CHAPTER 3

AN OVERVIEW OF FREEDOM OF INFORMATION LEGISLATIONS IN VARIOUS COUNTRIES ACROSS THE WORLD

3.1 INTRODUCTION

Freedom of Information (FOI) Legislation ensures that the citizen of the country can access information from the public body. On the whole there are about ninety four countries which have adopted this FOI. In India the right to obtain information is called the Right to Information (RTI) Act, 2005. Media and FOI share a bond since this Act helps the media person to access information and the awareness of FOI on the part of common people is made possible through various forms of media. Many of the corrupt practices have been exposed to common people through this Act. The very notable Watergate scandal in USA (1972-1977) as well as the 2G spectrum scam in India (2009) has been revealed though this Act. Almost all the democratic countries have adopted this Act to promote transparency and stay accountable to the function of every public authority.

Ninety four countries following democratic pattern have adopted freedom of information legislation. The law exists in different names such as Freedom of Information Act, Access to Information, Right to Information, Law on Access to Administrative Documents, Public Information Act etc., and the first country to lead others was Sweden which enacted this law in the year 1766.
The right of access to information has emerged as one of the most significant rights in modern times. Critical in harnessing open governments that are accountable, transparent and therefore efficient, the right of access to information is also vital in the enhancement and realization of all other rights—be it Civil Political Rights or Economic Social Cultural Rights. Above all, increased access to information promotes public participation in decision making, which is a strong democratic benchmark (Ndifuna 2010).

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers says the UN Special Rapporteur on Freedom of Opinion and Expression. With a special note on media, wide variety of measures may be taken to educate the public. The media can play a key role; the broadcast media can play a particularly important role in countries where newspaper distribution is low or illiteracy widespread. Another useful tool, provided for in many right to information laws, is the publication of a simple, accessible guide on how to lodge an information request (Mendel 2008).


3.1.1 EUROPE

3.1.1.1 Sweden

Sweden was the pioneer in granting its citizens the right of access to information. The same law, the Freedom of the Press Act, protects people who report happenings to journalists and other publicists from prosecution or persecution. It is not necessary for journalists to reveal their identity. The Act is one of the four laws that make up the Swedish Constitution. Other countries in the Nordic region – Denmark, Finland, Iceland and Norway – have similar laws.

The Nordic countries were also pioneers in the setting up of National Press Councils, in which media owners, editors and journalists together draw the objectives that try and ensure media accountability. Provisions for openness and transparency in the law create a conductive
climate for a more general ‘culture of transparency’ whereby realms of the private sphere too, are open to scrutiny, as well – in practice and in the law (Holmberg & Rothstein 2010).

3.1.1.2 Columbia

British Columbia’s Freedom of Information and Protection of Privacy Act gives one the right to see many records kept by provincial government ministries and other public bodies - including records of one’s personal information and demographics, such as name, address, age, employment history or educational background. Public authorities include provincial government ministries, local municipalities, schools and school boards, hospitals and health authorities, local police forces, colleges and universities, and self-governing bodies such as the College of Physicians and Surgeons of British Columbia and the Law Society of British Columbia. Also, their Personal Information Protection Act gives the right to see the personal information held by organizations in the private sector in British Columbia. Under Information Protection Act, one can ask an organization for access to one’s personal information that it has, or explain how it has used one’s personal information and who it has given the information to (The Canadian bar Association 2012).

3.1.1.3 Germany

In Germany FOI legislation is called the “Freedom of Information Act” and was enacted in the year 2005. Implementation of the Act has been at a low profile. There has been minimal media attention or discussion of the Act and very little effort has been given by the government to promote the law (Banisar 2006).
3.1.1.4 Ireland

In Ireland, FOI legislation is called the "Freedom of Information Act" and was enacted in the year 1998. In Ireland, majority of government departments have started publishing on their web sites details of all the requests and responses which were criticized by the media as an initiative to stop the use of FOI for investigative reporting. The Department of Communications has also started publishing the names and addresses of all those who claimed it on its web site. The Data Protection Commissioner says that news 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 (Banisar 2006).

3.1.1.5 The United Kingdom

Britain's Freedom of Information Act 2000 (FOIA) came into force in 2005. It was intended to bring strict information control that has long been a feature of British central government. The volume and importance of the information itself, the steady number of requests submitted by the public and media, serve as strong indicators that the FOIA is bringing about greater access to information. A number of elements point towards the possibility that the new overt regime may actively open up the government, slowly taking away the cultural and institutional secrecy that has long been a trademark of British central government. This act is often used in central to its success, and both the public and the media have been steadily using the Act. Hence, the Act is on the rule book and is supported by the majority of the Civil Service, who are adopting increasingly open practices (Worthy 2008).
The Official Secrets Act still includes the provisions that were originally adopted in 1911, criminalizes the unauthorized release of government information relating to national security. It has often been used against government whistleblowers and the media for printing information relating to the security services (Banisar 2006). The Act is to specify particular factors identifying the circumstances in which substantial harm may arise (Frankel 1998).

### 3.1.1.6 Netherlands

In Netherlands this FOI legislation is called the “Government Information Act” and was enacted in the year 1991. In Netherlands, the FOI is not very highly used. They have only around 1,000 requests each year, mostly from a small number of newspapers. The lack of interest from media and NGOs, beliefs such as filing FOI requests would be considered to be a disturbance to good relations with the government bodies, less sanction mode, very broad exemption for the request and poorly maintained archives are the reasons for receiving very few requests on this Act. Although there is restricted freedom in the FOI of Ireland, journalists are given a chance to access information. But it is not so in Netherlands due to the fact that the exemptions have not been clearly defined while drafting the act (Banisar 2006).

### 3.1.1.7 Greece

In Greece, Act No 2690/1999, covers access both to documents produced by and to documents received by public authorities. However, the law distinguishes explicitly between documents coming from inside the authority and those originating from outside the authority i.e. administrative documents and private documents. Stricter conditions apply for access to private documents - existence of a particular legal interest. In Belgium and
Greece, the secrecy of the decision-making process of government is protected by exemption clauses (Brussels 2003).

3.1.1.8 Italy

In Italy FOI legislation is called the “Law 241/90 on Administrative Procedure and Access to Administrative Documents” which came into existence in the year 1990. The requests were filed in two ways: according to the guidelines set out in a 1990 Italian law on citizens’ right to access information – a law that requires information-seekers to explain why they want the data — and according to international access standards in which motivations need not be demonstrated. Italian law requires public institutions to answer such requests within 30 days of submission.

A recent law introduced by the outgoing government— which was dubbed “Transparency Decree” and came into effect this month – tried to step up the openness of Italy’s public administration. It gives public offices – from ministries to local administrations — stricter rules about what they must disclose regarding their activities and spending. If the public administration doesn’t do so, citizens can request that the information be made public, and they don’t have to mention the motivation behind the request (Galloni 2013).

3.1.1.9 France

In France FOI legislation is called the “Law on Access to Administrative Documents” and was enacted in the year 1978. The principle of transparency found its first expression in Article 15 of the Déclaration des droits de l’homme et du citoyen (Declaration of the Rights of Man and of the Citizen) of 26 August 1789, according to which “society has the right to ask any public official to account for his administration”. France was very precocious in recognizing the rights of defense, but less reactive in embracing
an extended notion of transparency. This is based on the idea of citizens’
direct participation in and control over the government, which does not easily
match the French model of representative democracy (where participation and
government accountability are mediated by parliament). This may at least
partially explain France’s resistance to adopting FOI legislation.

In France, the above-mentioned provision of the 1978 Law on
Access to Administrative Documents (“Every person has the right to know
the information contained in an administrative document the conclusions of
which are invoked against him”) is applied in a way that allows all persons –
whether they be a party in an administrative proceedings or not – to obtain
access to administrative documents held by public bodies (Savino 2010).

