CHAPTER –VI
INTERNATIONAL PERSPECTIVE OF EMERGENCE AND ADOPTION OF RIGHT TO INFORMATION ACT

I – Introduction

A new era of government transparency has arrived. Laws opening government records and processes are now commonplace among democratic countries. It is now widely recognized that the culture of secrecy that has been the modus operandi of many governments for centuries is no longer feasible in a global age of information and not compatible with modern government.

This chapter is an attempt to review the legislation of Right to Information Act from a global perspective. Attempt has been made to highlight the contributing factors for the adoption of this act in various countries. Then there is a brief description of the form and features of this act in various countries have been analyzed. It has been also attempted to compare the legislative provisions among countries and bring out the common issues.

II – Right to Information around the World: Overview

Access to government records and information is an essential requirement for modern government and developing and maintaining a civil and democratic society. Access facilities public knowledge and discussion. It provides an
important guard against abuses, mismanagement and corruption. It can also be beneficial to governments themselves – openness and transparency in the decision making process can assist in developing citizen trust in government actions.

Governments around the world are increasingly making more information about their activities available. Over 50 countries around the world have now adopted comprehensive Freedom of Information Act to facilitate access to records held by government bodies and over thirty more have pending efforts. While FOI acts have been around for several centuries, over half of the FOI laws have been acted, in just the last 10 years. The growth in transparency is in response to demands by civil society organizations, the media and international lenders. Governments in the information age must provide information to survive.

While the vast majority of countries that have adopted laws are northern and industrialized, the rest of the world is also moving in the same direction. In Asia, nearly a dozen countries have either adopted laws are or are on the brink of doing so including India and Pakistan, which adopted laws in 2002. In South and Central America, half dozen countries have adopted laws and nearly a dozen more are currently considering them. The issue is starting to emerge in Africa, South Africa enacted its law in 2001 and many countries in southern and central Africa, mostly members of the Commonwealth, are following South Africa’s lead. Nigeria, Ghana and Kenya are likely to enact legislation in the near future. In addition, countries have also adopted other laws that can provide for limited access including data protection laws that allow individuals to access their own records held by government agencies and private organizations, specific statutes that give rights of access in certain areas such as health or the environment, and codes of practices.
III – Factors Responsible for Adoption of RTI

Without people’s participation, democracy cannot deliver to its highest potential. Throughout the world, civil society has often led the way towards open governance, a prerequisite of any meaningful participation in decision-making processes of government. Civil societies recognize that individuals and groups must have the right to access information held by their government, its agencies and other public bodies, which relates to matters of public interest and affects people in general. Without such information, governments cannot be held to account and there can be little shared understanding between the government and citizens regarding what the government is or should be doing. In the course of its work the government collects a lot of information regarding its citizens, the state of the country, the activities to be undertaken and how to spend public money. The information that is collected and recorded has for a long time been highly protected by governments and there was a presumption against disclosing it unless government decided that people need to know. Now, the tides have changed rapidly and many countries recognise that people have a human right to be able to access information, and that conversely governments have a duty to disclose the information unless there is a very good reason for withholding it. Such reasons may include a threat to national security, invasion of personal privacy or if disclosure would be prejudicial to international relations with another country.

A number of international bodies with responsibility for promoting and protecting human rights have authoritatively recognised the fundamental and legal nature of the right to freedom of information, as well as the need for effective legislation to secure respect for that right in practice. These include the UN and Commonwealth. This is supplemented by growing consensus at the national level of the importance of freedom of information as a human right and as a fundamental underpinning of democracy, as reflected in the inclusion of a right to
freedom of information in many modern constitutions, as well as a dramatic increase in the number of countries which have adopted legislation giving effect to this right in recent years. Collectively, this amounts to clear international recognition of freedom of information as a human right.

However, there are still many countries that do not specifically protect the right to information. Often, the right is guaranteed to some extent under the constitution, or legislation empowers people access to information relating to a particular topic. Constitutional protection of the right to know may be included as part of the right to freedom of expression, for example in Antigua and Barbuda, where Article 12 includes “freedom to receive information and ideas without interference”2, or it may be specifically protected, for example in Mexico, where Article 6 states in part that “the right of information shall be guaranteed by the state.”3 However, the best way to ensure the government gives people access to information in general is when they enact special legislation to that effect – a right to information law – which details what information the government, has a duty to make available and how to go about accessing it.

