

Convention on EU best practice in access to public sector information

6-7 November in Brussels

Report of the discussions

The objective of [this convention](#) organised by [WeCitizens](#), in partnership with EESC and UCLouvain, in the framework of the [SIA4Y project](#), was to share best practices and success stories from public officers, NGOs and academics concerning the promotion of the right of access to public information (freedom of information, FoI), especially among young people. 14 speakers of 11 different nationalities intervened during these two half-days.

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Importance of FoI for good governance

Speaker:	Adeline Hulin
Nationality:	French
Representing:	Unesco, https://en.unesco.org
Function :	Project Officer on freedom of expression and media development for the Brussels Office
Video record:	https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be (from 12:40 to 33:00)

Through education and culture, Unesco strives peace in the mind of people. One of Unesco's goals is to promote freedom of expression. In 1990, only 13 countries in the world had a law regulating the access to public sector information. Today, 125 countries have some legal guarantees on access to information.

Freedom of expression is important for good governance firstly because, without access to information, people can't make informed decision when they vote. Citizens need to be informed about the activities and policies of those in power. Secondly, access to information increases the transparency and accountability of those in power but also reduces corruption.

But even if countries have FoI-laws, not all citizens use the laws, often because they are not aware of their right. And when they use their right, they are often denied the information.

What are the challenges of FoI? Lack of capacities within government and administration, the record-keeping systems are not adequate, etc. Opponents of FoI misuse the European General Rule for Private Data protection to block the access to public sector information.

Countries have to accelerate their efforts to raise awareness including through public campaign, media exposé and guidelines how to request information. Administrations need actively disclose, disseminate and publish information.

Quoting Ms Audrey Azoulay, Director-General of UNESCO "Universal access to information is a driving force for transparent, accountable and effective governance, and paves the way for freedom of expression, cultural and linguistic diversity, and participation in public life."

Protection of Whistleblowers

Speaker:	Matilde Manzi
Nationality:	Italian
Representing:	Transparency International EU, www.transparency.eu
Presentation :	https://www.wecitizens.be/docs-en/I21-TIEurope-Manzi.pdf
Video record:	https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be (from 33:00 to 55:00)

Whistleblower is any public or private sector employee or worker who discloses information about wrongdoing and who is at risk of retribution. This includes individuals who are outside the traditional employee-employer relationship.

Whistleblowers are important because firstly they are often the first ones to know about wrongdoing or illegalities. They are also the most effective ways to uncover wrongdoing (ex. recent scandals, from LuxLeaks to the Panama and Paradise Papers).

Whistleblowers need protection because they face high risks of retribution (demoting, lose their job, brought to court, and in extreme cases threatened with their lives). There may also be legal and financial consequences. If we protect them, they will be more encouraged to report wrongdoing.

On 7 October 2019, the European Union adopted a directive on the “Protection of persons reporting on breaches of Union law”- Whistleblower Directive. EU countries have different levels of whistleblower protection in place. The directive provides for a strong, common minimum standard for a comprehensive EU-wide whistle-blower protection across the EU.

What’s next? EU Member States now have two years to implement the Directive in national law. Member States should take the opportunity to close loopholes and strengthen weaknesses of the Directive.

Whistleblowing within the EU Institutions? Each institution has its own internal rules. EP’s internal rules are too vague. Commission’s rules are more exhaustive and rather good. Very few cases were registered since the adoption of these rules. This shows that regulation is a first step, and that a new “culture” needs to establish.

In response to a question, Mrs Manzi thinks it should be possible to report anonymously because whistleblowers do not always trust the legal protection. This entails more work to deal with malicious denunciations.