3.1.1.10 Spain

In Spain FOI legislation is called the Law on Citizens ‘Electronic
Access to Public Services’ and enacted in the year 2007. The necessity of this
law resides in its consecration of the right of citizens to communicate with the
administrations by electronic means, which obliges the latter to have the
electronic means so that citizens can get access to information and services,
present requests, applications or appeals, make payment, or receive
notifications or communications from the Administration (Cornella 1998).

3.1.1.11 Hungary

In Hungary this FOI legislation is called the “Freedom of
Information by Electronic Means” and was enacted in the year 2005. In
Hungary, freedom of information already enjoys a measure of enforcement in
the electronic domain, despite a lack of dedicated regulation. Essentially, the
agencies we have looked at make an honest effort to post as much public
information as possible on their sites—not only driven by a desire for a high-
tech image but also because they have recognized the efficiency of this new form of disclosure (Károly 2004).

3.1.1.12 Austria

In 1987 Austria made it obligatory for federal authorities to answer questions regarding their areas of responsibility within eight weeks. This applies to national departments, municipalities, municipality federations and the self-governing bodies. However, the law does not oblige government bodies to provide access to documents to citizens; it only requires them to provide answers to requests for information. If an interest can be shown, then the individual requesting information can obtain copies of the documents under the Code of Administrative Procedures and the Data Protection Act. The nine Austrian states have laws that place similar obligations on their authorities. The Federal Law on Environmental Information adopted in 1993 implements the freedom of access to information on the environment for information held by the federal government. There are also laws in some of the states on providing environmental information. The Data Protection Act allows individuals to access personal information about themselves held by public and private bodies (Escaleras & Lin 2008).

3.1.1.13 Ukraine

Information sovereignty is not a principle established in any of the human rights treaties. It may form part of the Ukraine’s Constitution, but this is not sufficient for the Council of Europe to sanction a law that gives preference to such concept rather than recognizing the rights established by the European Convention on Human Rights, and the Council of Europe’s numerous recommendations on freedom of expression and access to information, including the right of access to information (Committee of Ministers Recommendation 2002) and the treaty on access to information to
which Ukraine will likely become a party. A second highly problematic aspect of the concept presented here is that of “the national information space of Ukraine”. International law clearly establishes that the right to freedom of expression and information is a right that operates “regardless of frontiers” as established by Article 19 of the International Covenant on Civil and Political Rights, to which Ukraine has been a party since 1976 (Darbishire & Goldberg 2007).

3.1.1.14 Portugal

In Portugal, FOI legislation is called the Law on access to administrative documents and it was enacted in the year 1993. This allows any person to demand, by written request, the access to administrative documents held by state authorities, public institutions, and local authorities in any form by any person. Government agencies 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 meetings of the Council of Ministers 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 can be withheld for reasons of “internal or external security” and secrecy of justice or to protect commercial secrets, intellectual property and personal privacy (Banisar 2002).

3.1.1.15 Kosovo

Kosovo, like other regional countries, emerged from communist regimes, where the state was the only owner of everything, it has tradition of respecting the law on access to official documents. This is a right obtained
later on, and that is why the major part of the public is not informed about it. Awareness campaigns in Kosovo by the responsible institutions have been inadequate and not very efficient in terms of achieving the message to the citizens. Also it is the lack of public debates which explains in a more comprehensive way the law on access to official documents, complementary legal basis and in the practical aspect of drafting the requirements, deadlines, and procedural issues (Lama 2010).

3.1.1.16 Belgium

In Belgium the FOI legislation exists in the name of Law on the Right of Access to Administrative documents which came into force in 1994. In Belgium, penal procedure is divided into two main sections: inquiry and preparation of a case. Inquiry is essentially the investigation and gathering of evidence and it is handled under the direction of the appropriate prosecutor. The preparation is the series of investigative actions aimed at allowing the courts to give a ruling in full possession of the facts. The preparation is led under the direction and authority of the magistrate. The magistrate conducts the investigative hearing and decides whether there is sufficient evidence to proceed to trial (Ferroggiaro 2001).

3.1.1.17 Latvia

In Latvia this FOI legislation is called the "Freedom of Information Law" and was enacted in the year 1998. The Law on Freedom of Information was signed by the President in November 1998. The law provides for access to 'generally accessible information', which is defined as any information which is not categorised as restricted information. The categories of restricted information are not narrowly defined and include trade secrets, private information and information intended for and specified for internal use by an institution. The author of information or the manager of an institution has the
right to grant the status of restricted information, indicating the basis provided by the Freedom of Law (FIL) or other laws. There is no public interest test governing disclosure of otherwise restricted information. The FIL provides for administrative review of non-disclosure decisions with the possibility of judicial review thereafter. To date in sufficient resources have been injected into the bodies responsible for dealing with information requests, and no specific training has been carried out, resulting in less than adequate level of implementation of the law’s provisions. Research by civil society has also shown that the courts have been particularly resistant to the notion of freedom of information, obstructing those attempting to gain access to court verdicts (Report on Global Campaign for free expression 2002).

3.1.1.18 Albania

In Albania the FOI legislation is called the Law on the Right to Information and was enacted in the year 1999. Not much guidance has been given to line ministries on how to create a participatory environment and enquiry/consultation process, leaving its development to the discretion of each ministry on ad hoc basis. At the central government level there are effective arrangements for communication with the media and the public, including inter-ministry coordination.

Albania has developed recently in the establishment of an institutional framework and development of tools and mechanisms that ensure public offices. However, the centralized decision-making process and lack of power delegation could undermine the proper implementation of the framework. Public Information Offices are established in different institutions at the central and local levels, and the staff is in place to offer services to the public. Many training and capacity-building programs are under-way within the administration, but there is still concern about the weak capacities of the
public administration to ensure proper implementation of the regime (World Bank 2012).

3.1.1.19 Georgia

A democratic government assumes that those who elect public officials will have free access to what those public officials are doing. Access to government meetings and records provides citizens with the information they need to participate in the democratic process and to insist that government officials are held responsible for their actions. Transparency in government is found in the Constitution of Georgia, the common-law of the State of Georgia, and their state statutes (Baker 2008).

3.1.1.20 Liechtenstein

In Liechtenstein, the FOI legislation is called the “Information Act” and was enacted in the year 2000. The Information Act was adopted in May 1999 and entered into force in January 2000. It allows any person to obtain files from state and municipal organs and from private individuals who are conducting public tasks. Responses must be responded to in a “timely” manner. It does not apply to documents under way. There are exemptions for protecting decision-making, public security, disproportionate expenditures, privacy, and professional secrets. Documents are granted based on a balance of interests test. Appeals and claims can be made to a court. The law also sets rules on the openness of meetings of the Parliament, commissions and municipalities (European Communities 2006).

3.1.1.21 Bulgaria

The Freedom of Information is looked after by the Access to Public Information Act 2000 last amended in 2010. The Act is quite progressive as a
piece of legislation but implementation and enforcement of the legislation is still quite a challenge. The access to information programme in Bulgaria recommended in its 2010 report that requests for information should be free; however, a fee is still payable today. It was also recommended that training on understanding and implementing the law — including clear guidelines on what categories of information should be published for the public to be able to view — should be given to government authority. Appeals for a refusal to an information request also lie with the administrative courts and the Supreme Administrative Courts (Report by Office of the General Counsel 2011).

