

Table of Global Comparison of Freedom of Information Law

From the Privacy International Report: 'Freedom of Information Around the World 2006 – A Global Survey of Access to Government Information Laws'

Country	Legislation	Date	Features	Overseer/Appeal	Issues
Albania	The Law on the Right to Information for Official Documents	1999	<ul style="list-style-type: none"> The law allows any person to request information contained in official documents. This includes personal information on individuals exercising state functions related to the performance of their duties. Public authorities must decide in 15 days and provide the information within 30 days. Unusually, there are no exceptions in the law for withholding information. Documents can be withheld only if another law such as the laws on data protection or classified information restricts their disclosure. Government agencies are required to publish their location, functions, rules, methods and procedures. Documents that have been previously released and those that the public authority deems important to others must also be published. The bodies must also create certain documents including final decisions on cases, administrative staff manuals, and indexes. 	Peoples Advocate (elected by Parliament)	<ul style="list-style-type: none"> Problems with implementation – in 2003, 87% of public employees were not aware of the Act. Deadlines are not met and fees regulations have not been published.
Angola	Law on Access to Administrative Documents	2002	<ul style="list-style-type: none"> Based on Portuguese Act. Revokes all contrary legislation. Applies to administrative documents only - does not apply to documents not drawn up for an administrative activity 	Comissao de fiscalizacaco (monitoring committee)	<ul style="list-style-type: none"> Not well implemented International organisations have been putting pressure on the government to rein in corruption by improving transparency

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			<p>such as meetings of the Council of Ministers, personal notes, sketches etc.</p> <ul style="list-style-type: none"> • Information relating to internal or external security and secrecy of justice can be withheld under other legislation. • Power to delay access to documents where they relate to proceedings underway or the preparation of a decision, until proceedings are complete. • Some push model features: bodies are to publish materials on a 6 monthly basis including decisions, circulars, guidelines and references for documents that have an interpretation of the law or administrative procedures. • Bodies must have responsible officer for implementation. 		
Antigua and Barbuda	Freedom of Information Act	2004	<ul style="list-style-type: none"> • Act allows information to be requested from public bodies, including those controlled or substantially financed by the government, and those performing public functions, to the extent of those functions. • The Minister can exempt public authorities or specific functions by order. • Individuals have the right to request information held by private bodies where it is necessary for the protection or exercise of any right • Bodies must respond in 20 working days, this can be extended to 40 working days, requests for information necessary to safeguard the life or liberty of a person must be responded to in 48 hours. • Information is provided after fee is paid, but no fee is payable in the case of 	Information Commissioner	

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			<p>personal information or requests in the public interest.</p> <ul style="list-style-type: none"> • Bodies must show that harm exists at the time of the request in order to use any of the exemptions and there is a blanket public interest test that overrides all exemptions. • The Information Commissioner has a wide range of duties from an investigatory role to publicising the Act, training and recommending reforms. 		
Argentina	Access to Public Information Regulation	2003	<ul style="list-style-type: none"> • Applies to any body established under the jurisdiction of the Executive Power, or who has received funds from the government. • If information does not exist, there is no duty to create it unless there already exists a legislative duty to create that information. • Only copying is paid for – viewing is free. • Some push model features: Government agencies are required to hold an index of information, and generate, update and provide information with the aim of guiding access. There is a government website with information about the meetings of government officials and the budget and economic resources. • Many FoI bills have been passed in provincial jurisdictions within Argentina. 	May appeal to administrative court?	<ul style="list-style-type: none"> • Problems with response – statistics show that of 140 requests, 48% went unanswered or were refused orally. Only 17% provided significant information. • As it is a Regulation only, there is some limit to its effect – and can be amended at any moment by the Executive powers, and a Regulation cannot fetter the legislative or judicial arms of government, or other independent bodies such as the Ombudsman. • One of the major limits on transparency is the Intelligence Law which provides that access to data from any intelligence source must be authorised by the president or a delegate, in this case the Secretary of Intelligence. Access to classified information is always denied.
Armenia	Law on Freedom of Information	2003	<ul style="list-style-type: none"> • Allows requests to state and local bodies, state offices, organisations financed by the state budget, private organisations of public importance and state officials. 	Human Rights Ombudsman	<ul style="list-style-type: none"> • No regulations have been adopted governing information storage and indexing and not all bodies have information officers. • Bodies simply deny requests without legal

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			<ul style="list-style-type: none"> • 5 day time limits for written requests and oral requests are to be responded to immediately. • All bodies must have 'information officers' • Numerous mandatory exemptions, but also mandatory releases. • Some push features: bodies must publish annually on activities and services, budget, forms, lists of personnel and their salary and qualifications, recruitment procedures, public events and how to use the Act. 		<p>grounds, fail to respond, or demand reasons for requests</p> <ul style="list-style-type: none"> • A report in 2004 notes that 57% of journalists claimed that the government had given them false information.
Austria	Federal Law on the Duty to Furnish Information	1987	<ul style="list-style-type: none"> • The Act obliges federal authorities to provide information regarding their areas of responsibility within eight weeks. • The requests can be written or oral and no justification is required. It applies to national departments, the municipalities, the municipality federations and the self-governing bodies. • Authorities are limited by the secrecy provisions set out in Article 20(3) of the Constitution for reasons relating to public security, defence, international relations, or economic or financial interests of the government. • All 9 states have similar Fol laws 	Administrative Court	<ul style="list-style-type: none"> • Secrecy provisions in the Constitution provide limits/exemptions on release
Azerbaijan	The Law on the Right to Obtain Information	2005	<ul style="list-style-type: none"> • Applies to broad list of bodies including legal entities and individuals conducting public functions such as education, state owned or subsidised organisations, and legal entities that are dominant or natural monopolies 	Authority on Information Issues	<ul style="list-style-type: none"> • Concerns have been raised that there are a lack of legal sanctions in the Act, that direct contact with officials is not available, that the exemptions are interpreted too broadly, and that there is an unfair situation where pro government journalists are given information

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			<ul style="list-style-type: none"> • Responses must be within 7 days unless urgent, in which case they must be within 24 hours • Broad exemption on information 'for official use', limited to 5 years. • Formal list of information not considered 'for official use'. • Push features: bodies must have websites and registers of documents, and there is a fair bit of information that must be published or made widely publicly available. 		<p>whereas opposition journalists are illegally denied it.</p> <ul style="list-style-type: none"> • Azerbaijan has a Law on State Secrets limiting release of military, foreign political, economic, scientific intelligence and investigations
Belgium	Law on the right of access to administrative documents held by federal public authorities	1994	<ul style="list-style-type: none"> • Constitution amended in 1993 to include a right of access to information. • Response in 30 days including information on who is handling the request and information on how to appeal. There is also a right to have the document explained. • 3 categories of exemption – withheld unless public interest outweighs, mandatory exemptions for personal privacy, legal secrecy and deliberative information, and discretionary exemptions where a document is vague incomplete or misleading, related to opinion given on a confidential basis or the request is abusive or vague. First 2 apply to all authorities and the third only to federal administrative authorities. • Documents obtained cannot be used for commercial purposes. • Laws implementing access rules exist at regional, community and municipal levels. 	Commission d'accès aux documents administratifs	<ul style="list-style-type: none"> • Appeals mechanism insufficient to protect right to documents • Lack of public awareness of rights • Inadequate training of civil servants • Absolute exemptions • Existence of specific regulations organising the right of access for specific types of documents
Belize	The Freedom of Information	1994	<ul style="list-style-type: none"> • Act applies to access to documents held 	Ombudsman	<ul style="list-style-type: none"> • The Ombudsman whilst hearing appeals,

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	Act		<p>by government departments but not courts or the Governor General</p> <ul style="list-style-type: none"> • Departments must respond in 14 days • Wide definition of document but does not include library material maintained for reference purposes. • Blanket exemptions on documents affecting national security, defence, international relations and cabinet proceedings • There is a 'test for harm' which allows other exemptions, where it can be shown that release would adversely affect trade secrets, personal privacy, confidence, privilege, operations of ministries, law enforcement, and the economy. 		<p>cannot examine or order the release of documents from exempted categories. No appeals have ever been recoded in the Ombudsman's annual report.</p> <ul style="list-style-type: none"> • Legislation requires an annual report from the administrating Minister but this has never been produced. • In 2000, the Political Reform Commission found that the Act is rarely used and recommended a review to narrow the exemptions.
Bosnia and Herzegovina	Freedom of Access to Information Act	2004	<ul style="list-style-type: none"> • Drafted with the assistance of national and international experts from worlds best practice • Applies to information in any form held by any public authority including legal entities carrying out public functions • Broad rights of access by any person or legal entity both inside and outside the country. • Response must be made in 15 days. • Both a 'substantial harm' and a 'public interest' test are applied • Appeal to Ombudsman is utilised, and mostly justified by intervention 	Ombudsman	<ul style="list-style-type: none"> • Implementation issues – inconsistency with other laws, inconsistent interpretations, a failure to apply the public interest test • Ombudsman report in late 2004 indicated that only a percentage of public bodies were following the rules, and only 57% of bodies responded to requests at all.
Bulgaria	Access to Public Information Act	2000	<ul style="list-style-type: none"> • Access to information in any form held by state institutions or other entities funded by the state budget and 	None. Can be appealed in the Supreme	<ul style="list-style-type: none"> • The <i>Law for the Protection of Classified Information</i> allows a broad scope of classification authority, allowing anyone who

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			<p>exercising public functions.</p> <ul style="list-style-type: none"> • Requests can be verbal or written and must be processed within 14 days. More than 75% of requests in 2004 were verbal. • Restrictions on release must be provided for in an Act of Parliament and restrictions exist for personal information, state or official secret, business secret or pre decisional material. • Information relating to preparatory work, opinions or ongoing negotiations can be withheld for 2 years. • Some push model features: Government bodies have a duty to publish information about their structures, functions and acts; a list of acts issued; a list of data volumes and resources; and contact information for access requests. The Minister of State Administration must publish an annual summary of the reports. Bodies are also required to publish information to prevent a threat to life, health or property. 	Administrative Court	signs a document to then classify it there are some 'show harm' provisions but no overriding public interest tests.
Canada	Access to Information Act	1983	<ul style="list-style-type: none"> • Canadian citizens and other permanent residents and corporations in Canada have the right to apply for and obtain copies of records held by government institutions. • "Records" include letters, memos, reports, photographs, films, microforms, plans, drawings, diagrams, maps, sound and video recordings, and machine-readable or computer files. 	Office of the Information Commissioner of Canada	<ul style="list-style-type: none"> • The Commissioner receives complaints and can investigate and issue recommendations but does not have the power to issue binding orders. • The Commissioner has an extensive backlog with investigations on average taking 7 months to process, but the government does not respond to requests for more funding. • Badly in need of updating – has not been comprehensively reviewed since 1983

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			<ul style="list-style-type: none"> • The institution must reply in 15 days. • The courts have ruled that the Act is “quasi-constitutional.” • Records can be withheld for numerous reasons: they were obtained in confidence from a foreign government, international organization, provincial or municipal or regional government; would injure federal-provincial or international affairs or national defence; relate to legal investigations, trade secrets, financial, commercial, scientific or technical information belonging to the government or materially injurious to the financial interests of Canada; include personal information defined by the Privacy Act; contain trade secrets and other confidential information of third parties; or relate to operations of the government that are less than 20 years old. Documents designated as Cabinet confidences are excluded from the Act and are presumed secret for 20 years. • The Commissioner can issue report cards on the institutions that come to its notice and this has led to improvement in the behaviour of most agencies. • Largest users are apparently businesses and the public, with the media only representing 11% of requests. 		<ul style="list-style-type: none"> • Largest users are apparently businesses and the public, with the media only representing 11% of requests.
Colombia	Law Ordering the Publicity of Official Acts and Documents	1985	<ul style="list-style-type: none"> • A constitutional right of ‘Habeas Data’ exists, in the context of a right to information policy dating back to the 1880s. • Law allows any person to examine the actual documents held by public agencies 	Administrative Tribunal	<ul style="list-style-type: none"> • Access to information is more common under the constitutional right of Habeas Data than under the 1985 law. • There are longstanding problems with implementation and enforcement.