Experience in Finland

Speaker:	Eila Heikkilä
Nationality:	Finland
Representing:	Aktiivinen Eurooppalainen Kansalainen Suomi Ry (AEKS) https://www.aeks.fi/
Function:	Doctor in education in Finland and member of AEKS
Presentation :	https://www.wecitizens.be/docs-en/l21-AEKS.pdf
Video record:	https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be (from 55:00 to 1:08:00)

In Finland, AEKS aims to cooperate with other European civil society organisations in education, culture and civil society. Their focus is promoting well-being of citizens, especially the marginalised youth, through education, volunteering and social innovation.

A good experience from Finland is Ohjaamo: One-Stop Guidance Centers welcome persons under the age of 30 for assistance and support for various issues (career planning, life management, supporting participation, etc.). Goals? Promoting the participation of young people, smooth transition of young people, etc.

Guide of good practice

Speaker 1:	Silwia Mrozowska
Function:	Political scientist and professor
Speaker 2:	Barbara Kijewska
Function:	Political scientist and associate professor
Representing:	University of Gdansk
Nationality:	Poland
Presentation :	https://www.wecitizens.be/docs-en/l21-191106-Mrozowska_Kijewska-Code_for_good_practice.pdf
Video record:	https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be (from 1:11:00 to 1:36:00)

S. Mrozowska and B. Kijewska presented the outcome of the surveys done during the workshop in the partner countries. One clear signal is the mistrust of the (young) people towards the authorities. Besides ignorance related to their rights, this mistrust can refrain people from seeking information.

S. Mrozowska and B. Kijewska created step by step, after different activities with SIA4Y partners (state of art, questionnaire survey, workshops, interview, consultation, etc.) a code of good practice. This guide helps to involve more young people through different actions- new methods of teaching, open debates for citizens, active citizenship initiative, youth projects, etc. The document is distributed during the meeting. It is structured in three parts:

- I. Acces to information: legal grounds (international and in the partner countries), why it is important, what is it about, how does it work
- II. Youth policy: at European level and in the partner countries
- III. Example of initiatives supporting youth access to public information, in the five partner countries.

Roundtable 1: Citizens control on public action

Jean-Marie Sohier

Nationality:	Belgium
Representing:	Sealord (consultancy and coaching), www.sealord.be
Function:	Managing Director, jms@sealord.be
Video record:	https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be (from 1:36:00 to 1:41:00)

Mr Sohier acts as moderator.

Assya Kavrakova

Nationality:	Bulgaria
Representing:	European Citizens Action Service (ECAS) https://ecas.org
Function:	Executive Director
Video record:	https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be (from 1:41:00 to 1:52:00)

Mrs Kavrakova has lived behind the iron curtain and is cautious with control, and she prefers to promote partnership (between the authorities and the citizens). We need both the sticks and the carrots, through more citizens' participation. We have in 2018 an unprecedented increase in civic engagement. ECAS' service "Europe advice" answers usually 22 000 requests/year, but in 2018 there has been an increase of 35%.

Do we have the mechanisms in place, to promote co-decision with citizens? Some municipalities, such as Paris, they use crowdsourcing to feed the political decision. There are nice examples of consultative assemblies, coproducing decision. It is a must to recognize this democratic process.

Young people act in a different manner: quicker feedback, etc. The new technology offers the potential to offer additional channels to satisfy the needs of all. There is a momentum and we should be quick enough to grasp the opportunity to enhance democracy.

Alvaro Gonzalez Perez

Nationality:	Spain
Representing:	AECEE https://www.aegee.org
Function:	Vice-President and External Relations Director
Presentation :	https://www.wecitizens.be/docs-en/l21-AEGEE.pdf
Video record:	https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be (from 1:53:30 to 2:03:00)

In an ideal world, there wouldn't be a need of NGO's, because governments would be caring for all the citizens' interests.

AECEE promotes two toolkits. The first one is <http://yvote.eu>. The website contains an application on how to vote in European elections. There is input concerning municipalities: an advocacy toolkit to contact your mayor, a manifesto to be adapted and submitted to the municipal authorities. There are different guidelines: "Street actions and other fun stuff", "How to participate", etc.