3.1.1.22 Estonia

In Estonia this FOI legislation is called the “Public Information Act” and was enacted in the year 2001. The Estonian constitution adopted Article 44 in 1992 originally set out the rights and duties of citizens and public authorities with regard to information access and retrieval and stated: “Everyone shall have the right to freely receive information circulated for general use.” The constitution, and the specific legislation enacted thereafter to deal with freedom of information allows an Estonian citizen the right to view documents and request access to information. The first version of the Public Information Act was approved in 2000 and took effect in 2001 and was updated and brought into force in 2008. The Act covers the following: state and local agencies; legal persons in public law and private entities which are conducting public duties including educational, health care, social or other public services. The Act also states that any person may make a request for information and the information holder must respond within five working days; this sets a relatively high threshold for a response from the holder. However, if the holder decides that the information requested is time consuming, he may take a further ten days to fulfill the request. Requests for information are registered and request fees, while statutory, may be waived in
certain circumstances. This last measure suggests that some members of the public may be precluded from requesting information if they simply cannot afford it (Byfield 2009).

### 3.1.1.23 Czech Republic

In the Czech Republic, the FOI legislation is called the “Law on Free Access to Information” and was enacted in the year 1999. The Law regulates the right of access to information, defining the circumstances in which the state authorities, public administration and other decision-making bodies have to provide information to the public. The law concerns the protection of restricted information. Restrictions on making information publicly available relate to ongoing criminal proceedings, the decision-making process of a court of law, the activities of intelligence services, etc. This law regulates conditions according to which timely and complete information about the state of the environment and natural resources must be placed in the public domain. Restrictions also apply to access to information in the following categories: Secret facts concerning state interests, protection of personal or individual facts and protection of security of person, protection of intellectual property, protection of commercial secrets, the classification of secret information is published by government in directives. Secret information is classified as top secret, secret, confidential and reserved (Tomásková 2001).

### 3.1.1.24 Lithuania

In Lithuania, the FOI legislation is called the “Law on Provision of Information to the Public” and was enacted in the year 2000. Citizens of the Republic of Lithuania have the right of access to the information of state and local government institutions, which is defined by the Law of the Republic of Lithuania on the right to obtain information from state and local government
institutions, enacted in 2000, and the Law of the Republic of Lithuania on
Provision of Information to the Public, enacted in 1996. The laws specify the
subjects having the right to have access to information, the kinds of supplied
information, the procedure for accessing information, the kinds of information
to which access is denied, the right of the applicant to appeal to the decision
of the supplier of information when the information is incomplete or incorrect
or access to it is denied. The law provides that every person has the right to
get public information on the activities of the state and local government
institutions as well as information the institutions possess with respect to the
person involved. These institutions must inform the public about their
activities, functions, structure and issues they deal with. The information has
to be accessible and free to everybody. In cases when access to information is
denied, the applicant receives a written explanation of the reason for the
denial and the possibility to appeal the decision. The applicant has the right to
appeal against the decision to the Administrative Disputes Commission. The
applicant can further appeal against the decision of the administrative disputes
commission to the administrative court (Final status report 2002).

3.1.1.25 Moldova

Under Moldova’s Access to Information Law, any citizen of
Moldova or foreigner residing in Moldova “has the right to seek, obtain and
disseminate official information.” Restrictions apply to the right to obtain
certain categories of information, such as information that is deemed to
protect national security or the public order, and public health or morals. The
person requesting access to information is under no obligation to justify his
interest in the information sought. Requests may be made in writing or
verbally when the information “can be provided instantly.” No fees are to be
levied if the information is presented verbally, is examined at the institution’s
premises, or “contributes to the transparency of the public institution and is in
the interest of society.” Information may be provided either verbally, by examining the document, or releasing a copy of the document or information. Refusal to provide official information is to be explained in writing (U.S. Agency for International Development (USAID) 2006).

3.1.1.26 Slovakia

In Slovakia, the FOI legislation is called the “Act No. 211/2000 on Free Access to Public Information” and was enacted in the year 2001. Access to information is protected under Article 26 of the Constitution. All people may freely “seek, receive and disseminate information”. Moreover, state authorities and regional administration institutions are obliged to provide information about their activities in an appropriate manner in the Slovak language. The importance and Constitution of the Slovak Republic guarantees the right to receive and disseminate information in the mother tongue of minority nationalities and ethnic groups. Information about the environment is special; according to the Constitution it has to be complete and timely. The Constitution refers to an Act that is to specify all particulars of right to information. However, the Slovak parliament has not yet passed such an Act regulating access to information (Slovak Helsinki Committee 2001).

3.1.1.27 Romania

In Romania, the FOI legislation is called the “Law on Free Access to Information of Public Interest” and was enacted in the year 2001. Unlike many other countries in the Eastern European region, Romania had strong credentials for the development of a good framework for freedom of information legislation. The Constitution of Romania contains several provisions relating to free access to information. When the Law on Regarding Free Access to Information of Public Interest was first drafted, its contents were critically reviewed by NGOs, international organisations and legal
scholars. It was rated as a positive step towards the development of FOI in the country, and was noted to have all of the key elements for an effective FOI law. Despite this, there were several criticisms of the law which has led to more challenges to the government and enabled more debate on such issues as access to information. A significant number of government ministries and agencies have failed to respond to requests for information (Byfield 2012).

3.1.1.28 Trinidad & Tobago

In Trinidad and Tobago, the Freedom of Information Act went into force on February 20, 2001. Shortly thereafter, a Freedom of Information (FOI) Unit was established to provide technical and legal guidance to government bodies, raise citizen awareness of the new law, and monitor and report on implementation efforts. The Cabinet initially authorized the FOI Unit for one year and then extended it until September 30, 2003, when the unit was disbanded. Even before its termination, the size of the staff was reduced (Kirton 2010).

3.1.1.29 Bosnia & Herzegovina

The Freedom of Access to Information Act was adopted in 2001 in both the Federations of Bosnia and Herzegovina and in the Republika Srpska, as well as at the federal level. The law went into effect in 2002. Its broad purpose is to “facilitate and encourage maximum and prompt disclosure of information in the control of public authorities at the lowest reasonable cost”. The Act covers information in any form by any public authority, including legal bodies. The request must be made in writing and the authority must respond within 15 days. Exemptions are made only for information which would compromise defence and security interests, public safety and crime prevention and detection, as well as information which contains commercial secrets or personal data. In addition, the exemption must pass a “personal
interest test”. Citizens have the right to challenge the public authority in court, if denied information (Banisar 2011).

3.1.1.30 Poland

In Poland, the FOI legislation is called the “Act on Access to Public Information” and was enacted in the year 2002. In Poland the right to public information is established in the Constitution. The Freedom of Information Act expounds on the right set out in Article 61 of the Constitution. First, it clarifies the definition of public information – stating that any reference to public affairs constitutes public information and provides a non-exhaustive index of categories of public information. Second, it states that, as a general rule, anyone has the right to immediately obtain public information including current data regarding public issues, without any requirement that the requester prove a legal or non-legal interest. Third, it provides that citizens, foreigners, stateless persons, legal persons and organizations without legal background have the right to information. Lastly, it imposes an explicit obligation on the specified state authorities to disclose information (Bodnar & Pacho 2011)

3.1.1.31 Croatia - Kosovo

In Croatia-Kosovo, the FOI legislation is called the “Act on the Right of Access to Information” and was enacted in the year 2003. In Kosovo the FOI is named as Law on Access to Official Documents. It was enacted in the year 2003. The Law on Public Procurement was adopted in 2003, amended in 2007 and the new law has been approved in 2011. This law was a turning point for the public institutions to consolidate their procurement units and implement the provisions for ensuring the most efficient, cost effective, transparent and fair use of public funds and resources in Kosovo. The previous law has been widely criticized for not aligning with the European
Procurement Standards. The Law explicitly requires the access to information related to public contracts. It clearly indicates that upon the request of the interested party, a contracting authority shall provide such an interested party with immediate access to all records (Hampton 2007).

