent or autonomous state agencies, organizations, or entities or those controlled by the state, or private organizations or individuals receiving substantial (direct or indirect) state funds or benefits or those which perform functions or public services, pursuant to national legislation.
2. To promote the right to access public information as part of the national development and growth strategies and 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 provide access to public information, in order to enable complete compliance with their obligations on the matter.
4. To establish, where applicable, an appropriate training system for the officials responsible for providing information.
5. To conduct research and studies on the socio-economic impact of access to public information, in collaboration with the civil society and other social actors, and to disclose the results to key actors.
6. To consider participation in the yearly special meetings, in the framework of the Committee on Juridical and Political Affairs of the Permanent Council of the OAS, to assess the progress countries have made in implementing the Model Law, to share good practices, and to evaluate the implementation of the program, with a view to fine tuning and strengthening it, as well as the project developed by the Department of International Law, for the purpose of enhancing member state capacity in the area of transparency and equal access to public information.

B. Regarding the General Secretariat of the Organization of American States

1. To support member states and their efforts to take legislative measures and other appropriate steps to guarantee access to public information and, specifically, to implement the Model Law or continue adapting it.
2. To facilitate forums for sharing good practices and successful experiences that ensure rapid and effective access to public information.
3. To disseminate the content of the Inter-American Law on Access to Public Information by preparing publications and organizing events like conferences, workshops, technical meetings, among others.
4. To promote the exchange of experiences and practices to protect the confidentiality of personal data.

5. To promote training programs for judges and national courts on the proper enforcement of judicial guarantees to protect the right to access public information.
6. To promote channels for collaboration with other international organizations and cooperation agencies working in the area, with a view to facilitating the exchange of information and cooperation.
7. To maintain a virtual platform that, among other features, contains the national legislation of member states on access to public information and related best practices.

C. Regarding 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 Inter-American Model Law on Access to Public Information, by preparing reports on the scope of the right and application of its principles, assistance to member states, and organizing and participating in training programs for officials of national authorities on access to information and justice system personnel.

D. Regarding Non-State Actors

1. To invite civil society organizations and other social actors to support states in their initiatives to modernize legislation and systems for disclosing public information and to actively participate and support the implementation of this program.
2. To provide incentives to the media to promote among the general public the dissemination of guarantees for better access to public information.
3. To request that cooperation agencies, development banks, and donor countries support member states by financing initiatives to modernize domestic legislation, to implement projects designed to enhance state capacity to boost transparency and equal access to public information, and to implement this program.