Generation Climate Europe (<http://gceurope.org>) fosters youth climate dialogue, in order to reach joint statements and require stronger climate change policies. There is also room for out-of-the-box actions.

AECEE thinks that the institutions are not really prepared to involve more young people in policy making. Youth organizations are not part of the implementation agencies for granting funding. There is a need for structural funding for youth organizations.

Jean-Paul Pinon

Nationality: Belgium
Representing: WeCitizens <http://www.wecitizens.be>
Function: CEO
Presentation : <https://www.wecitizens.be/docs-en/I21-191106-PINON-Roundtable.pdf>
Video record: <https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be> (from 2:04:00 to 2:18:30)

After presenting WeCitizens, JP Pinon insists on measures that make politicians more accountable: removing parliamentary immunity, tracking the opinions of politicians, etc. In Belgium the control action led by an alderman in a small town showed that Publifin was abusing public money.

WeCitizens started publishing a transparency index of political parties.

JP Pinon enumerates classic measures to enhance youth participation. But he also advises a general measure to increase the interest of the average citizen for politics: removing the withholding tax (the tax paid directly by the employer to the State, on account of the employee). This would reduce the ignorance or indifference of employees regarding the amount of direct taxes on their revenue.

Roundtable discussion

Video record: <https://www.youtube.com/watch?v=ihs7876i7RE&feature=youtu.be> (from 2:19:00 to 2:46:33)

Mrs Kavrakova supports the proposal made by JP Pinon, to make citizens feel more responsible for the State incomes and expenses.

Mr Sohier reminds that in Belgium 54% of the gross domestic product goes in public expenses, whereas it is 32% in Switzerland. But we do not have in Belgium a public service 1,7 times better than in Switzerland.

In response to a question from Mr Andy Vermaut, JP Pinon advocates that municipalities publish not only the minutes of the council meeting, but also the files given to the councilors to prepare the decisions.

Mr Vermaut tells a case in Gent (Belgium), concerning the sale of municipal grounds. Mrs Kavrakova confirms that some cases could be usefully brought to courts. JP Pinon insists on the effectiveness of informal control methods. Mr Sohier reminds the importance of massive mobilization of citizens to demand political actions.

Mrs Magda Leszczyna-Rzucidło tells some successful action of citizens making constructive proposals to improve public management, e.g. the drink water supply in town halls of Warsaw.

Sohier advocates the setting of publicly accepted standards, and controlling public action by comparing it with such standards.

Mr Gonzalez Perez says we need to remind to (young) people that all levels must participate in political changes (such as climate issues): from European institutions down to individual behavior.

Transparency tools for democracy

Speaker: Wilma Haan

Nationality:	Netherlands
Representing:	Open State Foundation https://openstate.eu/en/
Function:	CEO
Presentation :	https://www.wecitizens.be/docs-en/I21-191107-Wilma-Haan-Transparency-tools-for-democracy.pdf
Video record:	not published

Governments have to be open because of the new laws, the revision of directive, political pressure and pressure from society. **It pays off** because we can find economic benefits (ex. when start-ups use the open data for commercial applications), efficiency (more control over information flows and less questions from journalists or citizens) and quality (deeper analytical insights). => Transparency strengthens democracy.

Overview of some of their transparency tools:

- Open Spending: financial data of all the local governments in the Netherlands
- Open 'Poen': an open system for local funding's and less paperwork
- Open municipality: documents of Dutch municipalities
- Open multilaterals: contract data from UN, NATO and World Bank
- PoliFLW NL/EU: news articles of all the political parties in The Netherlands, and hopefully soon for other EU countries.

Experience in Poland

Speaker:	Magda Leszczyna-Rzucidło
Nationality:	Poland
Representing:	Polish Economic Society Branch Gdansk
Function:	Project Coordinator SIA4Y
Presentation :	https://www.wecitizens.be/docs-en/I21-191107-Magda-Leszczyna-Rzucidlo-experience-in-Poland.pdf
Video record:	https://www.youtube.com/watch?v=M5ZDzLiQ-zM&feature=youtu.be (from 01:50 to 26:00)

Do all young citizens know that the basic democratic right is transparency? Huge gap between the theory and the reality! The access to public information is in the constitution but young people don't know their right, and often show no interest. It is easier to involve journalists.