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			<p>and to obtain copies, unless these documents are protected by the Constitution, another law, or for national defence or security considerations.</p> <ul style="list-style-type: none"> • Information requests must be processed in 10 days. • Under the General Law of Public Archives, after 30 years, all documents become public records except for those that contain confidential information or relate to national security. 		
Croatia	Act on the Right of Access to Information	2003	<ul style="list-style-type: none"> • Any person has the right to information from bodies of public authorities, including state bodies, local and regional governments, and legal and other persons vested with public powers. • Requests can be either oral or written. • Public authorities are required to respond within 15 days. • Requestors can also demand that information that is incomplete or inaccurate be amended or corrected. • Push model features: The law also imposes a number of administrative duties on public authorities to improve access. They are required to appoint an information officer and develop a catalogue of the information that they possess. They must publish in the official gazettes or on the Internet all decisions and measures which affect the interests of beneficiaries; information on their work including activities, structure, and expenditures; information on the use of the Act; and information relating to 	Internal appeal to the head of the competent body of the public authority, then external appeal to the Administrative Court, or alternatively the Ombudsman	<ul style="list-style-type: none"> • Ombudsman's decisions are not binding and the office has a broad mandate with many other issues. • Public bodies fail to respond to requests, and many have not appointed information officials, created catalogues of information or registers of requests. The Zagreb Mayor's office was described as the most secretive public body. • The Helsinki Committee also reported that journalists face difficulties in obtaining even routine information and that the Administrative Court was even denying the names of public bodies that were found by the court to have violated the law. • Civil Society groups are continuing to push for amendments to the Act including the creation of an independent Information Commission and a public interest test. • The unauthorized publication or disclosure of information classified as a state secret is a violation of the Criminal Code. Officials can be imprisoned for up to five years. Non-officials who know they are publishing a

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			<p>public tenders. They must also create a report on the status of implementation. The government must publish an annual report on the overall implementation of the law.</p> <ul style="list-style-type: none"> • There are sanctions available against both legal and physical persons for failure to make information available and criminal penalties for intentionally damaging, destroying, or concealing information. 		<p>secret can be imprisoned for up to three years or fined.</p>
Czech Rep.	Law on Free Access to Information	1999	<ul style="list-style-type: none"> • The law allows any natural or legal person to access information held by State authorities, communal bodies and private institutions managing public funds. • Requests can be made in writing or orally. • The public bodies are required to respond to requests within 15 days. • There are exemptions for classified information, privacy, business secrets, internal processes of a government body, information collected for a decision that has not yet been made, intellectual property, criminal investigations, activities of the courts, and activities of the intelligence services. • Fees can be demanded for costs related to searching for information, making copies and sending information. • Push model feature: Public bodies must also publish information about their structure and procedures as well as annual reports of their information-disclosure activities. 	<p>Appeals go to the superior body in the state authority, then an “exposition” can be filled when a central state body rejects an information request. The decision can then be appealed to a court under a separate law. Complaints can also be made to the Public Defender of Rights (Ombudsman)</p>	<ul style="list-style-type: none"> • Conflicts between the laws on access to information and the Administrative Procedures Act, • Poor enforcement even when there is a court judgment ordering release of information, • Slow and “ineffective” court reviews • Failure of government officials to release information and follow the dictates of the laws • Excessive fees being imposed, the overuse of commercial secrets and data protection as justifications for withholding, • Unjustified denials by agencies that claim that they are not subject to the Act or simply ignore the law,

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			<ul style="list-style-type: none"> Courts can order public bodies to release information rather than returning the case to the public body for re-review, fees are limited to mostly direct costs, relaxing the exemptions so that personal information and trade secrets relating to publicly funded activities can be released, and requiring public bodies to publish information that has been released in a request. 		
Denmark	Access to Public Administration Files Act	1985	<ul style="list-style-type: none"> Authorities must respond as soon as possible to requests and if it takes longer than ten days they must inform the requestor of why the response is delayed and when an answer is expected. Act applies to “all activity exercised by the public administration” and to electricity, gas and heating plants. The Minister of Justice can extend coverage of the Act to companies and other institutions that are using public funds and making decisions on behalf of central or local governments. It does not apply to the Courts or legislators. Documents relating to criminal justice or the drafting of bills before they are introduced in the Folketing are exempt. Authorities receiving information of importance orally to a decision by an agency have an obligation to take note of the information. The following documents are also exempted from disclosure: internal 	Folketingets Ombudsman	<ul style="list-style-type: none"> The Ombudsman cannot order public authorities to act but its recommendations are generally followed.

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			<p>case material prior to a final decision; records, documents and minutes of the Council of State; correspondence between authorities and outside experts in developing laws or for use in court proceedings or deliberations on possible legal proceedings; material gathered for public statistics or scientific research; information related to the private life of an individual; and documents on technical plans or processes of material importance.</p> <ul style="list-style-type: none"> • Non-disclosure is also allowed if the documents contain essential information relating to the security of the state an defence of the realm, protection of foreign policy, law enforcement, taxation and public financial interests. • Factual information of importance to the matter shall be released if it is included in internal case material or certain other exempted documents. • Public authorities must release information if there is a danger to life, health, property or the environment. 		
Dominican Rep.	Law on Access to Information	2004	<ul style="list-style-type: none"> • Allows any person the right to demand information in any form from national and municipal bodies, state enterprises, and private organizations that receive public money to conduct state business. • It does not include rough drafts and projects that are not an administrative procedure. The national legislature and judiciary are also covered for their 	Appeals of decisions can be made to a superior body and then to the administrative court.	<ul style="list-style-type: none"> • Regulations for the FOI law were enacted in February 2005. A report has criticised that the law requires an individual to explain the reasons for the request The Regulation provides that no reason is necessary and a simple request is sufficient

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			<p>administrative activities.</p> <ul style="list-style-type: none"> • The requests must be in writing. • Government bodies have 15 days to respond. The media is given a greater right of access. • There are twelve exemptions for information relating to: defence or state security that has been classified as reserved by an executive order or could affect international relations; would affect a government function if released too early; affect the operation of the banking or financial system; would affect an administrative or judicial proceeding; classified as secret relating to scientific, technological, communications, industrial, commercial, or financial the release of which would cause harm to the national interest; would harm an administrative investigation; would cause inequality or violate administrative hiring law; advice, recommendations or opinions that would harm the deliberative process prior to the final decision; commercial, industrial, or technical secret received in confidence; judicial or administrative secrets; personal privacy; and health and public security, the environment and the public interest in general. • There are criminal penalties for officials who unlawfully deny, obstruct or prevent access, of two to five years imprisonment and banning them from public employment for five years. • Push model features: All acts and 		

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			<p>activities of public bodies are required to be published. This includes acts and administrative activities of all three branches; budgets and calculations of resources; programs and projects; lists of all public employees; the sworn declarations of employees; listings of beneficiaries of programs and subsidies; state accounts of national debt; regulatory laws, decrees, decisions and other norms; official indices, statistics, and values; legal agreements and contracts; and other information required to be public by law. Public bodies are also required to publish in advance regulations and acts. The information must be in understandable language.</p> <ul style="list-style-type: none"> • The publication can be exempted if there is a strong public interest in non disclosure, for internal security, if it would cause disinformation or confusion, if it would negate the effectiveness of the regulation, or for urgency reasons. 		
Ecuador	Organic Law on Transparency and Access to Public Information	2004	<ul style="list-style-type: none"> • Gives citizens the right to demand public information in any format from public bodies and organizations that provide state services or are publicly owned. • The request must be in writing, and bodies must respond in ten days but that can be extended another five days. • There is no obligation to create information, conduct evaluations or 	Defensoría del Pueblo (Ombudsman). Complaints about withholdings can be made to a court by individual requestors. The Ombudsman can also take cases to court. The court can order the	<ul style="list-style-type: none"> • Implementation has been slow. Public bodies have not appointed officials, nor have they created the lists of classified information. A recent report found that: “ignorance exists regarding the Law of Transparency and Access to Public Information throughout all levels of local government (municipalities, provincial councils, etc.). There is also a lack of knowledge within civil society about the Law and the citizen’s right to public information”.

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			<p>analysis, or to produce summaries, statistical information, or indices if the information is widely dispersed.</p> <ul style="list-style-type: none"> • There are exemptions for personal information, national security, national defence including military plans, intelligence, and other information protected specially by other laws. • The regulations note that this includes commercial or financial information including information given in confidence; protected commercial, banking industrial or technical secrets, information related to the administration of justice; information on state decision making; if it would cause harm; and information given to the Tax Administration. • Information can be secret for a maximum of 15 years but the duration can be extended if there is continued justification for it. Information currently held as secret that is over 15 years old should be made public. The National Security Council is responsible for the classification and declassification of national security-related information. Congress can also declassify information in special session. • Information cannot be classified following a request. • Push model features: Public bodies are required to make information available about their activities on web sites including their structures and legal basis, internal regulations, goals and 	<p>release of the information. Appeals of court decisions can be made to the Constitutional Court.</p>	

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			<p>objectives, directories of personnel, monthly remunerations, services, contracts including a list of those who have failed to fulfil previous ones, budgets, results of audits, procurements, credits, and travel allowances of officials. Courts and other bodies are required to publish the full texts of decisions. The Congress is required to publish weekly on its web site all texts of projects of laws. The Electoral Supreme Court is required to publish the amounts received and spent by political campaigns. Political parties are required to publish annual reports on their expenditures.</p> <ul style="list-style-type: none"> • Public bodies are required to appoint an official to receive and answer requests, and must create registries of documents. They must also make an index of classified information. They are required to adopt programs to improve awareness of the law and citizen participation. University and other educational bodies are also required to include information on the rights in the law in their education programmes. • Public employees who unlawfully withhold, alter or falsify information can be fined one month's salary or be suspended without salary for that period. 		
Estonia	Public Information Act	2001	<ul style="list-style-type: none"> • The Act covers state and local agencies, legal persons in public law and private entities that are conducting public duties 	Data Protection Inspectorate. The Inspectorate can	<ul style="list-style-type: none"> • The Inspectorate has made inquiries with data holders and believes that the Act is generally followed although in 15 percent of the cases

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			<p>including educational, health care, social or other public services.</p> <ul style="list-style-type: none"> • Any person may make a request for information and the holder of information must respond within five working days. Requests for information are registered. Fees may be waived if information is requested for research purposes. • The Act does not apply to information classified as a state secret. • Internal information can be withheld for five years. This includes information that is: relating to pending court cases; collected in the course of state supervision proceedings; would damage the foreign relations of the state; relating to armaments and location of military units; would endanger heritage or natural habitats; security measures; draft legislation and regulations; other documents not in the register; and personal information. • Information relating to public opinion polls, generalized statistics, economic and social forecasts, the environment, property and consumer-product quality cannot be restricted. • Push model features: Government departments must maintain document registers. National and local government departments and other holders of public information have the duty to maintain websites and post an extensive list of information on the Web including statistics on crime and economics; enabling statutes and structural units of 	<p>review the procedures of the public authorities and receive complaints. Officials can demand explanations from government bodies and examine internal documents. The Inspectorate can order a body to comply with the Act and release documents.</p>	<p>there was non-compliance and five cases of a breach of the Act.</p>

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			<p>agencies; job descriptions of officials, their addresses, qualifications and salary rates; information relating to health or safety; budgets and draft budgets; information on the state of the environment; and draft acts, regulations and plans including explanatory memorandum. They are also required to ensure that the information is not “outdated, inaccurate or misleading.”</p> <ul style="list-style-type: none"> • E-mail requests must be treated as official requests for information. • Public libraries were required to have access to computer networks by 2002. 		
Finland	Act on the Openness of Government Activities	1999	<ul style="list-style-type: none"> • Sets the principle that documents are to be in the public domain unless there is a specific reason for withholding. • Every person has a right to access any “official document” in the public domain held by public authorities and private bodies that exercise public authority. • Those asking for information are not required to provide reasons for their request or to verify their identity unless they are requesting personal or other secret information. • Responses to requests must be made within 14 days. Petitioners, appellants and others persons who are party to a matter have an extended right of access to documents not in the public domain. • Access to “non-official documents” and documents not in the official domain such as private notes and internal discussions are limited and may not be archived. Documents which contain information on decision-making must be 	Appeals go to a higher authority in the government, and then to an Administrative Court. The Chancellor of Justice and the Parliamentary Ombudsman can also review decisions.	None – a highly transparent and successful system by all accounts.

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			<p>kept. Preparatory documents are to be entered into the public domain at the time of decisions, if not earlier.</p> <ul style="list-style-type: none"> • The current law codifies 120 pre-existing secrecy provisions into 32 categories of secret documents that are exempt from release with different harm tests depending on the type of information. These include: documents relating to foreign affairs, criminal investigations, the police (including tactical and technical plans), the security police, military intelligence and armed forces “unless it is obvious that access will not compromise” those interests, business secrets, and personal information including lifestyle and political convictions except for those in political or elected office. • Documents are kept secret for 25 years unless otherwise provided by law except for personal information which is closed for fifty years after the death of the individual. If the release would “obviously [...] cause significant harm to the interests protected”, the Government can extend the classification another thirty years. • Government authorities are also required to publish information about their activities and government meetings are open to the public. Indices of documents must be maintained. The authorities must plan their document and computer systems to ensure easy access to information. 		
France	Law on Access to	1978	<ul style="list-style-type: none"> • The Act provides for a right to access by 	Commission d'accès	<ul style="list-style-type: none"> • Under utilised/low public awareness of the

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	Administrative Documents		<p>all persons to administrative documents held by public bodies.</p> <ul style="list-style-type: none"> • These documents include “files, reports, studies, records, minutes, statistics, orders, instructions, ministerial circulars, memoranda or replies containing an interpretation of positive law or a description of administrative procedures, recommendations, forecasts and decisions originating from the State, territorial authorities, public institutions or from public or private-law organizations managing a public service.” They can be in any form. • Documents released are subject to copyright rules and cannot be reproduced for commercial purposes. • Public bodies must respond within a month. • Proceedings of the parliamentary assemblies, recommendations issued by the Conseil d'État and administrative jurisdictions, documents of the State Audit Office, documents regarding the investigation of complaints referred to the Ombudsman of the Republic and documents prior to the drafting of the health-organisation accreditation report are excluded from the definition of administrative documents. Documents that are “instrumental in an administrative decision until the latter has been taken” are not available until the decision is made. • There are also mandatory exemptions for documents that would harm the secrecy of the proceedings of the 	<p>aux documents administratifs. It can mediate disputes and issue recommendations but its decisions are not binding. There are no internal appeals under the law and all appeals are heard first by the Commission.</p>	<p>law.</p> <ul style="list-style-type: none"> • Failure of bodies to recognize that the Act applies to them or still have traditional notions of secrecy and excessive delays (80 percent of bodies do not meet the deadline)