There have been a variety of internal and external pressures on governments to adopt FOI laws. Civil society groups have played a key role in the promotion and adoption of laws in many countries. This has included campaigning by press and environmental groups. Governments are providing more as part of their "e-government" efforts to make services more efficient and accessible.

- Constitutional rights. The transition to democracy for most countries has led to the recognition of human rights in constitutions. Almost all newly developed or modified constitutions include a right to access information from government bodies. Over 40 countries now have constitutional provisions on access. They also often include provisions on a right to information on the environment and the right of individuals to access their personal files,
• Scandals. Often, crises brought about because of a lack of transparency have led to the adoption of laws to prevent future problems. In long established democracies such as Ireland, Japan and the UK, laws were finally adopted as a result of sustained campaigns by civil society and political scandals relating the health and the environment. Anti-corruption campaigns have been hugely successful in transitional countries attempting to change their cultures. The Thai Prime Minister in August 2003 called for citizens to use their Access to Information Act to reduce corruption.

• Modernization and the Information Society, The expansion of the Internet into everyday usage has increased demand for more information by the public, businesses and civil society groups. Inside governments, the need to modernize record systems and the move towards e-government has created an internal constituency that is promoting the dissemination of information as a goal in itself. In Slovenia, the Ministry for the Information Society was the leading voice for the successful adoption of the law.

• International pressure. The international community has been influential in promoting access. In some countries such as Bosnia, the international organizations running the country ordered the creation of a law. International bodies such as the Commonwealth, Council of Europe and the Organization of American States have drafted guidelines or model legislation and the Council of Europe decided in September 2003 to develop the first international treaty on access. The World Bank, the International Monetary Fund and others have pressed countries to adopt laws to reduce corruption and to make financial systems more accountable. The Aarhus Convention on access to environmental information promoted by the UN has been signed by dozens of countries who are now committed to adopted laws on access to environmental information.
IV – A Brief Comparison of Laws over the Globe

Overall, most FOI laws around the world are broadly similar. In part, this is because only a few countries’ laws have been used as models. The US FOIA has probably been the most influential law. Canada’s and Australia’s laws have been prominent with countries based on the common law tradition.

The most basic feature of FOI laws is the ability for individuals to ask for materials held by public authorities and other government bodies. This is variously defined as records, documents or information. The definitions vary and in many laws led to gaps in access as computers replaced paper-filing systems. Newer laws broadly define the concept so that there is little difference between them. The right to request information is generally open to citizens, permanent residents and corporations in the country without a need to. Show a legal interest, a majority of countries now allow anyone around the world to ask for information; generally the acts apply to nearly all-major government bodies in the countries, except for the Parliament and the Courts. In some countries, the security and intelligence services are also exempted from coverage. In many parliamentary systems, documents that are submitted to the Cabinet for decisions and records of Cabinet meetings are also excluded. An interesting development is the growing trend towards extending FOIA laws in countries to include non-governmental bodies such as companies and NGOs that receive public money to do public projects. This is frequently used to cover hospitals but could have broad affects and more basic government functions are outsourced to private entities. In South Africa, the law also allows individuals and government agencies to obtain information from private entities if it is necessary to enforce people’s rights.
As international governmental organizations play an increasingly important role, the right of access to information must be codified in these new agreements. A key problem with access to information is that these organizations are based on a diplomatic system. Thus decisions that were once made on a local or national level where the citizen had access and entry, into the process are now being made outside the country in a more secretive setting. Activists have constantly pressured organizations such as the WTO the World Bank and the IMF to release more information. However, this is still limited In other countries such as Bosnia and Kosovo, access to information held by international bodies that have the power to make binding decisions in the country is currently being debated.

There are a number of common exemptions that are found in nearly all laws. These include the protection of national security and international relations, personal privacy, commercial confidentiality, law enforcement and public order, information received in confidence, and internal discussions. Most laws require that harm must be shown before the information can be withheld, for at least some of the provisions. The test for harm generally varies depending on the type of information that is to be protected. Privacy, protecting internal decision making and national security tend to get the highest level of protection.