3.1.1.32 Slovenia

In Slovenia, the FOI legislation is called the “Access to Public Information Act” and was enacted in the year 2003. Slovenia was one of the few countries where Access to Information received input from both civil society and the Information commissioner’s office. Both confirmed that as a part of state body, the police are covered by the Access to Public Information Act, and both contributed interesting observations on the situation in Slovenia. Among the exceptions from the access there is one referring to "information acquired or drawn up for the purposes of criminal prosecution or in relation to criminal prosecution, or misdemeanours procedure, and the disclosure of which would prejudice the implementation of such procedure". Access to public information is regulated in the Access to Public Information Act. The Act stipulates the type of information a citizen is entitled to access, means of public access, means of complaint, and authorities of the Commissioner for Access to Public Information (Fonovic´ & Gračanin 2010).

3.1.1.33 Serbia

The Serbian FOI legislation is a progressive law, because it extends the obligations contained therein also to courts, as state bodies of the judicial branch. It follows the stated UN standards in that it addresses requesting public information, held by public authorities and which have been created during work or related to the work of the public authority body, and which are contained in certain documents, related to everything that the public has a justified interest to know. The condition of justified interest could be
interpreted as narrowing the scope of the freedom to seek information. Access to information is subject to the fulfillment of the justified public interest condition, which is in contradiction with the nature of freedom to seek information and the principle of free access to information (Mrak 2007).

3.1.1.34 **Azerbaijan**

In Azerbaijan, the FOI legislation is named as the Law on the Right to Obtain Information and it was enacted in the year 2005. It applies to a broad list of bodies including legal entities and individuals conducting public functions such as education, state owned or subsidized organisations, and legal entities that are dominant or natural monopolies. Responses must be given within seven days unless urgent, in which case they must be provided within 24 hours (The Privacy International Report 2011).

3.1.1.35 **Montenegro**

In Montenegro, the FOI legislation is called the “Public Information Law” and was enacted in the year 1998. Free access to information is regulated by the Constitution of Montenegro. Montenegro paid a lot of attention to improvement of the situation in this area. Regional forum for government communications in South East Europe is a regional initiative, with the objective to develop capacity of government officials for public relations in order to impact the way public policies are created, aimed at an increased transparency of public administration, easier access to public information and larger impact of public on the process of creating public policies, all in order to improve a participatory democracy in the region. A new law will be taken into consideration, which will provide for an effective oversight of implementation of regulations on free access to information by a single second-instance body, which will be composed of non-partisan professionals. Regular quarterly reporting on application of the Law by
officers tasked with addressing the requests for free access to information to a single second-instance body; creation of a list of documents that must be proactively published by each institution subject to the Law; and promotion of a rule that the free access to information is obligatory, while restrictions make rare and justifiable exceptions (Lukšić 2010).

3.1.1.36 Switzerland

The Canton of Bern, in 1993, first introduced an Access to information law in Switzerland. Following a scandal on the existence of slush funds used to finance political propaganda, the Cantonal authorities tried to reinstitute a memorandum of confidence in the administration by introducing a law on information; a number of other jurisdictions have since then followed suit. The signing of the Law on Transparency (Ltrans) in 2004 represents a major step for the Swiss Federal Administration. In 1992, the Federal Council adopted in its legislative agenda the specific objective of being ‘closer to citizen via increased transparency’; it wanted to examine the possibility of introducing the principle of transparency in the activities of the administration in the more general framework of governmental reform. It had quite a positive impact but also raked in a lot of criticism. Representatives of the media were worried that access procedures would in fact complicate access to information that was until then obtained informally. Representatives of the economy were particularly interested in the protection of private interests. Others were worried about the overall cost of transparency. There were a number of adaptations made to the draft project, but in gist, it remained largely unchanged. After all these negative factors, in December 2004, the Confederation voted the ‘Loi sur la Transparence de l’administration’ or Law on Transparency (LTrans) a Law that came into effect in July 2006 (Pasquier & Villeneuve 2011).
3.1.1.37  Denmark

In Denmark, the FOI legislation is called the “Access to Public Administration Documents Act” and was enacted in the year 1985. In Denmark, the government does not have specific general laws to provide proactive information at its own initiative. Here, laws may be applied differently to independent institutions. For instance, the access to information legislation applies to the National Human Rights Institute, but not to the Ombudsman institution. Other legislation and subordinate laws may either supplement Freedom of Information Acts or be the sole source of openness regulation in relation to the judiciary (Boserup & Christensen 2005).

3.1.1.38  Finland

In Finland, FOI legislation is called the “Act on the Openness of Government Activities” and was enacted in the year 1999. The legislation guarantees several privileges such as access to public documents, journalists’ right to protect their sources, and certain freedom levels in journalistic information gathering in terms of picture taking, recording and false identity. The government of Finland is so transparent that it takes into account both the activities of authorities and the documents they possess. The intention of the Act is to promote openness and good practice on information management in government, and provide private individuals and corporations with an opportunity to monitor the exercise of public authority and the use of public resources, to freely form an opinion, to influence the exercise of public authority and protect their rights and interests (Kuutti et al 2010).

3.1.1.39  Norway

In Norway, FOI legislation is called the “Freedom of Information Act” and was enacted in the year 2003. It was enacted in the year 1970 and is
called the Freedom of Information Act. They follow a rule where certain documents are exempt from release to the demander if they are made secret by another law or if they refer to national security, national defense or international relations, financial management, minutes of the Council of State, appointments or protections in civil service, and such other reports. If access is denied, individuals can appeal to a higher authority under the Act and then to the Storting's Ombudsman for Public Administration or a court. There have been no cases where an appeal has been made to a court in the 30 years of the Act (Banisar 2002).

3.1.1.40  Iceland

The Freedom of Information Act was adopted in 1996 and went into effect in 1997. It supervises the release of information held by state and municipal administrations and private parties exercising state power that affects individual rights or obligations. This Act provides that individuals, including non-residents and legal entities, have a right to documents and other material without having to show any reason and to why they are asking for these documents. The issuing body or the Government bodies must explain in writing if they have not processed a request in seven days. Access to this information is available once the measures are complete or after a period of 30 years (Yadav 2006).

3.1.1.41  Macedonia

In Macedonia the legislation is called the “Law on Free Access to Public Information” and was enacted in the year 2006. There is more importance in Macedonia given to the quality of the proposed draft Law on Free Access to Information of Public Character, as it does not meet international standards on access to information (Jashari 2006).
3.1.1.42 Malta

In Malta, freedom of information is contemplated in two distinct fundamental freedoms’ enactments. Article 10 of the First Schedule to the European Convention Act, 1987 incorporates into Maltese Law the Council of Europe’s Convention on Human Rights and Fundamental Freedoms and the First, Second, Third and Fifth Protocols thereto. The text of the said Convention and the First Protocol thereof are contained in an Act of the Maltese Parliament and the Maltese Courts are empowered under the European Convention Act to declare ordinary legislation (other than the Constitution of Malta) which runs counter to the Convention and First Protocol as being null and void to the extent of their inconsistency with the rights and freedoms set out in the European Convention Act (Aquilina 2012).