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			<p>government and proper authorities coming under the executive power; national defence secrecy; the conduct of France's foreign policy; the State's security, public safety and security of individuals; the currency and public credit; the proper conduct of proceedings begun before jurisdictions or of operations preliminary to such proceedings, unless authorization is given by the authority concerned; actions by the proper services to detect tax and customs offences; or secrets protected by the law.</p> <ul style="list-style-type: none"> • Documents that would harm personal privacy, trade or manufacturing secrets, pass a value judgment on an individual, or show behaviour of an individual can only be given to the person principally involved. 		
Georgia	General Administrative Code of Georgia	1999	<ul style="list-style-type: none"> • The Act sets a general presumption that information kept, received or held by a public agency should be open. All public information should be entered into a public register in two days. • The law gives anyone the right to submit a written request for public information regardless of the form that the information takes and without having to state the reasons for the request. • The agency must respond immediately and can only delay if the information is in another locality, is of a significant volume or is at another agency. Fees can only be applied for copying costs. • The law also sets rules on the access and use of personal information. 	None. Those whose requests have been denied can appeal internally or can ask a court to nullify an agency decision. The court can review classified information to see if it has been classified properly.	<ul style="list-style-type: none"> • Some problems with implementation including a lack of promotion by officials, demands for reasons for requests (declining but still common), failure of some bodies to create registries, failure of administrative appeals and sanctions, and slowness by courts. • The Ombudsman in 2004 found that most public authorities are not fulfilling their obligations for reports. • The International Society for Fair Elections and Democracy conducted a national survey of public accessibility of information in 2001 and found that it was still difficult at that time for ordinary citizens to obtain information

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			<ul style="list-style-type: none"> • There are exemptions for information that is protected by another law or that which is considered a state, commercial, professional or personal secret. Names of some public servants participating in a decision by an official can be withheld under executive privilege but the papers can be released. • The 2001 amendment prohibits the withholding of the names of political officials. • Information relating to the environment and hazards to health, structures and objectives of agencies, election results, results of audits and inspections, registers of information and any other information that is not state, commercial, or personal secrets cannot be classified. • All public information created before 1990 is open. • Agencies are required to issue reports each year on the requests and their responses under the Act. 		
Germany	Act to Regulate Access to Federal Government Information	2005	<ul style="list-style-type: none"> • The Act gives any person a right of access to official information from agencies of the federal government or those organisations or persons conducting public duties. • Information must be provided within one month. It can be provided orally, in writing or electronically. • There are extensive exemptions in the law. Drafts or notes are not included in the definition of official information. There are exemptions for information the disclosure of which would have a detrimental effect on international 	Federal Commissioner for Data Protection and Freedom of Information	<ul style="list-style-type: none"> • There has been little media attention or discussion of the law and little effort by the government to promote the law. • Some agencies such as the Foreign Office have announced that they are planning to charge large fees for access to information. • The Stasi Records Act allows access to the files of the secret police of the former

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			<p>relations; military interests; internal or external security interests; duties of regulatory authorities; external financial control; prevention of prohibited foreign trade; ongoing legal, criminal or administrative proceedings; jeopardise public safety; subject to secrecy or confidentiality by another law or state secrets regulation; impair the fiscal interests of the federal government; third party confidential information or relates to the intelligence services or the Security Screening Act.</p> <ul style="list-style-type: none"> • Drafts and resolutions can be withheld if they would prevent the success of the decision or pending matters. This does not include results of evidence gathering or opinions of third parties. • Access to another person's personal data can only be given if the interest outweighs the other person's interest or the person consents to the release. Sensitive personal data can only be released with consent. • There is no right of access if it conflicts with intellectual property rights. • Authorities are required to maintain indexes of information and their purposes. Indexes and other information should be made available on government websites. 		<p>German Democratic Republic (East Germany). The law created a Federal Commission for the Records of the State Security Services of the Former GDR which has a staff of 3,000 piecing together shredded documents and making files available. There have been two million requests from individuals for access to the files and three million requests for background checks since the archives became available.</p>
Greece	Code of Administrative Procedure	1999	<ul style="list-style-type: none"> • Article 5 of the Code provides that "interested persons" have a right to access administrative documents created by government agencies (the Ombudsman affirmed that no interest is necessary for the noting that it was 	Ombudsman	<ul style="list-style-type: none"> • Greece signed the Aarhus Convention in June 1998 and ratified it in January 2006. A 1995 joint ministerial decree implemented the EU 90/313/EEC Directive after the European Commission started an infringement proceeding against Greece.

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			<p>merely the adoption of the revised constitutional right of access).</p> <ul style="list-style-type: none"> • The request must be in writing. • Administrative documents are defined as “all documents produced by public authorities such as reports, studies, minutes, statistics, administrative circulars, responses opinions and decisions.” In addition, it allows persons with a “special legitimate interest” to obtain “private documents” relating to a case about them. • Documents relating to the personal life of an individual are not subject to the Act. • Secrets defined by law, including those relating to national defence, public order and taxation cannot be released. • Documents can also be restricted if they relate to discussions of the Council of Ministers or if they could substantially obstruct judicial, military or administrative investigations of criminal or administrative offences. 		<ul style="list-style-type: none"> • In July 2005, the European Commission announced that it was taking legal action against Greece and six other countries for failing to implement the 2003 EU Directive on access to environmental information.
Hungary	Protection of Personal Data and Disclosure of Data of Public Interest	1992	<ul style="list-style-type: none"> • The Act guarantees that all persons should have access to information of public interest which is broadly defined as any information being processed by government authorities except for personal information. • Requests can be written, oral or electronic. Agencies must respond in 15 days to requests. • State or official secrets and information related to national defence, national security, criminal investigations, monetary and currency policy, 	Parliamentary Commissioner for Data Protection and Freedom of Information	

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			<p>international relations and judicial procedure can be restricted if specifically required by law. Internal documents are generally not available for 10 years.</p> <ul style="list-style-type: none"> Besides acting as an ombudsman for both data protection and freedom of information, the Commissioner's tasks include: maintaining the Data Protection Register and providing opinions on data protection and information access-related draft legislation as well as each category of official secrets. A move towards push model ideas: Act XC of 2005 on the <i>Freedom of Information by Electronic Means</i> imposes E-FOI requirements for the law. It requires a number of public bodies to create home pages and sets out in an annex an extensive list of information that needs to be released. The Minister of Informatics and Communications must create a central list of databases and registries and a uniform public data search engine. Ministries must also publish information about draft legislation and ministerial decrees and related documents. Many court decisions must also be published. 		
Iceland	Information Act	1996	<ul style="list-style-type: none"> The Act provides that individuals, including non residents, and legal entities, have a legal right to documents and other materials without having to show a reason why they are asking for these documents. Government bodies must explain in writing if they have not processed a request in seven days. 	Information Committee	<ul style="list-style-type: none"> The Criminal Code provides for of up to sixteen years imprisonment for disclosing “secret agreements, contemplations or resolutions of the State relating to matters on which its fortune or rights against other States depend or which are of major financial or commercial importance for the Icelandic nation” and up to ten years for military secrets.

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			<ul style="list-style-type: none"> • Exempted from the Act are materials relating to meetings of the Council of State and the Cabinet, memoranda recorded at ministerial meetings and documents which have been prepared for such meetings, correspondence prepared for court proceedings, working documents before a final decision is made, and applications for employment. • The Act also does not apply to registrations, enforcement proceedings, property attachments, injunctions, sales in execution, moratoria on debts, compositions, liquidations, divisions of estates at death and other official divisions, investigations or prosecutions in criminal cases, information under the Administrative Procedure Act and the Personal Data Act, and cases where other provisions are made in international agreements to which Iceland is a party. • Access to this information is available once the measures are complete or after a period of 30 years (80 years for personal information). • Information about a person's private life or important financial or commercial interests of enterprises or other legal persons is withheld unless the person gives permission. • Information relating to security or defence of the state, relations with other countries, commercial activities by state bodies and measures by state bodies that "would be rendered meaningless or would not produce their intended result 		<ul style="list-style-type: none"> • Iceland is described as having a high level of transparency and should be complimented on its system.

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			<p>if they were known to the general public” prior to the measures being conducted can be withheld if there are “important public interests”.</p> <ul style="list-style-type: none"> Copyrighted material can be released with the provision that those obtaining them must respect copyright rules. 		
India	Right to Information Act	2005	<ul style="list-style-type: none"> The Act provides that all Indian citizens have a right to ask to ask for information not only from Central Government public authorities, but also from public authorities under the jurisdiction of the states. This includes local level bodies (called <i>panchayats</i>). The Act covers all public authorities set up by the Constitution or statute, as well as bodies controlled or substantially financed by the Government or non-government organizations which are substantially funded by the Government. Citizens can not only request to inspect or copy information, but the Act also allows them to make an application to inspect public works and take samples. Applications must be submitted to a Public Information Officer (PIO) who must be appointed in every unit of a public authority. Applications may also be sent to an Assistant PIO, who should be appointed at local levels, who will forward the request to the relevant PIO. The PIO must respond in writing within thirty days or if the request concerns the life or liberty of a person, within 48 hours. The Act includes a list of exemptions, although they are all subject to a blanket 	Information Commissions. The Act attempts to bar appeals to the courts, but as the right to information is a constitutional right, it would appear that citizens still have the right to go to the High Court or Supreme Court if they feel their right has been infringed.	<ul style="list-style-type: none"> The Central Government, which sponsored the Act, has been relatively active, although it was slow in putting in place systems, in ensuring fulsome proactive disclosure and in setting up the Central Information Commission. To date, more than 20 states have appointed Information Commissioners, although actually setting up and providing adequate resources to the Information Commission offices has often been slow. Applications are being made throughout the country, with varying levels of success. It has been reported that local panchayat officials have been particularly slow in coming to terms with their duties under the new law. Although the Official Secrets Act, 1923, which is based on the 1911 UK OSA, has not been repealed, the Right to Information Act specifically states that its provisions will have effect notwithstanding anything inconsistent in the OSA or any other law. The OSA prohibits the unauthorized collection or disclosure of secret information and is frequently used against the media

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			<p>override whereby information may be released if the public interest in disclosure outweighs the harm to the protected interest. Exemptions cover disclosures that would prejudicially affect the sovereignty and integrity of India, the security, strategic or economic interests of the State, relations with foreign States, would lead to incitement of an offence, has been expressly forbidden to be published by a court or tribunal, could constitute a contempt of court; would endanger the life or safety of a person or identify a source; used by law enforcement bodies, would impede an investigation or apprehension or prosecution of an offender, would cause a breach of parliamentary privilege; Cabinet papers (although materials relied upon must be released after decisions are made), commercial confidence information, trade secrets or intellectual property where disclosure would harm the competitive position of a third party, information available due to a fiduciary relationship, information obtained in confidence from a foreign government and personal information which has no relationship to any public activity or which would cause an unwarranted invasion of privacy.</p> <ul style="list-style-type: none"> • Fines and disciplinary proceedings can be ordered for a range of offences, including refusing to access an application, delaying providing information (for which a daily penalty can be imposed), provision of false, misleading or incomplete 		

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			<p>information and obstruction of information officials.</p> <ul style="list-style-type: none"> • All public authorities must proactively publish and disseminate a very wide range of information, including details of the services they provide, their organizational structure, their decision-making norms and rules, opportunities for public consultation, recipients of government subsidies, licences, concessions, or permits, categories of information held, and contact details of PIOs. Public authorities must also maintain indexes of all records and over time computerize and network their records. • Information Commissions must monitor implementation and produce annual reports. To the extent that resources are available, Governments must also provide training for officials and conduct public education activities, including publishing a User's Guide. 		
Ireland	Freedom of Information Act	1997	<ul style="list-style-type: none"> • Any person can request any record held by a public body. The Act lists the government departments and bodies it covers. The Minister of Finance can by regulation add more bodies and has been slowly expanding the scope of the legislation to new organizations, now numbering almost 500. • The Act does not apply to the Garda Síochána (police) and a number of other bodies including the Health and Safety Authority (secretly introduced as an amendment in 2005), the Central Bank, Financial Services Authority, Irish 	<ul style="list-style-type: none"> • Office of the Information Commissioner. • Inside the government, the FOI Central Policy Unit (CPU) in the Department of Finance coordinates the Act. The CPU chairs several working and advisory groups 	<ul style="list-style-type: none"> • An amendment in 2003 extended the time for withholding of Cabinet Documents from five years to ten years and expanded the coverage of the exemption; allowed public servants to issue unappealable certificates saying that deliberative processes are ongoing to prevent access and weakened the public interest test; weakened the harm test for security, defence and international relations; and allowed the government to impose fees for requests and appeals. • The government announced in June 2003 that it was imposing a new fee structure based in the amendment - €15 for requests, €75 for

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			<p>Financial Services Regulatory Authority, and National Treasury Management Agency.</p> <ul style="list-style-type: none"> • Government bodies must respond within four weeks and justify why information is withheld. It also requires that agencies provide a written explanation to individuals of decisions that affect their interests. • The Act only applies to documents created after April 1998, unless they contain personal information or are necessary to understand other documents covered under the Act. • There are a number of exemptions and exclusions with different harm and public-interest tests. • Records can be withheld if they relate to: the deliberative process unless the public interest is better served by releasing the document; cases where the release of information would prejudice the effectiveness of investigations or audits or the performance of government functions and negotiations unless the public interest is better served by releasing the documents; or cases where disclosure would prejudice law enforcement, security, defence and international affairs. • Documents must be withheld where they relate to ministerial Cabinet meetings with an exception for certain records related to a decision made over ten years before the request or those that contain factual information relating to a decision of the government; contempt of court 	<p>and promotes and trains staff on the Act. It also recommends which government bodies the Act ought to cover in the future.</p>	<p>internal reviews and €150 for reviews to the Information Commissioner.</p> <ul style="list-style-type: none"> • The Information Commissioner issued a report in June 2004 finding that since the introduction of fees the overall usage of the Act declined over 50 percent and requests for non-personal information declined by 75 percent. The review also found that journalists (down 83 percent) and businesses (down 53 percent) were substantially less likely to use the Act. • Many government departments have begun to publish details on their web sites of all requests and responses which was criticised by the media as an effort to stop the use of FOI for investigative reporting. The Department of Communications also began to publish the name and address of every requestor on its web site. • The Data Protection Commissioner ruled in 2003 that bodies could publish the names of FOI requestors who were acting in their professional capacity as journalists or as employees of a company but not the names of individuals asking for their own records or those whose professions could not be determined.