A number of countries' laws require that any witholding must be balanced against disclosure in the public interest. This allows for information to be released even if harm is shown if the public benefit in knowing the information outweighs the harm that may be caused from disclosure. There are a variety of mechanisms for appeals and enforcing acts. These include administrative reviews, court reviews and enforcement by independent bodies. The effectiveness of these different methods vary greatly. In general, the jurisdiction that has created an outside monitor such as an ombudsman or information commissioners appear to be more open. Ireland and New Zealand are frequently cited as having some of the most vigorous oversight systems.
The first level of appeal in almost all countries is internal. This typically involves appealing to a higher level in the body that the request was made to asking them to review the denials. This is of mixed utility. This can be an expensive and quick way to review decisions. However, the experience in many countries is that the internal system tends to uphold many of the denials and is used more for delaying releases than enhancing access. Once the internal appeals have been completed, the next stage is an appeal to an external (X-body. In many countries, an Ombudsman (usually an independent officer appointed by the Parliament) can be asked to review the decision as part of their general powers reviewing the administration of the government. Ombudsmen generally do not the power to make a binding decision but in most countries, their opinions are considered to be quite influential and typically are followed. Over a dozen countries have created an independent Information Commission. In some countries such as Ireland and the UK, the Information Commissioner has the power to make binding decisions, subject to limited appeals or overrides by Ministers in certain cases. The commissions can be part of the Parliament, an independent part of another government body or the Prime Ministers' Office (such as in Thailand) or a completely independent body.

Some countries have combined the FOI commission with the national data protection commission. In Ireland the Information Commissioner is also the general Ombudsman. The Information Commissioner often has other duties besides merely handling appeals. This includes general oversight of the system but also reviewing and proposing changes, training, and public awareness. Alternatively, some countries including Japan and Iceland have created review panels to review decisions.

The final level of review in most FOI laws is the courts. Almost all countries allow the requestor to appeal final decisions of agencies to national courts. The courts can obtain copies of most records and make decisions. A less efficient system is where the courts serve as the only external point of review, such as in the United
States and Bulgaria. This effectively prevents many users from enforcing their rights because of the costs and significant delays involved in bring cases to courts. The courts are also generally deferential to agencies, especially in matters of national security related information.

Another common feature in FOI laws is the duty of government agencies to routinely release certain categories of information. These typically include information on the structure of the organization, its primary functions, a listing of its top employees, annual reports, and other information. Newer FOI laws tend to proscribe a listing of information and require that the information be available on the Internet.

V – Major Problems

The enactment of a FOI law is only the beginning. For it to be of any use, it must be implemented. Governments must change their internal cultures. Civil society must test it and demand information. Governments resist releasing information, causing long delays; courts uncut legal requirements and users give up hope and stop making requests. The mere existence of an act does not always mean that access is possible. In some countries freedom of information laws is that in name only. In Zimbabwe, the Protection of Privacy and Access to Information Act sets strict regulations on journalists and its access provisions are all but unused. In Paraguay, the FOI law enacted restricted speech and was so controversial that media and civil society groups successfully pressured the government to rescind it shortly after it was approved. In Serbia, the Public Information Act was designed to restrict public information, not promote it.

Some laws are adopted and never implemented. In Albania, there is no use of the law because neither users nor government officials are aware of it. In Bosnia one of the world's best designed laws is only used infrequently. In many
countries, the access mechanisms deliberately undercut. The Panamanian government enacted its law in January 2002 and then promptly adopted rules requiring that individuals show a legal interest, a deliberate contradiction of the law. Independent oversight bodies are weakened by lack of funds which prevent timely appeals.

VI – RTI in Different Major Countries

FRANCE:

Article 14 of the 1789 Declaration of the Rights of Man called for access to information about the budget to be made freely available: "All the citizens, have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put."

The 1978 Law on Access to Administrative Documents provides for a right to access by all persons to administrative documents held by public bodies.

These documents include "files, reports, studies, records, minutes, statistics; orders, instructions, ministerial circulars, memoranda or replies containing an interpretation of positive law or a description of administrative procedures, recommendations, forecasts and decisions originating from the State, territorial authorities, public institutions or from public or private law organizations managing a public service." They can be in any form. Documents handed over are subject to copyright rules and cannot be reproduced for commercial purposes. Public bodies must respond in one month. Proceedings of the parliamentary assemblies, recommendations issued by the Conseil d'Etat and administrative jurisdictions, documents of the State Audit Office, documents regarding the investigation of complaints referred to the Ombudsman of the Republic and documents prior to the drafting of the health-organization
accreditation report are excluded from the definition of administrative documents. Documents that are "instrumental in an administrative decision until the latter has been taken" are not available until the decision is made.

