



*"The free flow of information and ideas lies at the heart of the very notion of democracy and is crucial to effective respect for human rights. In the absence of respect for the right to freedom of expression, which includes the right to seek, receive and impart information and ideas, it is not possible to exercise the right to vote, human rights abuses take place in secret, and there is no way to expose corrupt, inefficient government." – United Nations Education, Scientific, and Cultural Organization, 2008*

## **Freedom of Information – A Plea for a Fundamental Right**

In anticipation of the full enactment of the Freedom of Information Bill 2016, The Organization for Responsible Governance (ORG) appeals Cabinet and Parliament to prioritize the timely implementation of The Bill and to reconsider crucial amendments suggested by civil society groups.

In the previous administration, ORG partnered with 21 Civil Society and Private Sector Industry groups collectively representing over 100,000 private and corporate citizens agitating for a true, fair Freedom of Information Act. Civil Society remains committed to this end.

We are pleased that the long-awaited FOI Bill received such support in the last Parliament and with the people, leading to its passage in both houses. This key piece of legislation is essential to ensuring transparency, accountability and public participation in the governance of The Bahamas - a goal that this administration undoubtedly shares.

However, the Bill which was passed lacks elements crucial to the spirit of freedom of information and includes only 7 of the 30 recommendations provided during public consultation. While we appreciate that these items were added to the Bill, we feel that more can be done to ensure that FOIA reflects the public's right to access of information. Four important points that were not included are:

1. The selection process for the Information Commissioner is not independent of political influence. To avoid bias, we recommend that the position be selected through a Selection Committee involving government, opposition, and members of civil society. \*

\*We are aware that the instruments providing for the election of an Information Commissioner have been enacted. We implore Cabinet to set a precedent by opening up this process through appointing a multi-partisan committee or by other means of creating transparency.

2. The Bill does not provide sufficient access to information about entities that receive public funding. Our recommendation is that the definition of "Public Authorities" subject to the Bill should be expanded to include all bodies "owned, controlled or substantially financed by the Government from public funds" such as the BEST Commission.
3. Time limits outlined in the Bill favor the government and can act as deterrents for those seeking information. We recommend that wait time for responses and the 30-year period for information to be declassified be shortened.
4. The Bill does not provide sufficient Whistleblower protection. To be effective, a section should be inserted stating that the FOI Act supersedes the Official Secrets Act. Furthermore, while the current provisions are a satisfactory temporary solution, language should be included to mandate that a separate Whistleblower's Act be drafted and passed.

For your convenience, we have done a thorough [point by point review of the consolidated list](#) of our submitted recommendations against the most recent 2016 draft that was tabled as well as a [detailed assessment](#) of the 2016 bill, provided by Citizens for a Better Bahamas. We hope that it will aid you as you read over the 2016 FOIA draft and prepare to move forward with its enactment.



## Organization *for* Responsible Governance

Over 2,000 letters were sent from citizens directly to their Members of Parliament asking for inclusion of these recommendations; many more signed the petition and spoke out for the FOIA cause. On behalf of these constituents and, we ask that this administration speak out for inclusion of these recommendations. Providing Bahamians with the access to information regarding governmental spending and decisions will benefit all Bahamians for generations to come. We remain confident that you will see the vital importance of this matter and act accordingly.

If you have any questions about the recommendations, please do not hesitate to contact ORG at [engagement@orgbahamas.com](mailto:engagement@orgbahamas.com).