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			<p>and parliamentary proceedings; legal professional privilege; information obtained in confidence; commercially sensitive information and personal information, or where (with certain exceptions) disclosure is prohibited or authorized by other legislation.</p> <ul style="list-style-type: none"> • There is a public-interest test for records obtained in confidence or those containing personal or commercially sensitive information. But the public-interest argument cannot be made for records related to defence or international relations. There is a limited public interest argument for law enforcement records. • Public bodies are required to publish information relating to their structure, functions, duties, descriptions of records, and the internal rules, procedures, practices, guidelines, and interpretations of the agency. 		
Israel	Freedom of Information Law	1998	<ul style="list-style-type: none"> • The law allows any citizen or resident access to information held by public authorities including government ministries, the Presidency, Parliament, courts, local councils, government-owned corporations and other bodies doing public business. Additional bodies can be included by the Justice Ministry and a committee in the Knesset. Universities and the National Lottery were recently included. • It can also be used by non-citizens and non-residents relating to their rights in Israel. • The information can be in any form, 	None – appeal to Courts	<ul style="list-style-type: none"> • Implementation not particularly successful: the Civil Service Commission never set up a planned unit to implement the Act and there is no central monitoring of the bodies including reviewing the annual reports. There has been almost no training of officials. There has also been a lack of interest by requestors with most ministries receiving less than 100 requests each year, mostly for non-personal information requests. Few journalists appear to be using the Act. • A new organization, the Freedom of Information Movement, was recently set up to promote openness. • An index published by the FOIM and the

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			<p>including written, recorded, filmed, photographed or digitised.</p> <ul style="list-style-type: none"> • Requests for information must be processed within 30 days and departments have 15 days after processing to provide the information. • The security services and other bodies that handle intelligence matters, national security and foreign policy are excluded from coverage under the Act. • There are mandatory exemptions for information that would harm national security, foreign affairs of the safety of an individual, or that the Minister of Defence has declared to be necessary for protecting national security; personal privacy; or is protected by another law. • There are discretionary exemptions for information that may interfere with the functioning of a public authority; policies under development; negotiations with external bodies of individuals; internal deliberations; internal agency management; trade or professional secrets (except for some environmental information); privileged information; law enforcement customs and procedures; disciplinary affairs of public employees; and if they would damage the privacy of a dead person. The public authority must consider the public interest in releasing the information. 		<p>Coleman School of Law in Rishon le-Zionin 2006 found that even the best ranked ministries did not do better than a rating of 3.03 out of 5. The Ministries of Treasury and Justice received the best scores while Tourism and Agriculture were the worst.</p>
Italy	No. 241 of 7 August 1990	1990	<ul style="list-style-type: none"> • Chapter V of Law No. 241 of 7 August 1990 provides for access to administrative documents. However, the right to access is limited. The law states that those requesting information must 	Commission on Access to Administrative Documents. Appeals to regional courts.	In the 2004 report by the Commission on Access to Administrative Documents , it was noted that some bodies had not adopted required regulations and there was still difficulty with the culture of transparency in public

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			<p>have a legal interest. The 1992 regulations require “a personal concrete interest to safeguard in legally relevant situations.” The courts have ruled that this includes the right of environmental groups and local councillors to demand information on behalf of those they represent. A 2005 revision appears to adopt the court rulings and relax the interest somewhat to allow access when an individual can show they represent a more general public interest.</p> <ul style="list-style-type: none"> • Documents include “any graphic, photographic, cinematic, electromagnetic or other representation of the contents of acts, including internal acts, produced by public administrations or used for purposes of administrative activity.” • The law applies to “administrative bodies of the state, including special and autonomous bodies, public entities and the providers of public services, as well as guarantee and supervisory authorities.” • Requests can be written or oral. Public bodies must respond within 30 days but they can delay release if this would “prevent or severely impede the performance of administrative action.” • Information relating to state secrets, fiscal procedures, development of policy, and relating to rights of third parties is excluded. Information relating to national defence, international relations monetary policy, public order and prevention of crime, personal privacy and professional secrets can be withheld but must be 		administration

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			<p>given when it is necessary to defend their legal interest.</p> <ul style="list-style-type: none"> The 1992 regulations require that non-disclosure must generally be justified in terms of “concrete damage” to the public interest, but they also state that access may be denied if there is specific, identified damage to national security and defence or international relations; if there is a danger of damaging monetary and foreign exchange policy; and if they relate to the enforcement of laws and the privacy and confidentiality of individuals, legal persons, groups, enterprises and associations. 		
Jamaica	Access to Information Act	2002	<ul style="list-style-type: none"> Documents are exempt from disclosure if they would prejudice security, defence, or international relations; contain information from a foreign government communicated in confidence; is a submission to the Cabinet or a Cabinet Decision or record of any deliberation of the Cabinet (except for factual information); are law enforcement documents that would endanger or could reasonably be expected to endanger lives, prejudice investigations, or reveal methods or sources; the document is privileged or would be a breach of confidence, contempt of court or infringe the privileges of Parliament; contains opinions, advice or recommendations or a record of consultations or deliberations for Cabinet decisions that are not factual, scientific or technical in nature or if the release is not in the public interest; would harm the national economy; 	<p>Access to Information Unit. Appeals are heard internally by the Permanent Secretary or principal officer of the Ministry or the Minister for documents subject to a certificate. Second appeals then go to an Appeal Tribunal set up specifically to hear complaints under the Act.</p>	<p>Issues include:</p> <ul style="list-style-type: none"> lengthy delays in receiving acknowledgement of the appeal from the Tribunal; lengthy delays in getting dates set for hearings; excessively formalistic, onerous and legalistic procedures; short notice periods for hearings; and onerous procedural requirements. It has also been observed that difficulties faced by the Tribunal include: all current members being employed elsewhere, which has led to severe scheduling difficulties sittings of the Tribunal; difficulty getting draft regulations amended; and lack of a designated Secretariat

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			<p>would reveal trade secrets or other confidential commercial information; could be expected to result in damage, destruction, or interference with historical sites, national monuments or endangered species if the release is not in the public interest; or relating to the personal affairs of any person alive or dead.</p> <ul style="list-style-type: none"> • The Prime Minister can issue a conclusive certificate that the document is a Cabinet record. Other responsible Ministers can issue a certificate exempting documents relating to national security, law enforcement or national economy. Exemptions are 20 years or less as the minister decrees. • Individuals can also apply to correct documents that contain personal information that is incorrect if the documents are used for administrative purposes. • The Governor-General, security and intelligence services, the judicial function of courts, and bodies as decreed by the Minister of Information are excluded from the scope of the Act. 		
Japan	Law Concerning Access to Information Held by Administrative Organs	1999	<ul style="list-style-type: none"> • The law allows any individual or company, Japanese or foreign, to request administrative documents held by administrative agencies in electronic or printed form. A separate law enacted in November 2001 extended the coverage of the access law to public service corporations. • Departments must respond in 30 days. 	Information Disclosure Review Board. Appeals can also go to district courts	<p>Issues include:</p> <ul style="list-style-type: none"> • high fees, delays in referring appeals to the Information Disclosure Review Board, missing documents, poor archiving, and excessively broad disclosures. • The public interest test is only infrequently used. • Since the adoption of the new law on protecting personal privacy, government

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			<ul style="list-style-type: none"> • There are six broad categories of exemptions: information about a specific individual unless the information is made public by law or custom, is necessary to protect a life, or relates to a public official in his public duties; corporate information that risks harming its interests and was given voluntarily in confidence; information that puts national security or international relations or negotiations at risk; information that would hinder law enforcement; internal deliberations that would harm the free and frank exchange of opinions or hinder internal decision making; business of a public organ relating to inspections; and supervision, contracts, research, personnel management, or business enterprise. • Exempted information can be disclosed by the head of the agency “when it is deemed that there is a particular public-interest need.” The head of the agency can also refuse to admit the existence of the information if answering the request will reveal the information. 		<p>bodies have expanded the scope of withholding personal information about public officials. It is cited in approximately 70 percent of withholdings</p> <ul style="list-style-type: none"> • The government issued a decree in April 2006 that reduced fees by half
(South) Korea	Act on Disclosure of Information by Public Agencies	1996	<ul style="list-style-type: none"> • The Act allows citizens to demand information held by public agencies. Those requesting information must provide their names and resident registration numbers and the purpose for the use of the information. A separate Presidential Decree allows access by foreigners who are residents, in the country temporarily for education or research, or companies with an office in 	Ministry of Government Administration	Reviews have found problems with frequent improper denials of requests, the failure of government agencies to publish lists of available documents, and a disregard and non-enforcement of the Act

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			<p>Korea.</p> <ul style="list-style-type: none"> • Agencies must decide in 15 days. • The Act does not apply to information collected or created by agencies that handle issues of national security. • There are eight categories of discretionary exemptions: secrets as defined in other Acts; information that could harm national security, defence, unification or diplomatic relations; information that would substantially harm individuals, property or public safety; information on the prevention and investigation of crime; information on audits, inspections, etc. that would substantially hamper the performance of government bodies; personal information about an individual; trade secrets that would substantially harm commercial or public interests; and information that would harm individuals if disclosed, such as real estate speculation or hoarding of goods. • Information, however, can be released once the passage of time has reduced its sensitivity. • Agencies must set up an information disclosure deliberative committee to determine release. Those denied can appeal to public agencies; further appeal can also be made to the head of the central agency under the Administrative Appeals Act. Judicial review is provided under the Administrative Litigation Act in cases where an individual's "legal interest is violated due to the disposition or omission of public agencies." 		

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			<ul style="list-style-type: none"> The courts have been active in promoting a right of access and have found that disclosure should be the rule not the exception. The Korean Government has also been active in promoting electronic government as a means of improving access to information and to fight corruption. The Online Data Release System allows for citizen to obtain information from government departments using a website 		
Kosovo	Law on Access to Official Documents	2003	<ul style="list-style-type: none"> The law allows any “habitual resident” or person eligible to be a resident of Kosovo or natural or legal persons in Kosovo to have a right of access to documents held by any Provisional Institution of Self-Government (PISG), municipality, independent bodies set up under the Constitutional framework or Kosovo Trust Agency. The institutions may also grant the rights to non-residents. The request can be made in written or electronic form. Institutions must respond in fifteen working days. There are exemptions if disclosure would undermine: the public interest in public security, defence and military matters, international relations or the financial monetary or economic policy of the PISG; the privacy and integrity of an individual; commercial interests; court proceedings; or the purpose of inspections, investigations or audits. The government must draft a list of documents to be exempted. 	Ombudsperson Institution	<ul style="list-style-type: none"> The Ombudsman described it in July 2005 as “an example of a law which so far has, to a considerable extent, existed only on paper.” None of the institutions it had interviewed had set up the official register as required by the law; The Government has not adopted the rules and regulations on classification of sensitive documents; The Government has not drafted the list of documents on sensitive documents; The Office of Prime Minister had not published the annual report on implementation

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			<ul style="list-style-type: none"> • There are also exemptions for internal documents prior to the decision being made or if it would seriously undermine the decision-making process. The exemptions may apply for a maximum of thirty years. The body must consider if there is an overriding public interest in disclosure including if there is a failure to comply with legal obligations, existence of criminal acts, abuse of authority or neglect, unauthorized use of public funds or danger to the health or safety of the public. • Appeals of denial are first back to the body asking it to reconsider and then can be made to a court or to the Ombudsperson Institution. • Each institution is required to create a register of documents, if possible in electronic form. Each document should be recorded in the register with a reference number, title and description and date it was created or received. Institutions are required to make documents available directly through an electronic register, especially legislative documents and those relating to the development of policy and strategy. • Each institution is also required to produce an annual report on cases of denials with reasons and the number of sensitive documents not recorded in the register. 		
Kyrgyzstan	Law on Guarantees of Free Access to Information Held by State Bodies and Local Government	2006	<ul style="list-style-type: none"> • Any person can ask for information in “any technically feasible form” without having to show a reason. The request can be oral or written. Bodies must respond 	State Data Inspectorate. Appeals can also be heard by a court	Lack of funding for the State Data Inspectorate has limited its powers