3.1.2 ASIA

3.1.2.1 Thailand

Freedom of information in Thailand has been well accepted by the majority public. One of the main purposes of the constitution of Thailand 1977 is the transformation of representative democracy to participatory democracy. In this aspect the Official Information Act has been a crucial component of democratic development as it encourages people to enjoy more political participation by directly expressing their opinions and proposing their needs or suggestions to the state. This should help make the government more accountable and more transparent. In order to participate well and efficiently, people should have full access to state information and should know what is going on through state policy. The Official Information Act ascertains the government's vision of ‘what the government does or knows, people have the ‘Right to Know’ (Prokati 2012).
3.1.2.2 Uzbekistan

Although access to information is declared by the Constitution of Uzbekistan State with by-laws which significantly restricts this right, Uzbek Government remains one of the most closed governments in the world, keeping covertly information about its activities both to its own people and outside. People of Uzbekistan are not able to find any basic information on incomes from cotton, gold, gas etc. The only information accessible to citizens of Uzbekistan could be of personal type; however, even this information could be limited. Evidently, access to information by children is more complicated. There are no mechanisms ensuring the right of the child to request information from appropriate authorities. Corruption is worsening in Uzbekistan, taking wider scale and involving more officials. One of the mechanisms for combating corruption is closely related to access to information, which is considered to be restricted in Uzbekistan. Uzbek legislation provides a space for “state secret” and “other secrets secured by law” with no further clear and precise definitions of them. Information related to the State Budget is also under secrecy. There is no law on civil service and existing legislation does not require officials to publicly declare their income and assets (Tashkent 2013).

3.1.2.3 Hong Kong

Even though the Code on Access to Information is not an ordinance or regulation, it has great influence on open government. The Code on Access to Information was introduced in March 1995 to serve as a formal framework for the provision of information held by government bureaus/departments. The Code was extended to the whole of the government in December 1996. The Code sets out what information must be made available to the public routinely and establishes rules for dealing with requests for access to other government information. In accordance with the Code on Access to
Information, nearly all government bureaus and departments are committed to making information available to the public. All bureaus and departments produce their home pages in both Chinese and English. The Legislative Council and Judiciary offer comprehensive and timely-up-dated databases of Hong Kong laws and judgments (Zhongyi 2012).

3.1.2.4 South Korea

Korea represents a rule-of-law nation in which citizens and the government resort to the courts, not extra-legal mechanisms, to resolve disputes. In this context, the FOI law in Korea has been one of the most liberalizing statutes that “make the government increasingly transparent.” South Korea is often touted as a model case for the United States in exporting democracy abroad. This is all the more compelling, considering that the year 1978 marks the 20th anniversary of the Korean Constitutional Court’s landmark case on access to information as a constitutional right. Especially noteworthy is the growing relevance of the Korean FOI to international and comparative law (Youm 2010).

3.1.2.5 Pakistan

In Pakistan this FOI legislation is called the “Freedom of Information Ordinance” and was enacted in the year 2002. The first significant initiative for the Right to Information dates back to 1990 when Professor Khurshid Ahmed, Naib Amir of Jamaat-i-Islami, introduced a Private Members Bill in the Senate. This was not seriously acknowledged. Later in the 1990s, the government established an anti-corruption committee, to look into the causes of corruption and make recommendations. One of the key recommendations of the committee was enactment of a Freedom of Information Act, but it was also never implemented in view of strong resistance due to vested interests. In the meanwhile, however, the pressure
from the civil society was increasing and there was growing realisation about the need for such legislation. The military government of General Pervez Musharraf imposed the existing Freedom of Information Ordinance in October 2002 (Abdullah & Ali 2012).

3.1.2.6 Israel

In Israel, the constitutional right to freedom of expression has similarly been interpreted by court to encompass a right of access to information. Freedom of Information Law adopted on May 17, 1998, entered into force on May 29, 1999, with amendments such as 2002 on exclusion of certain security units from scope of the law; 2005 on Proactive disclosure of environmental information held by public authorities; 2007 on Inclusion of Government-owned corporations in the scope of the law (Kravchenko 2009).

3.1.2.7 Japan

A national FOI Law, “Law Concerning Disclosure of Information Held by Administrative Agencies” came into effect on April 1, 2001. Although a number of local government FOI laws had been in existence in Japan since the late 1960s, this new law created, for the first time a legally enforceable right of access to Japanese national government records. Japan’s law provides that “all persons have the right to demand information” and outlines the various procedures by which governmental information can be accessed. Six specific exemptions from disclosure are listed: individual privacy information; business information and trade secrets; national security and diplomacy information; criminal investigation information; deliberative process information; and agency operations. If requests for information are denied, requesters can appeal against the denial in two different ways. They can file a request for review of the non-disclosure decision by an “Information Disclosure Review Board” established by the law under Articles 21-26, or
they can file a suit for nullification of the non-disclosure decision directly with the district courts located at the eight appellate court venues throughout Japan. In contrast with the Cambodia draft policy paper proposal, which provides for an Information Commissioner, but includes no provision for judicial review, Japanese law does provide for a judicial review option, even to the extent of giving the requester the option of completely bypassing the administrative appeal avenue (Leos 2009).

3.1.2.8 Armenia

In Armenia this FOI legislation is called “Law on Freedom of Information” and was enacted in the year 2003. According to Armenia’s Law on Freedom of Information, ‘Foreign citizens can enjoy the rights and freedoms foreseen by the following law as defined by the Republic of Armenia Law and/or in cases defined by international treaties.’ Armenia’s FOI law applies to: ‘Organizations of public importance - private organizations that have monopoly or a leading role in the goods market, as well as those providing services to public in the sphere of health, sport, education, culture, social security, transport, communication and communal services.’ In Armenia, ‘Oral requests are required to be responded to immediately and public bodies must publish information on a government activity’s influence on the environment (Tromp 2008).

3.1.2.9 Turkey

In Turkey, the FOI legislation is called the “Law on the Right to Information 4982” and was enacted in the year 2004. Turkey adopted a Right to Information Act in 2004, public agencies often resist providing information to citizens and civil society, in blatant disregard of their obligations. Despite decisions by the Right to Information Review Council and administrative courts, ‘there is still resistance to give information, and a high number of
public authorities are disputing Council decisions, either by ignoring them, or by appealing to administrative courts to challenge such decisions’ (Akdeniz 2008).

3.1.2.10 Taiwan

Taiwan's Freedom of Information Act aims at protecting people's right to know and making the information easily, evenly formulated and obtained by the public. The access to government information not only enhances people's understanding, trust, and supervision on public affairs, but also promotes their participation in democracy. The goal of open and transparent administration can be achieved only by sharing the information with the public. All government agencies must have everything set, especially after one-year adjustment of Act that was passed in December 2005. The information disclosed, on the basis of a survey taken, on government websites remained insufficient, except for data on official organizations, duties, addresses, telephone numbers, fax numbers, websites, e-mail addresses, and the like (Chen et al 2007).

3.1.2.11 Jordan

In 2007, Jordan became the first Arab country to enact an access to information law, Law of Access to Information. Public use of the law is still in the early stages of development. There is still a lack of knowledge of this law. In a report published in September 2008, figures showed that there has been not one complaint raised about any obstacle experienced by any person requesting information. In February 2009, the findings of an opinion poll conducted by the Al Urdun Al Jadid Research Center (UJRC) noted that 42% of media personnel and journalists were unaware of the existence of this law.
On the International Right to Know Day, September 28 2009, UJRC launched the ‘Jordanian Alliance for Freedom of Information and Transparency’ (JAFIT) which includes a group of organizations, academics and civil society activists (Almadhoun 2010).

3.1.2.12 Nepal

Before 1990, Nepal was under partyless Panchayat regime. Freedom was curtailed and people had very limited scope for exercising their rights. Limited freedom was there on the mercy of ruler.