The solutions for wider use of public information and monitoring tools should be provided by education and dissemination of relevant methodologies within youth sector. Education tends to insist on obligations, and not so much on rights. Article 61 in the Polish Constitution establishes the right to know.

Access to information can be direct: access to sessions and proceedings (free), information on activity of public institutions (sometimes paid), copy of documents asked traditionally or on-line (paid). Indirect access is also available: public procurement procedures, legislative initiatives, participatory budgeting. The latter should be implemented also in schools and universities. For instance, students can vote about initiatives to install a leisure room.

What is useful? Youth Advisory bodies like Youth Councils, Youth Boards in various organisations; Erasmus+/Europe for Citizens/EEA grant and other EU-funded projects on FoI and Access to Information aiming youth; Introducing FoI and right to access to information with online tools and non-formal education.

Investigative journalism

Speaker:	Alexander Fanta
Nationality:	Austria
Representing:	Netzpolitik (news website in Berlin) https://netzpolitik.org
Function:	Journalist

Presentation : <https://www.wecitizens.be/docs-en/I21-Journalism-Fanta.pdf>
Video record: <https://www.youtube.com/watch?v=M5ZDzLiQ-zM&feature=youtu.be> (from 27:00 to 37:00)

The right of access to public sector information allows citizens to initiate investigations where governments and courts are not acting or doing enough.

Mr Fanta investigated why iPhone has different plugs for charging than all other phones? The unified charger would be great because it's more practical for us, cheaper and saves tons of electrical waste. Apple didn't quite want to. They used a loophole left in the European Memory of Understanding (MoU), to keep using a different charger. Why did the Commission not do anything about it? The EU parliament repeatedly put pressure on the Commission to act. He was not given access to the Impact Assessment Study.

Facebook has tried for years to build its own drones to provide internet access to underserved areas. But last year, Facebook announced closing its own drone programme Aquila. At the same time Facebook and Airbus were planning joint drone testing in Wyndham in Western Australia: they were working together in secret to provide a basic service, internet.

FoI can be a very useful tool for journalists and citizens to check up on regulation and the lobbying by large corporations. Mr Fanta tried to access the SMS messages of the EU president Donald Tusk. They answered that these messages do not contain substantial and not-short live information that would be considered as documents falling under the meaning of art.3(a) of EC Regulation 1049/2001.

Some countries in Europe don't have strong FoI laws. In Austria, FoI is not even taught to journalists: they leave school without knowing clearly their rights to access public sector information.

Investigation is not always gratifying for journalists, because it is cumbersome. Journalists should put the link to their sources.

Journalism has a traditional relationship with the power in place. Media need the collaboration of authorities to get the quick access to information.

Experience in Belgium

Speaker: Jean-Paul Pinon, pinon@wecitizens.be
Nationality: Belgium
Representing: WeCitizens <http://www.wecitizens.be>
Function: CEO
Presentation : <https://www.wecitizens.be/docs-en/I21-191107-PINON-Belgian-experience.pdf>
Video record: <https://www.youtube.com/watch?v=M5ZDzLiQ-zM&feature=youtu.be> (from 38:30 to 56:30)

Access to information is part of both citizens' participation and citizens' control. JP Pinon focusses here on control.