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			<p>in 15 days.</p> <ul style="list-style-type: none"> • The law creates two categories of information – “generally accessible” and “restricted”. Information can only be limited if it is intended for a limited group of people and the disclosure would hinder the work of the institution or harm a person’s legitimate interest. • To be restricted, it must be restricted by another law, for internal use of an institution, a trade secret not relating to public procurements, about the private life of an individual, concerns certification, examination, project, tender and similar evaluation procedures, or relates to state security but not a state secret. • The 2005 amendments to the Act made some substantive improvements to the workings of the law. The right of access was further clarified and strengthened. The duration for restricted information was limited to one year, subject to renewals. It also required institutions to create information registers and make those available on the body’s website and allowed requesters to obtain information in the format of their choice. 		
Latvia	Law on Freedom of Information	1998	<ul style="list-style-type: none"> • The Act allows any person to obtain files from state and municipal organs and private individuals who are conducting public tasks. • Responses must be responded to in a “timely” manner. • It does not apply to documents under preparation. There are exemptions for protecting decisionmaking, public 	None/ Appeals are made to a court	No information is available on what issues might be relevant to Latvia

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>security, disproportionate expenditures, privacy, and professional secrets.</p> <ul style="list-style-type: none"> • Documents are released based on a balance of interests test. • The law also sets rules on the openness of meetings of the Parliament, commissions and municipalities. 		
Lithuania	Law on the Right to Obtain Information from State and Local Government Institutions	2000	<ul style="list-style-type: none"> • Allows citizens, residents and legal persons in Lithuania or other EU and EEA countries to obtain information by state and local government bodies and private bodies providing public services. • Requests must be in writing and include the name and address of the individual asking for information. • Requests must be acted on within 20 days (up from 14 previously) which can be extended another 20 days. • Information that is a state, official, professional, commercial or bank secret under another law cannot be disclosed. Also exempted is other information protected by law and whose disclosure would violate personal privacy, intellectual property rights, or cause damage to interests of state security and defence, foreign policy interests and criminal prosecution. Information can also be withheld that is not related to government functions, protected by intellectual property rights, held by national television and radio, schools, libraries, museums, archives, requiring a legal interest, or exchanged between administrations. • Public bodies must create an index of the information they hold, and publish 	Internal Appeals Dispute Commission and then to an administrative court or Seimas Ombudsman	<p>The COE GRECO anti-corruption program found significant problems with access to public records in 2002 and recommended improvements:</p> <p>“it is generally difficult for the public and the media to have access to public documents, partly due to legal obstacles, partly due to a discretionary application of the regulations by public officials. In addition, information concerning inappropriately influenced journalists and media should be further scrutinised. The control of the authorities exerted by the public opinion, to a large extent thanks to media, is vital in a democratic society and plays a significant role by revealing hidden corrupt practices. However, for this control to be effective access to public documents must be ensured.”</p>

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			information about functions, structure and activities.		
Macedonia	Law on Free Access to Information of Public Character	2006	<ul style="list-style-type: none"> • The law allows any natural or legal person to obtain information from state and municipal bodies and natural and legal persons who are performing public functions. The requests can be oral, written or electronic. Requests must be responded to in 10 days. • There are exemptions for classified information, personal data, confidential information, tax violations, pending investigations, documents being compiled if it would cause misunderstanding, environmental protection, and protecting intellectual property. • All the exemptions are subject to a test that requires release if the public interest is greater than the harm. • Public bodies are required to designate officials to be responsible for implementation of the Act. The bodies are required to make public information on their organizations and structures, competencies, regulations, programs and activities, procurements, costs and publishing of decisions. • They must maintain and regularly update and publish a list of information that they hold. • They must also maintain detailed statistics on requests made and the final outcomes. • The law also provides for a limited whistleblower protection that limits sanctions for any public employee who discloses protected information that 	Commission for the Protection of the Right to Free Access to Information of Public Character.	No information is available on what issues might be relevant to Latvia

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>reveals abuses of power or corruption or that is for the prevention of serious threats to human health and life or the environment.</p>		
Mexico	Federal Law of Transparency and Access to Public Government Information	2002	<ul style="list-style-type: none"> • The law allows all persons to demand information in writing from federal government departments, autonomous constitutional bodies and other government bodies. Agencies must respond to requests in 20 working days. • The law creates five categories of privileged information. For these categories, information can be withheld if their release will harm the public interest. These include information on national security public security or national defence; international relations; financial, economic or monetary stability; life, security or health of any person at risk; and verification of the observance of law, prosecution of crimes, collection of taxes, immigration or strategies in pending processes. • There are an additional six categories of exempted information. These are information protected by another law that can be considered confidential or privileged, commercial secrets, preliminary findings, judicial or administrative files prior to a ruling, public servants responsibility proceedings before a ruling, and opinions in a judicial process prior to a final decision. • Information can only be classified for 12 years. • Information relating to “the investigation of severe violations of fundamental rights 	Federal Institute for Access to Public Information. Individuals but not government bodies can appeal decisions to federal courts.	<ul style="list-style-type: none"> • Over all response has been positive to reviews of the law. • Some agencies and officials have filed lawsuits to oppose rulings or have not complied with IFAI rulings (about 10 so far) and many public bodies have poor archives that makes locating information difficult. • Awareness of the law among the general public is growing but still somewhat low at 33 percent in 2004. • HRW also has expressed concern that IFAI is vulnerable to political interference, the possibility that a new administration would allow agencies to resist compliance, the lack of progress in the other branches and at the state level, and the failure of the law to apply to political parties. • There have also been legislative proposals that would undermine the law. An amendment in March 2006 would have allowed agencies to appeal decisions to the courts, but would make the original requestor defend the appeal. That provision was withdrawn after the IFAI publicly opposed it. A law on national security adopted in January 2005 allowed public bodies to withhold some information but the final version was amended to reflect the exemptions in the transparency law. • The transparency law also imposes privacy protection rules on federal bodies. They are required to allow access to, correct, and prevent misuse of personal information.

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>or crimes against humanity” may not be classified.</p> <ul style="list-style-type: none"> • Personal data is considered confidential and is not subject to the 12 year rule. • The Federal Institute for Access to Public Information has set up a sophisticated electronic system for requests on the Internet called SISI for the Executive agencies and arranged with the Federal Election Institute to provide computers in their offices for individuals in remote locations to use to submit requests • Each body must create a liaison unit to answer requests and fulfil the other requirements of the law. • They must produce a regular index of all files, including privileged or confidential files. • They are required to publish an extensive amount of information on their web sites, including structure, directories, salaries of public employees, aims and objectives, audits, subsidies and contracts. • They are required to set up information committees to review classification and non-disclosure of information and monitor compliance of the body. 		
Moldova	The Law on Access to Information	2000	<ul style="list-style-type: none"> • Under this law, citizens and residents of Moldova can demand information from state institutions, organisations financed by the public budget and individuals and legal entities that provide public services and hold official information. • The bodies must respond within 15 working days. • Information can be withheld to protect 	Appeals can be made to the top management of the department that holds the information or its superior body. If they are not satisfied, they can	<ul style="list-style-type: none"> • The Freedom of Expression and Access to Information Promotion Centre found in May 2003 that “the implementation of the Law on Access to Information remains extremely tedious, despite efforts made by non-governmental organizations to hasten the process. Rule of law education and enforcement as well as general education about freedom of information are necessary

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			<p>state secrets related to military, economic, technical-scientific, foreign policy, intelligence, counterintelligence and investigation activities if disclosure would endanger the security of the state; confidential business information submitted to public institutions under conditions of confidentiality; personal data the disclosure of which may be considered as intrusions into privacy; information related to the investigative activity of corresponding bodies; and information that represents the final or intermediary results of scientific and technical research.</p> <ul style="list-style-type: none"> Information providers must prove that the restriction is authorized by law, necessary in a democratic society for protection of rights or legitimate interests of the person or national security and that the damage to those interests would be larger than the public interest in disclosing the information. 	<p>appeal directly to the courts. Appeals can also be heard by the Ombudsman</p>	<p>next steps.”</p> <ul style="list-style-type: none"> A review in 2004 by three NGOs found that the bodies were not following the legal requirements. Central bodies and law enforcement bodies were the most closed and local bodies were the most open. Other problems included a failure to respond to requests at all and non-execution of judicial decisions
Montenegro	Law on Free Access to Information	2005	<ul style="list-style-type: none"> The law allows any natural or legal person the right to access information held in any form by state and local authorities, public companies and other entities that perform public powers. Requests must be in writing, including via email. Bodies must decide within eight days which can be extended another 15 days. In cases of emergencies, responses must be within 48 hours. There are exemptions for national security, defence or international relations; public security, commercial or 	<p>Appeals for denials are to the supervisory body of the agency. Appeals can then be made to a court.</p>	

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>other private or public economic benefits; economic monetary or foreign exchange policy; prevention and investigation of criminal matters; personal privacy and other personal rights; and internal negotiations.</p> <ul style="list-style-type: none"> • The interests must be “significantly harmed” and the harm must be “considerably bigger than the public interest in publishing such information”. • Information cannot be withheld if it relates to ignoring regulations, unauthorized use of public resources, misuse of power, criminal offences and other related maladministration issues. • Government bodies are also required to create and publish lists of types of information held including public registers and records. The media ministry must publish a guide. • There are sanctions for agencies and officials who fail to allow access to information, publish the guide or punish whistleblowers. • The law also includes a limited whistleblower protection provision that limits sanctions on public employees who publicly reveal misuse or irregularities and who also inform the head of the agency or relevant investigatory agency. 		
Netherlands	Government Information (Public Access) Act	1991	<ul style="list-style-type: none"> • Under the Act, any person can demand information related to an administrative matter if it is contained in documents held by public authorities or companies carrying out work for a public authority. • The request can either be written or oral. The authority has two weeks to 	Appeals can be made internally and then to an administrative court which has the final decision.	<ul style="list-style-type: none"> • According to experts, the WOB is only lightly used, around 1,000 requests each year, mostly by a few newspapers • The lack of interest stems from media and NGOs’ belief that filing requests could be considered to be disruptive to good relations with government bodies, no tradition of

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			<p>respond. Recommendations of advisory committees must be made public within four weeks.</p> <ul style="list-style-type: none"> • Information must be withheld if it would endanger the unity of the Crown, damage the security of the state or if it relates to information on companies and manufacturing processes that were provided in confidence. • Information can also be withheld “if its importance does not outweigh” the imperatives of international relations and the economic or financial interest of the state. • Withholding is also allowed if the release of the information would endanger the investigation of criminal offences, inspections by public authorities, personal privacy and the prevention of disproportionate advantage or disadvantage to a natural or legal person. • In documents created for internal consultation, personal opinions shall not be disclosed except in anonymous form when it is “in the interests of effective democratic governance.” Environmental information has limited exemptions. 		<p>political research, a lack of sanctions, broad exemptions and poor archives</p>
New Zealand	Official Information Act	1982	<ul style="list-style-type: none"> • Any citizen, resident, or company in New Zealand can demand official information held by public bodies, state-owned enterprises and bodies which carry out public functions • The body has no more than 20 days to respond. • Agencies have been required in some cases to take down notes of discussions that contributed to government decision- 	The Office of the Ombudsmen	<ul style="list-style-type: none"> • The Ombudsmen’s decisions are binding, but there are limited sanctions for non-compliance and some agencies have reportedly ignored their rulings. • A 2005 study into the Act found that of the sample applications assessed, requesters who were denied information were informed of their review rights in 71 per cent of responses. Significantly, private individuals were told of their review rights in only 53 per

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			<p>making if no documents are available.</p> <ul style="list-style-type: none"> • There are strict exemptions for releasing information that would harm national security and international relations; information provided in confidence by other governments or international organisations; information that is needed for the maintenance of the law and the protection of any person; information that would harm the economy of New Zealand; and information related to the entering into any trade agreements. • In a second set of exemptions, information can be withheld for good reason unless there is an overriding public interest. These exemptions include information that could intrude into personal privacy, commercial secrets, privileged communication and confidences, information that if disclosed could damage public safety and health, economic interests, constitutional conventions and the effective conduct of public affairs, including “the free and frank expression of opinions” by officials and employees. • The decisions of the Ombudsmen have limited many of the categories of exemption, requiring agencies to justify their decisions in terms of the possible consequences of disclosure. The focus has shifted from withholding information to setting how and when information, especially politically sensitive information, should be released. It is common for Cabinet documents and advice to be released. 		<p>cent of responses.</p> <ul style="list-style-type: none"> • The Department of Police was the organisation most complained about. The vast majority of complaints related to refusals or delays which were deemed as refusals. It took the Ombudsman’s office an average of 73 days to complete their handling of complaints • An Information Authority was created under the Act. The Authority conducted audits, reviewed legislation and proposed changes. The OIA put a fixed term on its existence and the body was automatically dissolved in 1988 after Parliament failed to amend the Act. Some of its functions were transferred to the Legislative Advisory Committee and the Ombudsmen. • The Ombudsman’s 2002 OIA Practice Guideline contain a damning list of 57 "misconceptions" about the OIA that persist more than 20 years after its enactment, including that information must be withheld if the person concerned does not consent to its release; if the information is misleading it can be withheld; any confidential information can be withheld; and that ministers have a right to undisturbed consideration of advice; and that drafts can be withheld

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Norway	Freedom of Information Act	1970	<ul style="list-style-type: none"> • The Act provides for any person to have a broad right of access to official documents held by public authorities • Official documents are defined as information which is recorded and can be listened to, displayed or transferred and which is either created by the authority and dispatched or has been received by the authority. • All records are indexed at the time of creation or receipt and some ministries make the electronic indexes available on the Internet or through e-mail. • Requests can be made in any form including anonymously and must be responded to immediately. • Internal guidelines issued by the Ministry of Justice say that requests should be responded to in three days. The Ombudsman in 2000 ruled, "It should be possible to decide most disclosure requests the same day or at least in the course of one to three working days, provided that no special, practical difficulties were involved." • Release may be delayed, "if the documents then available give a directly misleading impression of the case and that public disclosure could therefore be detrimental to obvious public or private interests." • There is a broad exemption for internal documents when the agency has not completed its handling of the case unless the agency has dispatched the document. Documents are also exempt from release if they are made secret by another law or 	Ombudsman for Public Administration	<ul style="list-style-type: none"> • In 2001, the Parliament amended the Act to allow applicants to civil service positions and promotions to refuse consent to have their names disclosed. The Ombudsman criticized the government in his 2001, 2002 and 2003 reports on the implementation of the amendment as bodies were refusing in many cases to disclose any names or consider the public interest in high government positions. In 2003, he stated "it would appear that the administration is practicing the provision in a more restrictive manner than appears to be the intention of the lawmaker."