With the beginning of the People's Movement of 1990 the partyless Panchayat regime was superseded by the open and democratic government in Nepal and the way for transparency and information availability was paved. The Constitution of the Kingdom of Nepal 1990 has very explicitly recognized the right to information as a fundamental right under Article 16. By this constitutional guarantee, Nepal became the first country in South Asia to hold the ‘Right to Information’ as a fundamental right. During the evolution of ‘Right to Information Legislation’, the judiciary played a supportive role in the interpretation of the fundamental right, right to information and the development of RTI jurisprudence in Nepal. The Act came in to force from August 19, 2007. Similarly, National Information Commission was established on June 4, 2008, and Right to information Regulation on February 9, 2008 (Aryal 2011).

3.1.2.13 Indonesia

This FOI legislation was also a result of the reformation movement prevailing in Indonesia, which changed its system of government from the “New Order” to the “Reformation Order”. Every political regime that has ruled since the nation gained its independence in 1945 has treated public
access to information in different ways. During the New Order period, the press and mass media have been responsible to the authorities, not to the public. The freedom of the press and mass media was limited, even to the point of having no freedom, since any public opinion that appeared to oppose the government was rarely found. Any news criticizing government policies or any behaviour of the press and mass media displeasing to the authorities was met with the threat of revocation of business licenses (Napu 2012).

3.1.2.14 Tajikistan

In Tajikistan, there exists a system called “open information” which is realized through publication in official bulletins by State bodies and the mass media. It provides direct access to citizens, and legal entities. The use of information of private life of any citizens by collecting and storing them is prohibited until the consent of the person is obtained to access it. Media organizations express that they are continuously facing serious problems with access to information (Banisar 2006).

3.1.2.15 Kyrgyzstan

In Kyrgyzstan, RTI Law includes extensive and detailed provisions on the practical disclosure of information. Articles 19 and 21 refer to distribution of material in the mass media via accessible manuals, including a summary of their functions, and establish a general obligation on public bodies to provide information to the mass media on their activities. This is the country where the media role is enacted in the Act itself compared to all the other countries (Mendel 2008).

3.1.2.16 India

In India the FOI legislation is called the Right to Information Act and was enacted in the year 2005. Before the enactment of Right to
Information Act in India the Constitution of India did not provide explicit protection for the right to know. In 1982, the Supreme Court ruled that access to information held by public bodies was implicit in the general guarantee of freedom of speech and expression, protected by Article 19 of the Constitution, and that secrecy was “an exception justified only where the strictest requirement of public interest so demands”. When the law was initiated in 2002, it was weak and subjected to widespread criticism, and it never came into force due to the failure of the government to notify it in the Official Gazette. A concerted campaign by civil society, along with a change in government in 2004, led to the adoption of the Right to Information Act, 2005, which received Presidential assent in June of that year. The Right to Information Act of 2005 is having much more impact than the earlier attempt, thought there are still weaknesses in the Law, such as the near total exclusion from its ambit of various intelligence and security bodies. The Indian RTI Law is binding on both the national and state governments and this duality is reflected in a number of provisions that have been recorded keeping in mind various aspects (Mendel 2008).

3.1.2.17 China

The Regulations of the People’s Republic of China on Open Government Information (OGI Regulations) published on 24 April 2007 and effective one year later on May 1, 2008, marks a turning point away from the deeply ingrained culture of government secrecy toward making Chinese government operations and information more transparent. Under China’s unitary legal system, the OGI Regulations will apply not only to central government agencies but also extend the disclosure obligation downward through the Chinese government hierarchy to the provinces, counties and townships, the lowest level of government in China. A mixture of economic
and political motives has driven the authoritarian Chinese Communist Party leadership toward greater transparency (Horsley 2006).

### 3.1.2.18 Bangladesh

In Bangladesh the FOI legislation called the “Right to Information Act” and was enacted in the year 2009. The Right to Information, here, is the key to all other rights. It is one of the most important tools that are used to empower the people with the power that is rightfully theirs. The United Nations has called it the touchstone of all the freedoms to which UN is consecrated. The Government of Bangladesh adopted the Right to Information Act in the first session of the ninth Parliament on March 29, 2009, marking a milestone in fulfilling the constitutional pledge of the state of Bangladesh (Iftekharuzzaman 2009).

### 3.1.2.19 Russia

The Constitution of the Russian Federation, exercises the right of every person to “seek, get, transfer, produce and disseminate information by any legal means.” This constitutional norm represents the basis and the main legal regulator in the issues of freedom of information and government transparency. In accordance with the existing law, while information can be got regarding government functioning and so on, there is some amount of restriction to the information so acquired (Byfield 2009).

### 3.1.3 Africa

#### 3.1.3.1 Angola

This FOI legislation is called the “Law on Access to Administrative Documents” and was enacted in the year 2002. Angola is party to several international treaties that guarantee the right to freedom to receive and impart
information; freedom of expression and freedom of association, including the International Covenant on Civil and Political Rights. It does not specifically provide for the right to access information, it deals with access to information within a cluster of rights under the rubric of the right to freedom of expression. It thus treats the right to freedom of information as an incident of the right to freedom of expression. Although not a treaty obligation immediately binding on states, parts of the Universal Declaration on Human Rights including Article 19 on the right to freedom of expression are widely regarded as having acquired legal force as customary international law. This is critical since the Angolan constitution invokes the rights under the right as well as other international instruments to which Angola is a signatory but is silent on the right to freedom of information (Moetsabi 2005).

3.1.3.2 South Africa

In South Africa, the FOI legislation is called the “Promotion of Access to Information Act” and was enacted in the year 2000. In South Africa, freedom of expression is constitutionally guaranteed in all constitutions with the exception of Swaziland which does not have a written constitution. The King’s declaration also prohibited freedom of expression and the media. But, with regard to the rest of the countries where freedom of expression is constitutionally guaranteed, there are significant differences in the manner in which this freedom is expressed as well as its extent and scope. There are no guidelines on how this is to be done or even guarantee that it would be done (Fombad 2002).

3.1.3.3 Zimbabwe

In Zimbabwe this FOI legislation is called the “Access to Information and Protection of Privacy Act” and was enacted in the year 2002. In Zimbabwe the situation offers an example of when an FOI law can be a
negative force in society. The Access to Information and Privacy Protection Act was signed by President Mugabe in February 2002. While the title refers to FOI and privacy and does provide for those rights in the text, the rights appear to be inactive. The main provision of the law provides the government extensive powers to control the media and suppress free speech by necessitating the registration of journalists and prohibiting the abuse of freedom of expression. These powers have been widely battered (Banisar 2006).

3.1.3.4 Ethiopia

In Ethiopia this FOI legislation is called the “Freedom of Mass Media and Access to Information” and was enacted in the year 2008. The Mass Media and Freedom of Information announcement has a liberal preamble and the Ethiopian government and Ministry of Information have declared it as a means of transportation for moving towards a more open atmosphere for the exchange of information in Ethiopia but the provisions in fact provide for the opposite. Among all the other laws, the Press Law continues to allow the government to criminally prosecute journalists and media persons for expressing their views and forms a stronger hold for government regulation of information. The Press Law imposes on the ability to get and provide information and ideas through the media. Mass Media and Freedom of Information have proved to be the test of democracy for Ethiopia (Ross 2010).

3.1.3.5 Uganda

In Uganda, the FOI legislation is called the “Access to Information Act” and was enacted in the year 2005. Uganda, is among the only four African countries that have an access to information legislation. Also, the country’s Constitution makes specific provision for the right of access to
information under Article 41. While Uganda appears to be more progressive in making this right fully realized, most provisions of the Access to Information Act remain unimplemented. Although not all the provisions of the law are dependent on the regulations, there is in the first place, a false impression that the implementation of the Access to Information Act wholly depends on the regulations. Also, the greater public who stand to benefit from this information remain ignorant about the existence of this right, which is largely looked upon as more of a media right; hence low demand from the public. These laws act as a cloak for duty holders to unjustifiably withhold information, further limiting access (Ndifuna 2010).

