

10 Principles on the Right to Know

INTERNATIONAL RIGHT TO KNOW DAY – 28 SEPTEMBER 2005

TEN PRINCIPLES ON THE RIGHT TO KNOW

To mark the third annual International Right to Know Day, the Open Society Justice Initiative today announces the following set of 10 principles on the right of access to information developed together with partner organizations:

1. Access to information is a right of everyone.

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

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

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

3. The right applies to all public bodies

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

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

Making a request should be simple. The only requirements should be to supply a name, address and description of the information sought. Requestors should be able to file requests in writing or orally. Information should be provided immediately or within a short timeframe. The cost should not be greater than the reproduction of documents.

5. Officials have a duty to assist requestors

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

6. Refusals must be justified.

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

7. The public interest takes precedence over secrecy.

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

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

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

9. Public bodies should proactively publish core information.

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

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

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

Drawn from comparative law and practice in the over 60 countries world-wide that have freedom of information laws, these principles provide a clear set of standards to guide civil society groups and legislators in their efforts to increase public access to information.

As freedom of information activists celebrate International Right to Know Day, they can take stock of several significant achievements that advanced access to information as a fundamental human right in 2005:

- The Inter-American Commission on Human Rights explicitly recognized the right of citizens to have access to government-held information.
- The Council of Europe announced in May 2005 that it will commence development of a convention on access to official documents, the first international treaty that would recognize the right to information as a human right.
- As of September, a total of 63 countries around the world had access to information laws—more than a five-fold increase from 15 years ago when only 12 countries had such laws.

The Open Society Justice Initiative has helped these international efforts by promoting the right of access to information, assisting NGOs and government agencies with the drafting and implementation of laws, monitoring government transparency, and engaging in national and international litigation to defend and promote access to information rights.