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			<p>if they refer to national security, national defence or international relations, financial management, the minutes of the Council of State, appointments or protections in the civil service, regulatory or control measures, test answers, annual fiscal budgets or long-term budgets, and photographs of persons entered in a personal data register.</p>		
Pakistan	Freedom of Information Ordinance	2002	<ul style="list-style-type: none"> • Although the Ordinance should have lapsed within 6 months, the President has issued a constitutional decree which has ensured the continuance of the Ordinance. The Ombudsman ruled in April 2004 that the Ordinance still was in force even in the absence of the regulations. Rules were issued in June 2004, but without any input from stakeholders. • It allows any citizen access to official records held by a public body of the federal government including ministries, departments, boards, councils, courts and tribunals. • It does not apply to government-owned corporations or to provincial governments. The bodies must respond within 21 days. • There is some ambiguity about what information is accessible. The Ordinance allows access to “official records” and then sets out an exceptions regime subject to a harm test for international relations, law enforcement; invasion of privacy; and economic and commercial affairs of a public body. However, it also 	Wafaqi Mohtasib (Ombudsman), or for tax-related matters, to the Federal Tax Ombudsman. The Ombudsmen have the power to make binding orders. Officials who destroy records with the intention of preventing disclosure can be fined and imprisoned for up to two years. The Mohtasib can fine requesters Rs 10,000 for making “frivolous, vexatious or malicious” complaints.	The Act has not been fully implemented and access is still difficult. In March 2006, the Centre for Peace and Development Initiatives held a workshop for the Cabinet Division of Government following which it commented that many information officers are still not fully aware of their roles and responsibilities and implementation of the Ordinance still requires a major cultural and attitudinal shift on the part of government officials.

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			<p>allows access to “public records” which it specifically defines as only policies and guidelines; transactions involving acquisition and disposal of property; licenses and contracts; final orders and decisions; and other records as notified by the government.</p> <ul style="list-style-type: none"> • It then makes these public records subject to mandatory exemptions for: notings on files; minutes of meetings; any intermediary opinion or recommendation; individuals’ bank account records; defense forces and national security; classified information; personal privacy; documents given in confidence; other records decreed by the government. • Government bodies are required to appoint an official to handle requests. They also have a duty to publish acts, regulations, manuals, orders and other rules that have a force of law, and maintain and index records. It specifically requires that those records covered by it are computerized and networked throughout the country within a reasonable time, subject to finances, to facilitate access. • The law says that it applies notwithstanding other laws such as the Official Secrets Act, which is based on the original UK OSA 1911 and sets broad restrictions on the disclosure of classified information. The Consumer Rights Commission of Pakistan has called for the repeal of the OSA to facilitate freedom of information. 		

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Panama	The Law on Transparency in Public Administration	2001	<ul style="list-style-type: none"> • The law gives the right for any person to ask for information in any form from government bodies. Individuals also have the right to access their own files and correct them. • Government bodies must respond within 30 days. Fees can only be charged for reproduction. • Information relating to another person's medical and psychological condition, family life, marital and sexual history, criminal records and telephone conversations and other private communications is considered confidential and cannot be released. • Restricted information relating to national security, commercial secrets, investigations, natural resources, diplomatic relations, and cabinet discussions can be withheld for 10 years. • Government bodies also have the obligation to publish regulations, general policies and strategic plans, internal procedure manuals, and descriptions of organizational structures. A code of ethics requires that all senior government officials publish declarations of their financial holdings, conflicts of interests and other information for anti-corruption purposes. • Appeals can be made to a court under an action of Habeas Data. • There are sanctions for failing to comply with the law or destroying or altering information. 	La Defensoría del Pueblo (Ombudsman)	<ul style="list-style-type: none"> • A controversial implementing decree issued in May 2002 that limited access to "interested persons". The decree was criticized by the OAS, the Ombudsman, civil society groups and the media. The Ombudsman filed a complaint with the Supreme Court asking the court to find the regulation illegal. The Court upheld the restrictions in a series of cases. However, starting in 2004, the Court reversed its position and ruled that it was not necessary to show an interest. President Martín Torrijos ran on a campaign of anti-corruption and was critical of the regulation. His first act as President in September 2004 was to repeal the decree • Low level of use by the public • A culture of secrecy in Government, which has not been overcome. Public employees are reluctant to offer information, and, in general, deny or make excuses upon receiving requests.
Peru	The Law of Transparency and Access to Public	2003	<ul style="list-style-type: none"> • Under the law, every individual has the right to request information in any form 	<ul style="list-style-type: none"> • Appeals can be made to a higher 	<ul style="list-style-type: none"> • The Access Initiative – Peru review of access to environmental information found numerous

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	Information		<p>from any government body or private entity that offers public services or executes administrative functions without having to explain why.</p> <ul style="list-style-type: none"> • Documentation funded by the public budget is considered public information. • Public bodies must respond within seven working days which can be extended in extraordinary cases for another five days. • The Parliament substantially amended the law in January 2003 following criticism of the excessive exemptions, especially relating to national security. • There are three tiers of exemptions: For national security information the disclosure of which would cause a threat to the territorial integrity and/or survival of the democratic systems and the intelligence or counterintelligence activities of the CNI; reserved information relating to crime and external relations; and confidential information relating to pre-decisional advice, commercial secrets, ongoing investigations and personal privacy. • Information relating to violations of human rights or the Geneva Conventions of 1949 cannot be classified. The exempted information can be obtained by the courts, Congress, the General Comptroller, and the Human Rights Ombudsman in some cases. • The law requires government departments to create web sites and publish information on their organisation, activities, regulations, budget, salaries, costs of the acquisition of goods and 	<p>department. Once appeals are completed, the requestor can appeal administratively to the court for the constitutional right of habeas data.</p> <ul style="list-style-type: none"> • The Ombudsman can investigate non-compliance and issue non-binding opinions. The office is conducting training and promoting the Act. Prior to the Act, the office handled many cases informally on access to personal records. 	<p>problems including a continued culture of secrecy, low awareness of the law, a lack of systemized information, and lack of reliable information.</p> <ul style="list-style-type: none"> • A new law on Intelligence services was approved by the Parliament in June 2005. It created new categories of classified information and allows for greater withholding on information by intelligence services

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			<p>services, and official activities of high-ranking officials. Detailed information on public finances is also required to be published every four months on the Ministry of Economic and Finance's web site.</p>		
Phillipines	Various		<ul style="list-style-type: none"> • There is no Freedom of Information Act per se in the Philippines but a combination of a Constitutional right and various other legal provisions makes it one of the most open countries in the region. • The Code of Conduct and Ethical Standards for Public Officials and Employees requires disclosure of public transactions and guarantees access to official information, records or documents. • The Act sets a policy of “full public disclosure of all its transactions involving public interest.” • Officials must act on a request within 15 working days from receipt of the request. • The implementing regulations of the law require that the head of each body “establish measures and standards that will ensure transparency and openness”. • The rules create exemptions for information and documents related to national security and foreign affairs, information that would cause imminent harm to an individual, privileged information or information exempted by another law, drafts or decisions, orders, rulings, policy, decisions, memoranda, and information that would intrude into personal privacy, impede law 	Civil Service Commission or the Office of the Ombudsman. The courts can hear cases once administrative remedies have been exhausted.	Despite being found to be one of the most open jurisdictions in the area, the Philippines still suffers from a lack of a uniform procedure to obtain information from bodies, a “fluid” scope of the right due to changing government policies, limited sanctions, inadequate remedies to require disclosure, and a lack of a culture of transparency in government bodies.

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			<p>enforcement and cause financial instability.</p> <ul style="list-style-type: none"> The Code also requires that public officials disclose information about their assets, liabilities, net worth and businesses interests. The information is available to the public but use for commercial purposes or “contrary to morals or public policy” is prohibited. 		
Poland	Law on Access to Public Information	2001	<ul style="list-style-type: none"> The Act allows anyone to demand access to public information, public data and public assets held by public bodies, private bodies that exercise public tasks, trade unions and political parties. The requests can be oral or written. The bodies must respond within 14 days. The law sets out categories of public information including internal and foreign policy, information relating to the structure of legal entities, operational activities of public organizations, public data such as official documents and positions, and public assets. There are exemptions for state secrets and confidential information as protected by a law, personal privacy and business secrets. The real heart of the Act is the duties placed on public bodies to publish information about their policies, draft legislation, legal organization, principles of operation, contents of administrative acts and decisions, and public assets. The law requires that each create a Public Information Bulletin to allow access to information via computer networks. Collecting public authorities are required 	Appeals of denials of access are made under the Code of Administrative Procedure initially internally and then to a court. The Office of the Commissioner for Civil Rights Protection (Ombudsman) has also been active in promoting the law as a means for improving legal structures	No information is available on what issues might be relevant to Poland

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			to hold open meetings and create minutes or recordings of the meetings.		
Portugal	Law of Access to Administrative Documents	1993	<ul style="list-style-type: none"> • The Act allows any person to demand access to administrative documents held by state authorities, public institutions, and local authorities in any form. • Requests must be in writing. Government bodies must respond no later than 10 days after receiving a request. • The Act does not apply to documents not drawn up for an administrative activity such as those relating to meetings of the Council of Ministers and Secretaries of State or personal notes and sketches. • Access to documents in proceedings that are not decided or in the preparation of a decision can be delayed until the proceedings are complete or up to one year after they were prepared. • Documents relating to internal or external security and secrecy of justice are protected under special legislation • . Access to documents with personal information is limited to the named individual and can only be used for purposes for which it is authorized. • The authority can refuse access to documents that place commercial, industrial or company secrets in danger or violate copyrights or patents 	Commission of Access to Administrative Documents	Delay in responding.
Romania	Law Regarding Free Access to Information of Public Interest	2001	<ul style="list-style-type: none"> • The Act states: "Free and unrestrained access to information of public interest shall be the rule and limitation of access shall be the exemption." 	People's Advocate (Ombudsman)	It was reported in 2006 that most public institutions respond to requests, although there are still problems with complex or "delicate" requests. There are also ongoing problems with

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			<ul style="list-style-type: none"> • It allows for any person to ask for information from public authorities and state companies. The authorities must respond in 10 days. • There are exemptions for national security, public safety and public order, deliberations of authorities, commercial or financial interests, personal information, proceedings during criminal or disciplinary investigations, judicial proceedings, and information “prejudicial to the measures of protecting the youth.” • Authorities must also publish a wide variety of basic information about their structures and activities including their register of “documents in the public interest.” They are required to set up specialized divisions to deal with the Act. 		<p>agencies charging excessive copying fees. This is significantly better than the 2003 report where they stated that “In practice, the access to information of public interest is denied and the law is inoperative”.</p>
Serbia	Law on Free Access to Information of Public Importance	2004	<ul style="list-style-type: none"> • The law allows any person the right to demand information from public authorities including state bodies, organisations vested with public authority and legal persons funded wholly or predominately by a state body. • There is a public interest for information relating to a threat to public health and the environment and a presumed interest to all other information unless the public authority can prove otherwise. • The request should be in writing but if it is made orally, the public authority should record it and treat it in the same way as a written request. • Public authorities are required to respond in 15 days except in cases where there is a threat to the person’s life or 	Commission for Information of Public Importance	<p>Issues reported by the Commissioner include:</p> <ul style="list-style-type: none"> • High level of silent refusals by public bodies, • A lack of justification for refusing information, • Denials based on requests from other bodies • Less than ten percent of denials were justified. • Most state authorities have done almost nothing or very little to educate their personnel in implementation of the law, not produced the required information booklets, set up web sites, and many never produced or were late with their annual reports.

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			<p>freedom, protection of the public health or environment, in which case the request must be responded to in 48 hours. The deadline can be extended to a total of 40 days in cases where the authority has a justified reason to not respond in the 15 day deadline.</p> <ul style="list-style-type: none"> • Authorities cannot give preference to a single journalist or media outlet when several have applied for the information. • It does not apply to areas under federal jurisdiction such as foreign affairs. • Access to documents is free. Fees for copies of documents can be imposed and are waived for journalists, NGOs focusing on human rights, and those asking for information relating to a threat to heir persons or the public. • There are mandatory exemptions for information if its release would: risk the life, health, safety or another vital interest of a person; imperil, obstruct or impede in the criminal process or other legal proceedings; seriously imperil national defence, national and public safety or international relations; substantially undermine economic processes or significantly impede economic interests; or make available information protected by law that is protected as a state, official, business or other secret if its disclosure could seriously prejudice the interests and outweigh the interest in access to information. • Access to information is also limited if it would violate the right to privacy or reputation unless the person consents, it 		

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			<p>relates to a person, phenomenon, or even especially done by a public official relating to their duties, or the person has given rise to the request by their behaviour.</p> <ul style="list-style-type: none"> • Public authorities must appoint an authorized official to receive requests and monitor and promote implementation. Each must publish an annual directory describing its powers, duties and organisation, budget, types of services it offers, names of heads and their powers and duties, the types of information held, and procedures for submitting requests. • They must also train their staff on the law and publish an annual report to the Commissioner on the activities relating to the Act. The Ministry of Culture is in charge of implementation and coordination of the law. • Public authorities can be held liable for damages if they prevent a media outlet from publishing information by withholding it without justification or by giving preference to another journalist or media outlet. The authorized official can be fined up to 50,000 dinars (500 euros) for violating the provisions of the law, including failing to submit the annual report. 		
Slovakia	Act on Free Access to Information	2000	<ul style="list-style-type: none"> • Any person or organization can demand information held by state agencies, municipalities and private organizations that are making public decisions. • The body must respond no later than 10 days after receipt of the request and 	None: Appeals are made to higher agencies and can be reviewed by a court.	<ul style="list-style-type: none"> • Basic information is usually provided but “problematic information” such as contracts and privatization is often withheld. • It also found that information was often arbitrarily withheld or only given when an attorney was involved.