3.1.3.6 Liberia

In Liberia, the FOI legislation is called the “Freedom of Information Act 2010” and was enacted in the year 2010. Article 15(c) of the Constitution of Liberia provides that no limitation shall be placed on public’s right to be informed about the government and its functionaries. The Liberian Freedom of Information Act of 2010 further promotes the right to access information and obliges public bodies and officials to disseminate essential information that the public would generally want to know. The right to receive information is also a tenet of the Universal Declaration of Human Rights and the African Charter on Human and Peoples’ Rights. The right to information is premised on the notion that with information, individuals and groups will be able to make informed decisions that foster their individual and collective rights and interests (Siakor 2012).

3.1.3.7 Tunisia

Tunisia is presently at a critical stage of its democratic transition. It is also at a crucial moment of its constitutional history and approach to the protection of human rights, including freedom of expression and freedom of
information. This new constitutional settlement will provide the basic legal framework for how Tunisia will be governed and how fundamental rights will be guaranteed (Policy Brief-Article 19 2012).

3.1.3.8 Nigeria

The concept of an FOI law for Nigeria became popular in 1993 through the activities of different civil rights organisations. The objective was to establish as a legal principle the right of access to documents and information in the custody of the government. The absence of a clear and defined framework led to several constraints and challenges in the efforts of civil society to realise the entrenchment of transparency and accountability as pillars of responsible governance. The FOI Bill was first submitted to Nigeria’s fourth National Assembly in 1999 and its progress in the legislative process was very slow. In all, the FOI Bill spent over 11 years in the legislative process before it finally received the Presidential assent (Segun 2012).

3.1.3.9 Guinea

There are three main components that underpin the right to information in many Pacific states, including Papua New Guinea (PNG). The right to request information from public authorities and private bodies is possibly done when there is need for information to exercise or protection of the rights. The freedom of the citizens to access the courts to enforce his or her constitutional right cannot be precluded by the normal operations of constitutional offices and state organizations (Manek 2010).

3.1.4 AMERICA

3.1.4.1 United States of America (USA)

Enacted in 1966, the Freedom of Information Act is a law that provides the public the right to access government records. The purpose of
FOI is to ensure that people are informed about the workings of the government. However, agencies may withhold information pertaining to nine exemptions and three exclusions contained in the statute. The FOIA applies only to federal agencies and does not create a right of access to records held by the Congress, the courts or by state or local government agencies. Each state has its own public access laws that should be consulted for access to state and local records (Wenger 2003).

3.1.4.2 Aruba

FOIA is intended to be the driver for a public sector revolution, blowing away the traditional Westminster culture of secrecy and leaving in its place clear legal duties of openness and transparency. It replaces ‘need-to-know’ with ‘right-to-know’. As a result of FOIA, members of the public have the legal right to access a huge array of information on the actions of public bodies – from central government departments to parish councils. Anyone can ask for information, and requests can range from how much your local council spent on paperclips last year, to the grounds for appointing a particular contractor to build a school or hospital. Even copies of contracts and invoices may be disclosable.

It imposes a duty on every public body in the country to make available any information at all, if it is holding it. There are 23 exemptions quoted in the law, but these exceptions can be relied on only if the reason is valid (The Legal 500 2006).

3.1.4.3 Canada

In Canada the FOI legislation is called the “Access to Information Act” and was enacted in the year 1985. In Canada there has been a slow but steady increase in the number of requests made under the Act. In 2004-2005,
it totaled over 25,000 requests. A total of over 270,000 requests have been made under the Access to Information Act since 1983. Typically the largest users are businesses and members of the general public. In 2004-2005, 47 percent of requests were made by businesses while the public had made 32 percent, 8 percent were from NGOs, and 11 percent were by the media (Banisar 2006).

3.1.4.4 Mexico

In Mexico, the FOI legislation is called the “Ley Federal de Transparencia y Acceso a la Informacion Publica Gubernamental (Federal Law of Transparency and Access to Public Government Information)” and was enacted in the year 2002. FOI in Mexico was the culmination of a deep history encompassing stake holders in many sectors over a multi-generational period. Section 1 establishes a constitutional context for the consideration of public information in Mexico, thereafter, section 5 situates Mexico amid a global flurry of FOI activism and legislation (Bookman & Amarpan 2008).

3.1.4.5 Belize

In Belize, the FOI legislation is called the "Freedom of Information Act" and was enacted in the year 2000. The Freedom of Information Act is another law passed in Belize that helps to advance the protection of human rights in the country. “Freedom of information is a fundamental human right and is the touchstone for all freedoms to which the United Nations is consecrated.” Belize’s freedom of information law implements the constitutional right to information. The Belize Constitution says that freedom of expression includes receiving and communicating ideas and information without interference. The provisions of Belize’s act allow citizens to seek and obtain information, within a specified time frame, from any agency of government so long as that information is not classified as exempt under the
law, where the government authority denies a specific request for information claiming, for example, that a document is exempt, the Ombudsman is empowered to review the decision and inspect the requested document (Moore 2013).

3.1.4.6 Jamaica

In Jamaica, the FOI legislation is called "The Access to Information Act" and was enacted in the year 2002. The Access to Information Act was passed on law by Parliament in July 2002 and came into force in January 2004. The enforcement of this legislation underscores the Government of Jamaica’s commitment to good governance as evidenced by the observation of the principles of openness, transparency and accountability upon which the Act is predicated. The Jamaica Access to Information Act is unique in providing for an automatic Parliamentary review of the law two years after its implementation began. This is a positive provision as it allows for reflection as to both the terms of the Act as well as its impact for the Jamaican administration and its users. In general, Jamaica’s Access to Information law meets the emerging international norms with a sound structure and provisions to promote openness (Campbell 2006).

3.1.4.7 Peru

In Peru, the right to public information is protected under Section 5 of Article 2 of the 1993 Peruvian constitution. Under this section, any person has the right to request, without stating a specific cause, information from a government entity except for that expressly prohibited by law or the constitution, such as personal or private information or information pertaining to national security. Article 2 has been deemed a fundamental right attributed to all persons as well as a foundational right underlying the ability of individuals to exercise other rights provided for in the constitution and
statutory authority. The Congress of the Republic of Peru also enacted Law on Transparency (Law 27806) and Access to Public Information with the goal of “promoting transparency in the acts of the State and regulating the fundamental right to access of information (Yagel 2007).

3.1.4.8 Antigua/Barbuda

In Antigua and Barbuda, the FOI legislation is called the “Freedom of Information Act” and was enacted in the year 2004. Access laws in Antigua and Barbuda are extended to directly cover information held by private bodies. The provisions of the South African Promotion of Access to Information Act and the more recent Antigua and Barbuda Freedom of Information Act 2004 are indicative of this trend, granting access to information held by private bodies if that information is required “for the exercise or protection of any [legally enforceable] rights”. The Act also specifically covers records “in the possession or under the control of an independent contractor engaged by a public body or private body” which is subject to the Act (CHRI 2011).

3.1.4.9 Ecuador

In Ecuador, the FOI legislation is called the “Ley Organica de Transparencia y Acceso a la Informacion Publica (Organic Law on Transparency and Access to Public Information)” and was enacted in the year 2004. Ecuador implemented its Law of Transparency and Access to Public Information in 2004. The law provides that each governmental entity should publish online legal norms that pertain to its work. The law also mandates that the Constitutional Court and the Administrative Court publish their sentences and decisions online. The law has been analyzed by scholars. Article 91 of Ecuador’s Constitution grants the right of action to one who is denied free access to public information. The Constitution stops short, however, of
obligating government entities to provide legal and other relevant information in an easily accessible manner (Miguel 2011).