Some experience in Belgium are:

- Personal initiative to investigate the accounts (ex. Publifin case with Cédric Halin)
- Ranking: [Index](#) of Transparency of political parties, published by WeCitizens
- Portals to facilitate questioning public authorities: [ASKtheEU.org](#) [Transparencia.be](#)
- Academic research: [Tropico](#)- examine how public administrations are transformed to enhance collaboration in policy design and service delivery, advancing the participation of public, private and societal actors.
- Quality information: Infographic of taxes
- Databases of politicians: [PoliticiansOnline.be](#) (WeCitizens), [Cumuleo.be](#)

Experience in Estonia

Speaker:	Carina Paju, carina.paju@transparency.ee
Nationality:	Estonia
Representing:	Transparency International Estonia http://www.transparency.ee/cm/en
Function:	Executive Director
Presentation :	https://www.wecitizens.be/docs-en/I21-TIEstonia-Paju.pdf
Video record:	https://www.youtube.com/watch?v=M5ZDzLiQ-zM&feature=youtu.be (from 57:00 to 1:12:00)

Mrs Paju mainly commented to initiatives of Transparency International Estonia :

Case 1. [Transparency in capital cities](#): they shown that some capitals have a response time about access to information bigger than other.

Case 2: [Political party financing data](#): A political discussion arose when it appeared that a party received big cash donations. The law was improved, requiring transparency concerning party financing. Transparency International Estonia publishes statistical data concerning the profile of donations to parties.

In Estonia, they have a Committee that supervises the legality of obtaining and spending the finances of political parties, and also election coalitions and independent candidates who participate in elections, and the observing of other rules proceeding from the Political Parties Act.

Roundtable 2: Priority actions to promote the Fol

Video record: <https://www.youtube.com/watch?v=M5ZDzLiQ-zM&feature=youtu.be> (from 1:12:00 to 2:04:00)

Rachel Hanna

Nationality:	Ireland
Representing:	Access Info (Madrid) https://www.access-info.org
Function:	Legal Researcher and Campaigner

Platforms like “AskTheEU” clearly help people. Some authorities ask for the ID of the applicant, which is abusive if the information requested is of general kind.

‘Access Info’ fights for the publication of expenses of public institutions.

We must find the right balance between access to data and protection of privacy. Concerning lobby, everything should be transparent.

Public information is a very broad concept. It is useful to target groups of people, interested for specific data.

In Montenegro they voted a FoI-law but limited the effect to ‘information of public importance’, which leaves to the authority an excuse to refuse the right of access.

Johannes Filter

Nationality:	Germany
Representing:	https://fragdenstaat.de
Function:	Independent researcher

Fragdenstaat is similar to other portals like AsktheEU. Fragdenstaat often needs to sue the authorities, even if they usually loose.

Involving people will not happen, in the first place, with heavy investigation about corruption, but with very local questions.

The reader of press news should more appreciate the fact that official documents are

included (as proof).

There is a campaign to make health reports of restaurants public by default.

To get a youngster more involved in FoI, give him opportunities to find easily information he is personally interested in. FragdenStaat has a webpage allowing students to easily send requests concerning past examination questions for the General University Entrance Qualification: <https://fragdenstaat.de/kampagnen/frag-sie-abi/>.

Very few companies use FoI. An example of such exception is a company that works in digitalization of documents, for paperless offices. They requested data on the printing costs in the municipalities. They use it as marketing argument.

Mr Filter is optimistic. There is an increase in the use of FoI, especially among youngsters.

Barbara Kijewska

Nationality:	Poland
Representing:	University of Gdansk
Function:	Political scientist and associate professor

The age when young people start using FoI is 14-15 years. Sometimes the subjects are given by home-works they receive at school.

Very big companies have too much power, which they can use to abuse. E.g. Facebook was not sanctioned by people after scandals like “Cambridge Analytica”. The action of EC about this abuse was not transparent.

Often media are owned by municipalities. This undermines initiatives to control public action. Some municipalities have a participatory budget, but youngsters don't participate.

Ideas from the participants

When some authorities are reluctant to open data, Mr Fanta suggests to present secrecy as ridiculous, old-fashioned.

Not only individual citizens need access to information. In public procurement, it could happen that all contracts go to the same company. In such case it is in the interest of the competitors to investigate.