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>must keep a registry of requests. Costs are limited to reproduction and can be waived.</p> <ul style="list-style-type: none"> • There are exemptions for information that is classified as a state or professional secret, personal information, trade secrets (not including environmental pollution, cultural sites or anything related to public funds), information that was obtained “from a person not required by law to provide information” and who declines to release it, intellectual property, and information on the decision making power of the courts, bodies in criminal proceedings, and habitats that need to be protected. • The law also requires that a variety of information is published by the government bodies including their structures, powers, procedures, and lists of regulations, guidelines, instructions and interpretations. The National Council is also required to publish the data of sessions, minutes, copies of acts and information on the attendance and voting records of MPs. 		
Slovenia	Access to Public Information Act	2003	<ul style="list-style-type: none"> • The Act provides that “everyone” has a right to information of public character held by state bodies, local government agencies, public agencies, public contractors and other entities of public law. • Requests can be oral or written. The bodies must respond in 20 working days. • There are exemptions for classified data, business secrets, personal information that would infringe privacy, 	Information Commissioner - can issue binding decisions.	As at 2006, most of the state bodies had not produced reports on usage (only 333 out of 2610 were submitted). However, of those that had, of the 15838 requests filed in one year, only 80 were denied.

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>confidentiality of statistics information, tax procedure, criminal prosecutions, administrative or civil procedures, pre-decisional materials that would lead to a misunderstanding, natural or cultural conservation, and internal operations. There is a public interest test with some exemptions.</p> <ul style="list-style-type: none"> • The exemptions also do not apply to use of public funds or execution of public functions and employment of a civil servant, environmental hazards, and improperly classified information. • Public bodies are required to appoint a leading official to receive requests and to create a catalogue of the public information and make it available on the Internet along with the current and proposed regulations, programmes, strategies, views, opinions and other documents of public character. They must also publish annual reports on the Act. 		
South Africa	Promotion of Access to Information Act	2000	<ul style="list-style-type: none"> • The Act implements the constitutional right of access and is intended to “Foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information” and “Actively promote a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect all of their rights.” • Under the Act, any person can demand records from government bodies without showing a reason. • State bodies currently have 30 days to 	South African Human Rights Commission oversees the Act. For appeals to public bodies such as national government departments, provincial government departments and local authorities, the internal review is handled by the	<ul style="list-style-type: none"> • The use of the Act is limited due to little education – many public employees have not heard of the Act. • There is a poor standard of record keeping, leading to many refusals(63% ignored in 2004)

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>respond (reduced from 60 days before March 2003 and 90 days before March 2002).</p> <ul style="list-style-type: none"> • The Act also includes a unique provision (as required in the Constitution) that allows individuals and government bodies to access records held by private bodies when the record is “necessary for the exercise or protection” of people's rights. Bodies must respond within 30 days. • The Act does not apply to records of the Cabinet and its committees, judicial functions of courts and tribunals, and individual members of Parliament and provincial legislatures. • There are a number of mandatory and discretionary exemptions for records of both public and private bodies. Most of the exemptions require some demonstration that the release of the information would cause harm. The exemptions include personal privacy, commercial information, confidential information, safety of persons and property, law-enforcement proceedings, legal privilege, defence, security and international relations, economic interests, and the internal operations of public bodies. • Many of the exemptions must be balanced against a public-interest test that require disclosure if the information show a serious contravention or failure to comply with the law or an imminent and serious public safety or environmental risk. 	<p>responsible Cabinet minister. It can then be reviewed by a High Court. Decisions of private bodies are appealed directly to the court.</p>	

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<ul style="list-style-type: none"> Public and private organizations must publish manuals describing their structure, functions, contact information, access guide, services and description of the categories of records held by the body. The manuals are submitted to the South African Human Rights Commission and published in the Government Gazette. The National Intelligence Agency was exempted in June 2003 from having to publish a manual until 2008 and the South African Secret Service received a similar exemption. Most smaller private organizations were exempted in September 2005 from producing manuals until 2011. Government bodies must also publish a list of categories of information that is accessible without requiring an access request. 		
Spain	Law on Rules for Public Administration	2002	<ul style="list-style-type: none"> The Act provides for access to government records and documents by Spanish citizens. It also includes rules for access of persons in administrative proceedings. The provisions on access were included to implement the 1990 EU Access to Environmental Information Directive. The documents must be part of a file which has been completed. Agencies must respond in three months. Documents can be withheld if the public interest or a third party's interest would be better served by non-disclosure or if the request would affect the effectiveness of the operations of the public service. Access can also be denied if the documents refer to government actions 	Ombudsman	Low level of response – in excess of 50% of requests are never answered.

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>related to constitutional responsibilities, national defence or national security, investigations, business or industrial secrecy or monetary policy.</p> <ul style="list-style-type: none"> • Access to documents that contain personal information are limited to the persons named in the documents. There are also restrictions for information protected by other laws including classified information, health information, statistics, the civil and central registry, and the law on the historical archives. 		
Sweden	Freedom of the Press Act	1949	<ul style="list-style-type: none"> • The principle of openness “Offentlighetsgrundsatsen” has been long enshrined in Swedish law. Sweden enacted the world's first Freedom of Information Act in 1766. • The law provides that “every Swedish subject [and resident] shall have free access to official documents.” • Public authorities must respond immediately to requests for official documents. Requests can be in any form and can be anonymous. • Each authority is required to keep a register of all official documents and most indices are publicly available. This makes it possible for ordinary citizens to go to the Prime Minister’s office and view copies of all of his correspondence. • There are four exceptions to the registration requirement: documents that are of little importance to the authorities’ activities; documents that are not secret and are kept in a manner that can be ascertained whether they have been received or drawn up by the authority; 	Parliamentary Ombudsman.	Despite the long history of Freedom of Information in Sweden, issues still exist in the form of a lack of access, delay by agencies, improper invocation of the secrecy provisions and a lack of knowledge on the part of the public.

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>documents that are kept in large numbers which the government has exempted under the secrecy ordinance; and electronic records already registered and available from another ministry.</p> <ul style="list-style-type: none"> • Importantly, internal documents such as drafts, memoranda and outlines are not considered official documents unless they are filed and registered or they contain new factual information that is taken into account in decision-making. • There is no obligation to keep non-official documents. • Under the Act, there are discretionary exemptions to protect national security and foreign relations; fiscal policy, the inspection and supervisory functions of public authorities; prevention of crime; the public economic interest; the protection of privacy; and the preservation of plant or animal species. • All documents that are secret must be specified by law. A comprehensive list of the documents that are exempted is provided in the 1980 Secrecy Act which has over 160 sections. Most of the restrictions require a finding that their release would cause harm to the protected interest. • Information can be kept secret between 2 and 70 years. The Secrecy Ordinance sets additional regulations on some provisions of the Secrecy Act. 		
Switzerland	Federal Law on the Principle of Administrative Transparency	2004	<ul style="list-style-type: none"> • The law gives any person the right to consult official documents and obtain information from authorities. • The authorities must respond in twenty 	Federal Data Protection and Information Commissioner	No information is available on what issues might be relevant to Switzerland

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>days.</p> <ul style="list-style-type: none"> • The law applies to federal public bodies, other organizations and persons who make decisions under the Administrative Procedures Act and Parliamentary Services. • The Suisse National Bank and the Federal Commission on Banks are exempted. • The law does not apply to official documents relating to civil and criminal procedures, international judicial assistance and administration, international relations, jurisdiction of public law, and arbitration, and for access to a dossier by a party in an administrative dispute. • Access to documents that contain personal information is regulated by the Federal Data Protection Act. Other laws that declare certain information secret or open beyond the provision of the law are reserved. • There are exemptions if the release would inhibit the free development of opinion; cause harm to: internal or external security, international relations, relations between the federal government and the cantons, political, economic or monetary interests; or reveal professional secrets or break a pledge of confidentiality. • The right of access is limited in official documents that affect the personal sphere of a third party when the interest in transparency is not judged to be much greater than the interest of the third party. 		

Country	Legislation	Date	Features	Overseer/Appeal	Issues
Tajikistan	Law of the Republic of Tajikistan on Information	2002	<ul style="list-style-type: none"> • The law provides for a right of access to official documents by citizens to state bodies. Citizens, state bodies, organizations and associations can ask for access to information on the activities of legislative, executive and judicial authorities and their officials. • The request must be in writing and bodies have thirty days to respond. The requestor must pay the costs for the searching, collection, preparation and providing of requests. • There are exemptions for official documents which contain information which is: secret as defined by the Law on State Secrets; confidential including information “of a professional business, industrial, banking, commercial and other nature” as determined by the owners of the information; on operational and investigations; relating to the personal life of citizens; intradepartmental correspondence prior to a decision being adopted; or protected by other Acts. • Denials must include the name of the official and the reasons for denial. • State bodies are to provide access to “open information” through publication in official bulletins, the mass media and providing direct access to citizens, state bodies and legal entities. • The law also includes some privacy provisions. 	Appeals are to a higher-level body in the Ministry or organisation and to the courts. Courts have the right to access all of the official documents and can order the release of the information if it is withheld without cause.	Media organisations report that there are continuing serious problems with access to information, and the reasons given for this are: <ul style="list-style-type: none"> • low professionalism and competence of officials, • fear of officials in giving information, • a lack of adequate sanctions in the legislation, • the low professional level of journalists who do not want to clash with officials, • mistrust of journalists by officials.
Thailand	Official Information Act	1997	<ul style="list-style-type: none"> • The Act allows citizens to demand official information from any state body including central, provincial and local administrations, state enterprises, the 	Official Information Board oversees, appeals can be directed to the	Problems with the Act include: <ul style="list-style-type: none"> • time frames are not realistic and need to be extended; • Underutilisation by the media – lack of

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			<p>courts for information unassociated with the trial and adjudication of cases, professional supervisory organizations, independent agencies of the State and other agencies as prescribed in the Ministerial Regulation.</p> <ul style="list-style-type: none"> • The Council of State has ruled that independent bodies such as the Anti-corruption Commission are not subject the Act. • The body must respond within a “reasonable time.” • Information that “may jeopardize the Royal Institution” cannot be disclosed. • There are discretionary exemptions for information that would: jeopardize national security, international relations or national economic or financial security; cause the decline of the efficiency of law enforcement; disclose opinions and advice given internally; endanger the life or safety of any person; disclose medical or personal information which would unreasonably encroach upon the right of privacy; disclose information protected by law or given by a person in confidence; other cases prescribed by Royal Decree. • Information relating to the Royal Institution is to be kept secret for 75 years. Other information should be disclosed after 20 years which may be extended in five years periods. • State agencies are required to publish information relating to their structure, powers, bylaws, regulations, orders, policies and interpretations. They are 	Information Disclosure Tribunal	<p>knowledge/education</p> <ul style="list-style-type: none"> • Delays in responding used to avoid contentious matters • Enforcing decisions of the Tribunals have been difficult due to overlapping laws; • Several of the ex-officio members of the Commission frequently do not attend meetings; • The OIC is part of the bureaucracy while the Board and Tribunal are independent

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>also required to keep indices of documents.</p> <ul style="list-style-type: none"> The law also sets rules on the collection, processing and dissemination of personal information by state agencies. 		
Trinidad and Tobago	Freedom of Information Act	1999	<ul style="list-style-type: none"> Any person may request official documents in any form from public authorities, including public corporations and private bodies that are exercising state power. Responses to information requests should be made within 30 days. There are exemptions for Cabinet documents less than 10 years old, defence and security, international relations, internal working documents, law enforcement, privilege, personal privacy, trade secrets, confidence, and documents protected by another law. There is a public-interest test that allows documents to be released if there is "reasonable evidence" of a significant abuse or neglect of authority, injustice to an individual, danger to the health of an individual, or the unauthorized use of public funds. The Act does not apply to the President and the judicial functions of the courts. The President may also issue a decree exempting agencies from coverage under the Act: to date, nine organisations have been specifically exempted from the Act 	FOI Unit of the Ministry of Public Administration and Information for oversight and education, Ombudsman for appeals/complaints.	No information is available on what issues might be relevant to Trinidad and Tobago
Turkey	Law on the Right to Information	2003	<ul style="list-style-type: none"> Citizens and legal persons have a right to information from public institutions and private organisations that qualify as public institutions. 	Appeals are to the Board of Review of the Access to Information.	A 2004 report stated that most ministries had made serious efforts to implement the law, had set up their FOI units and were taking requests through Internet portals, but few local authorities websites were following the rules,