3.1.4.10 Cayman Islands

In Cayman Islands, the FOI legislation is called the Freedom of Information law and it was enacted in the year 2007. The Cayman Islands have an extremely open, accountable and transparent government and regulatory system. They have promoted transparency regulations and initiatives for many years. The Cayman Islands are at the forefront of shaping international standards for tax transparency. Legislations have been enacted and various measures implemented to facilitate the exchange of relevant information. The Cayman regulatory authority has access to comprehensive and reliable data from any person with relevant information. Tax payers' rights are protected by legislation that supports government accountability, transparency and public participation in decision making. Confidentiality laws strike the right balance of protecting privacy in business dealings while providing a mechanism for information to be passed to law enforcement and regulatory authorities inside and outside the Cayman Islands (Memo 2008).

3.1.4.11 Chile

In Chile, the FOI legislation is called the “Law on Access to Public Information” and was enacted in the year 2008. Chile adopted Law on Access to Public Information that mandates all public bodies and creates the Council for Transparency, an autonomous body responsible for enforcing compliance with the legislation. According to the law “The State shall, within a reasonable time, provide training to public entities, authorities and agents responsible for responding to requests for access to State-held information on the laws and regulations governing this right; this training should incorporate
the parameters established in the Convention concerning restrictions to access to this information” (Torres & Esquivel 2011).

3.1.4.12 Guatemala

In Guatemala, the FOI legislation is called the “Law on Access to Public Information” and was enacted in the year 2009. After more than ten years of discussion, a law which will allow Guatemalan citizens to access public information was finally passed on 23 September 2009. It was hailed as a step forward for government transparency and though access to such information is guaranteed in the constitution this right has now been formalised. The law allows access to information about the administration of public funds and information about personnel salaries and expenses. There are also legal sanctions for those who do not deliver the requested information within ten days (Gillian 2008).

3.1.4.13 El Salvador

El Salvador adopted the Access to Information law on 3rd December 2010. The Legislative Assembly of El Salvador passed a bill on December 2 on access to public information, overcoming efforts to send it back to a committee. The proposed law would establish a five-person Institute for Access to Public Information to ensure compliance. The members will be appointed by the president. It defines official information and includes restrictions to protect military secrets, ongoing negotiations and privacy, according to media accounts. Requests are to be answered within ten working days if the information is less than five years old. In addition, the Ministry of Finance would be required to publish monthly reports on the budget. Penalties
for stealing or publishing confidential information are also established in the bill (Right to Info 2010).

### 3.1.4.14 Brazil

The General Law of Access to Information in Brazil, passed on 16 May 2012, was a great advancement for the country in this area. This legal framework establishes rules to define the role of the State as information provider to the citizens and to decrease the digital divide. Furthermore, the Federal Constitution of Brazil established the access to public information as a right. Access to information ensures a direct relation between the State and citizenship. The right to public information is a fundamental right that protects the exercise of other human rights. It guarantees transparency and the right to the memory of the country, to its true history to strengthen democracy. Also, it guarantees the right to the press to access public information to help on investigative news. Public information can also be useful to other users such as enterprises, academia, researchers, and ordinary citizens (UNESCO 2012).

### 3.1.4.15 Yemen

On 24 April 2012, Yemen’s Parliament passed the Law on the Right of Access to Information, a move that was a critical step forward in that country’s democratic transition. However, the Legislation faced a number of problems. An amended version of the Law on the Right of Access to Information (the Law), was then passed by Parliament on 16 June and signed into law by the President on 1 July, making it the third right to information law in the Arab world, following Jordan (2007) and Tunisia (2011) (Center for law and Democracy 2012).
3.1.4.16 Panama

The Right to access of Information was encompassed in the Panama Constitution in 2004 to provide for the right to access information held by the state or by private companies involved in work of a public nature. But before the constitutional amendment, Panama enacted its freedom of information Law in January 2002, which clearly states that its provisions are applicable to the Judicial Branch and the Office of the Prosecutor. It defines the right to freedom of information as the right of any individual to obtain information on matters being processed, information held in files and archives, documents, and administrative decisions, as well as any statement of any nature held by institutions specified in the law (Yagel 2007).

3.1.4.17 Dominican Republic

The Dominican Republic enacted its Freedom of Information Law in 2004. This Act recognizes the right to request and to receive comprehensive, truthful, adequate, and timely information from any state institution and from any private company in which the state owns shares. The law holds that in relation to its administrative information it applies to the judicial branch. The FOIA establishes a detailed and restricted list of exceptions to the rule of publicity, many of which may apply to judicial information (Yagel 2007).

3.1.4.18 Honduras

In 2006, the Honduran Congress approved the Transparency and Access to Information Act, which came into force on January 20, 2007. This law is binding upon the judicial system. Through it, the congress created the
Institute on Access to Public Information in charge of promoting and facilitating access to public information (Yagel 2007).

3.1.4.19 Nicaragua

In Nicaragua the FOI legislation is called the “Law on Access to Public Information” and was enacted in the year 2007. Nicaragua believes in being people centric when it comes to issuing information to the people. The draft access to information law has undergone a number of changes with the latest version emitted by the Congressional Justice Commission in July 2005. The Civil society organizations and the presidency have also made a number of advances in raising the awareness of the value of access to information and beginning efforts to implement a voluntary access to information strategy in five pilot entities. Nicaragua seeks to ensure the broad exercise of this fundamental human right (The Carter Center 2005).

3.1.4.20 Uruguay

Though Uruguay has identified the importance of right to information, it has not provided for specific rights that might come under various aspects. The extent to which this provision might be interpreted as encompassing freedom of information, and particularly the right to access judicial information, remains unexplored in legislation and case law (Yagel 2007).

3.1.5 OCEANIA

3.1.5.1 Australia

In Australia, the FOI legislation is called the “Freedom of Information Act” and was enacted in the year 1982. Years before the current wave of legislation being passed in countries all over the world, Australia was
furthering the cause of Freedom of Information – and the transparency, justice and social progress that spring from that freedom all over the world (Millan 2010).

3.1.5.2 New Zealand

New Zealand’s Official Information Act has produced very different results. The Act covers government ministries, hospitals, universities, schools, the Security Intelligence Service, and even state-owned enterprises. It applies a public interest test as with FOIA in Britain. Demand for official information has not been reduced as in Australia. Familiar criticisms over civil servants’ reluctance to disclose documents have been heard but, despite some evidence of news management connected to journalists’ requests, the evidence is that the rubric of FOI is understood by the government (Hayes 2009).

3.1.5.3 Tasmania

In Tasmania, journalists generally use FOI when they feel that it is the only way to get the information they want, or the government media would not help them in getting news. But most of the journalists use FOI as a first port of call (first source) for information when they want statistics or raw data. Journalists use the results of Freedom of Information requests sometimes as the core basis of stories, and sometimes as background only. If the journalists are not satisfied with the information received through FOI, they generally go for a second request to obtain the complete details. Tasmanian FOI allows the information seeker to access the information by requesting for the second time, by making a mention that the information sought for the first time is not satisfactory (Bildstein 2004).
3.1.5.4 Cooks Island

In Cook Island the FOI legislation is known as the “Freedom of Information Act” and was enacted in the year 2009. The Cook Islands Official Information Act is similar to or almost the same as New Zealand’s Act. It is an independent state self-governed in free association with New Zealand. The positive side is that the fact that the citizens of the Cook Island have the only freedom of information law in a Pacific islands country (Woods 2010).

Chapter 3 dealt with an overview of Freedom of Information legislation in various counties across the world. Chapter 4 will deal with the research methodology adopted for the study.