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			<ul style="list-style-type: none"> • Non-citizens and foreign corporations based in Turkey also have a right to information related to them or their interests if the country they are from allows Turkish citizens to demand information from their authorities. • Requests are to be made in writing or in electronic form if the identity of the applicant and their signature can be verified using a digital signature. • Government bodies are required to respond in 15 working days. They must provide either a certified copy of the document or when it is not possible to make a copy, requestors can examine them at the institution. Oral requests are to be treated “with hospitality and kindness” and immediately reviewed and resolved if possible. • There are exemptions for state secrets which would clearly cause harm to the security of the state or foreign affairs or national defence and national security; would harm the economic interests of the state or cause unfair competition or enrichment; the duties and activities of the civil and military intelligence units; administrative investigations; judicial investigations or prosecutions; violate the private life or economic or professional interests of an individual; privacy of communications; trade secrets; intellectual property; internal regulations; internal opinions, information notes and recommendations if determined by the institution to be exempt; and requests for recommendations and opinions. 		<p>while the governorships were somewhat better but still were failing a significant number of times</p>

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<ul style="list-style-type: none"> Information relating to administrative decisions that are not subject to judicial review or which affect the working life and professional honour of an individual are still subject to access. Other legal regulations which withhold information are overridden by the law. 		
Uganda	The Access to Information Act	2005	<ul style="list-style-type: none"> The Act gives every citizen a right of access to information and records held by state bodies. The request must be in writing unless the person is illiterate or disabled in which case the request can be made orally. The information officer of the government body must respond in 21 days which can be extended for another 21 days in certain circumstances. Notably, the Act specifies that the Chief Executive Officer is ultimately responsible for ensuring that records are accessible under the Act. Requests that are not responded to on time are considered refusals. The right of access does not apply to Cabinet Records and court records in pending cases. There are exemptions for medical records, Cabinet minutes (a procedure for release after 7, 14 or 21 years is included), protection of privacy, commercial information, confidential information, safety of persons and property, law enforcement and legal proceedings, privilege in legal proceedings, defence, security, and international relations, and very broadly for operations of public bodies if the record is under ten years old. 	<ul style="list-style-type: none"> Appeals for denials of information are to the Chief Magistrates. Following that, requestors can appeal to the High Court which can set aside decisions and order the release of records. The Rules Committee is supposed to make regulations regarding the procedure in relation to complaints to the courts within six months of the commencement of the Act. 	No information is available on what issues might be relevant to Uganda

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			<ul style="list-style-type: none"> • There is a public interest test which allows disclosure in cases where the information would reveal a substantial contravention of failure to comply with the law, an imminent or serious public safety, public health or environmental risk. • Public bodies must compile a manual describing its structure, contact information, procedures for requests, description and list of categories of information held, and details on processes for participation. The manual must be updated every two years. • The information officer (the Chief Executive Officer) must ensure the publication every two years of a list of information published or automatically available. • Each minister must prove an annual report to Parliament on the operation of the law in respect of the Ministries under his/her control. 		
Ukraine	Law on Information	1992	<ul style="list-style-type: none"> • The Act is a general information policy framework law that includes a citizen's a right to access information. It sets 5 principles: <ul style="list-style-type: none"> • guaranteed right to information; • transparency, accessibility, and freedom of information exchange; • unbiased and authentic information; • complete and accurate information; • legitimacy of receipt, use, distribution and storage of information. • The law allows citizens and legal entities to request access to official documents. • The request can be oral or written. The 	Denials can be appealed to a higher level at the agency concerned and then to a court.	<ul style="list-style-type: none"> • A review of the law by the OSCE/Council of Europe described it as “confusing” and noted problems with the lack of a definition of official information and overly discretionary exemptions. • No overseer – the same report recommended the creation of an independent Information Commissioner • Illegal use within the government of a “Not to be Printed” or “Not to be Published” stamp.

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			<p>government body must respond in 10 calendar days and provide the information within a month unless provided by law.</p> <ul style="list-style-type: none"> • Documents can be withheld if they contain state secrets, confidential information, information on law enforcement authorities or investigations, personal information, interdepartmental correspondence for policy decisions prior to the final decision, information protected by another law, and information on fiscal institutions. • Government bodies are required to set up information services, systems, networks, databases and data banks to facilitate information needs. 		
United Kingdom	Freedom of Information Act	2000	<ul style="list-style-type: none"> • The Act gives any person a right of access to information held by over 100,000 public bodies. • The bodies are required to respond within 20 working days. The time frame can be extended to allow for consideration of release on public-interest test grounds as long as it is within a time period that is deemed "reasonable in the circumstances." • There are no fees for requests which cost less than £600 for central government bodies or £450 for local authorities except for copying and postage. • The Act contains 13 pages of exemptions in three categories. • Under the absolute exemption category, court records and information that is 	<ul style="list-style-type: none"> • Department of Constitutional Affairs (formerly the Lord Chancellor's Department) is in charge of implementing and monitoring the Act for central government. • After internal review, appeals go to the Information Commissioner. Appeals from the Information Commissioner go to the Information 	<ul style="list-style-type: none"> • In 2004, the DCA set up a controversial Access to Information Clearing House for coordinating and assisting central government departments' responses to sensitive and complex requests. This has raised concerns that officials are attempting to control the release of subjects that would embarrass the government. It has provided advice in over 3,000 cases but refuses to release information on its activities, claiming that it would prejudice the effective activities of the Act • Implementation of the Act was extremely slow. The publication schemes were phased over several years starting in 2002 but the right to demand information from bodies did not go into force until January 2005, nearly five years after the adoption of the Act and the slowest of any country in the world. • Rather than implementing the Act in phases,

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			<p>about the personal life of individuals, relating to or from the security services, where disclosure would constitute a breach of confidence, or protected under another law cannot be disclosed.</p> <ul style="list-style-type: none"> • Under the “qualified class exemption” category, information can be withheld if it is determined to be within a broad class of exempted information including relating to government policy formulation, safeguarding national security, investigations, royal communications, legal privilege, public safety, or was received in confidence from a foreign government. • A “public interest test” applies and provides that information can be withheld only when the public interest in maintaining the exemption outweighs the public interest in disclosure. • The third category is a more limited exemption where the government body must show prejudice (harm) to specified interests to withhold information. This includes information relating to defence, international relations, economy, crime prevention, commercial interests, or information that would prejudice the effective conduct of public affairs or inhibit the free and frank provision of advice. The public interest test also applies to information in this category. • When the Commissioner orders the release of information based on the public interest test, the decision can be overruled with a ministerial certificate. The government announced in 	<p>Tribunal, and then potentially to the High Court of Justice on points of law, though this has not yet occurred.</p>	<p>all national and local departments simultaneously provided access in a “big bang”. Probably owing to the long wait in adopting the Act and its implementation, there was substantial interest in the law once it came into force.</p> <ul style="list-style-type: none"> • The biggest problems with the Act thus far have been delays on responses and decisions both by the authorities and the Information Commission. There are no fixed time limits for the bodies to decide public interest balances or internal appeals and the Commission has so far declined to impose deadlines. • Many users also report problems with the excessive use of exemptions by public bodies. • There was also controversy over a significant increase in the number of files that were destroyed and a new policy on email retention that called for all email to be deleted after 90 days after printing out important messages just prior to the commencement of the Act. • The Commission has been strongly criticized by national experts. A serious backlog of unresolved cases is still awaiting resolution and many cases have been pending for over six months. There are also substantive issues. Few of decisions issued by the Commissioner thus far have dealt with substantive issues and many of the early decisions were lacking in detail and did not describe the reasons. The Tribunal has been critical of the Commission’s decisions in several of its cases.

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			<p>December 2004 that this would be a collective Cabinet decision. The certificate will be announced in Parliament and under the law is subject to judicial review.</p> <ul style="list-style-type: none"> Public authorities are also required to have publication schemes which provide information about their structures and activities and categories of information that will be automatically released. Most organisations adopted model schemes developed with the approval of the Commissioner. The Freedom of Information (Scotland) Act was approved by the Scottish Parliament in May 2002 and went into effect in January 2005. It has a stronger prejudice test for restricting information and the ability of Ministers to veto the Commissioner's decisions is more limited. It is enforced by a separate Information Commissioner. Appeals from the Commissioner's decisions are to the Court of Session. 		
United States	Freedom of Information Act	1966	<ul style="list-style-type: none"> The law allows any person or organisation, regardless of citizenship or country of origin, to ask for records held by federal government agencies. Agencies include executive and military departments, government corporations and other entities which perform government functions except for Congress, the courts or the President's immediate staff at the White House, including the National Security Council. Government agencies must respond in 20 working days. 	<ul style="list-style-type: none"> Appeals of denials or complaints about extensive delays can be made internally to the agency concerned. The federal courts can review de novo (without respect to agency decision) and overturn agency 	<ul style="list-style-type: none"> The Act has been hampered by a lack of central oversight and long delays in processing requests. In some instances, information is released only after years or decades. The Bush Administration has engaged in a general policy of restricting access to information. In October 2001, Attorney General John Ashcroft issued a memo stating that the Justice Department would defend in court any federal agency that withheld information on justifiable grounds. Previously, the standard was that the presumption was for disclosure.

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<ul style="list-style-type: none"> • There are nine categories of discretionary exemptions: national security, internal agency rules, information protected by other statutes, business information, inter and intra-agency memos, personal privacy, law enforcement records, financial institutions and oil wells data. • There are around 140 different statutes that allow for withholding outside the Act. • The Act also requires that government agencies publish material relating to their structure and functions, rules, decisions, procedures, policies, and manuals. The 1996 Electronic Freedom of Information Act Amendments required that agencies create “electronic reading rooms” and make available electronically the information that must be published along with common documents requested. The DOJ has issued guidance that documents that have been requested three times be made available electronically in the Reading Room. • There are also laws in all fifty states on providing access to government records, some dating back to the 19th century. A number of states have information commissions or other review bodies which can issue opinions or review decisions. State laws on freedom of information have also been under threat since September 11 due to terrorism concerns. 	<p>decisions.</p> <ul style="list-style-type: none"> • Management for the Act is mostly decentralized. The US Justice Department (DOJ) provides some guidance and training for agencies and represents the agencies in most court cases. 	

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Uzbekistan	Law on the Principles and Guarantees of Freedom of Information	2002	<ul style="list-style-type: none"> • Under the law, every person has a right to demand information. The right to information cannot be limited based on sex, race, ethnic origin, language, religion, ascription, and personal beliefs as well as personal and social rank. • State bodies are given 30 days to respond to written requests. Oral requests must be responded to as soon as possible. • However, the statute sets broad areas where information can be restricted. Confidential information is defined as that for which disclosure can cause damage to the rights and legitimate interests of the individual, community and state. • It can also be limited by law to protect the “fundamental rights and liberties of individuals, fundamentals of constitutional regime, moral values of the community,” national security, and “the nation’s spiritual, cultural and scientific potential.” • Information relating to rights of citizens, legal status of government bodies, the environment, emergency situations, or which is available in libraries, archives and information systems cannot be made confidential. 	Refusals of information can be appealed to the courts. The requester can receive compensation if information is unlawfully withheld or inaccurate information is given.	<ul style="list-style-type: none"> • The law in practice does not seem to be effective at providing rights to information, which is not surprising given the totalitarian methods used by the government to suppress human rights. • The Law on the Protection of State Secrets adopts categories on state, military and official secrets but does not distinguish time limits or levels of sensitivity. Only information which threatens the “personal security” of individuals cannot be classified. This enormously broad definition has been severely criticised by the UN Human Rights Committee
Zimbabwe	Access to Information and Privacy Protection Act	2002	<ul style="list-style-type: none"> • The right of access may be exercised by any citizen or resident (but not an unregistered media agency or foreign government) to records held by a public body. • Under the rules, the body must respond to a request in thirty days. • There are exemptions for Cabinet 	The Act created a Media and Information Commission which has mostly been functioning to restrict freedom of expression.	<ul style="list-style-type: none"> • The situation in Zimbabwe offers an example of when a FOI law can be a negative force in society. • While the title refers to FOI and privacy and does provide for those rights in the text, the rights appear to be dormant. The main provisions of the law give the government extensive powers to control the media and

Country	Legislation	Date	Features	Overseer/Appeal	Issues
			<p>documents and deliberations of local government bodies, advice given to public bodies, client-attorney privilege, law-enforcement proceedings, national security, intergovernmental relations, public safety, commercial information, and privacy.</p> <ul style="list-style-type: none"> • There is an unusual public-interest disclosure provision that allows the government to release information even if there is no request for a variety of reasons, including matters that threaten public order; the prevention, detection or suppression of crime; and national security. • The law also includes provisions on access and use of personal information. 	<p>Individuals can ask the Commission to review the decisions or actions of an agency. The Commission can conduct inquiries into the Act and order release of documents. Appeals can be made to an administrative court.</p>	<p>suppress free speech by requiring the registration of journalists and prohibiting the “abuse of free expression.” These powers have been widely used.</p> <ul style="list-style-type: none"> • On paper, the Act sets out rights and procedures for access that are similar to other FOI laws around the world. The Zimbabwe Government told the African Commission on Human Rights that the procedures were “moulded along the lines of Canada’s laws on the same subject.” • There has only been one reported instance of the access to information provision being used by the opposition party. • Under the law, Zimbabwean journalists now risk spending 20 years in jail for reporting on certain stories, as the new Act introduced harsher penalties than those provided for under the previous Act