There are also mandatory exemptions for documents that would harm the secrecy of the proceedings of the government and proper authorities coming under the executive power; national defense secrecy; the conduct of France’s foreign policy; the State’s security, public safety and security of individuals; the currency and public credit; the proper conduct of proceedings begun before jurisdictions or of operations preliminary to such proceedings, unless authorization is given by the authority concerned; actions by the proper services-to detect tax and customs offences; or secrets protected by the law. Documents that would harm personal privacy, trade or manufacturing secrets, pass a value judgment on an individual, or show behavior of an individual can only be given to the person principally involved.

It can mediate disputes and issue recommendations but its decisions are not binding. A complaint must be decided by. The CADA before it can be appealed to an administrative court. It handled over 5,000 requests in 2002. On average, 50 percent of its recommendations are for the body to release the information that it is withholding (50.7 % in 2002). The bodies refuse to follow the advice in less than 10 percent of the cases.

The CADA also issued opinions in 379 cases under a 2002 law that allows for individuals to access their medical records without needing it to be sent to a doctor first.

France signed the Aarhus Convention in June 1998 and ratified and implemented it in July 2002. It included a declaration that "The French Government will see to the dissemination of relevant information for the protection of the environment while, at the same time, ensuring protection of industrial and commercial secrets, with reference to established legal practice applicable in France." The European
Commission brought an action against France in the European Court of Justice for failing to implement the 1990 EU Environmental Directive, determining that the 1978 act was not adequate in providing environmental information. The ECJ ruled in June 2003 that the French government had failed to adequately implement the directive.

A 1998 law sets rules on classification of national security information. The Commission consultative du secret de la defense nationale (CCSDN) gives advice on the declassification and release of national security information in court cases. The advice is published in the Official Journal.

The 1978 Data Protection Act acts in conjunction with the access law and allows individuals to obtain and correct files that contain personal information about themselves from public and private bodies.

The law was amended in 2003 to implement the 1995 EU Data Protection Council of Europe, Responses to the Questionnaire on National Practices in Terms of Access to Official Documents -

The 1979 Law on Archives makes files held in the archives public after thirty years. Files containing information relating to individuals' medical or personal life, international relations and national security can be kept closed for varying times up to 150 years. Following the 2000 law, the CADA can give opinions on the release of withheld documents in the archives. It made 44 recommendations in 2001 and 36 recommendations in 2002.

**SOUTH AFRICA:**

Section 32 of the South African Constitution of 1996 states:
(1) Everyone has the right of access to - (a) any information held by the state, and; (b) any information that is held by another person and that is required for the exercise or protection of any rights;

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state. The Promotion of Access to Information Act (PAIA) was approved by Parliament in February 2000 and went into effect in March 2001.

It implements the constitutional right of access and is intended to "Foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information" and "Actively promote a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect all of their rights."

Under the act, any person can demand records from government bodies without showing a reason. State bodies currently have 30 days to respond (reduced from 60 days before March 2003 and 90 days before March 2002). The Act also includes a unique provision (as required in the Constitution) that allows individuals and government bodies to access records held by private bodies when it is necessary to enforce people's rights. Bodies must respond within 30 days.

The Act does not apply to records of the Cabinet and its committees, judicial functions of courts-and tribunals, and individual members of Parliament and provincial legislatures. There are a number of mandatory and discretionary exemptions for records for both public and private bodies. Most of the exemptions require some demonstration that release of the information would cause harm. The exemptions include personal privacy, commercial information, confidential information, safety of persons and property law-enforcement Official Gazette of RS No. 32/93.
Many of the exemptions must be balanced against a public interest test that require disclosure. If the information showed a serious contravention or failure to comply with the law or an imminent-and serious public safety or environmental risk.

For public bodies such as national government departments, provincial government departments and local authorities, the internal review is handled by the responsible Cabinet minister. It can then be reviewed by a High Court. Decisions of private bodies are appealed directly to the court. The courts can review any record and can set aside decisions and order the agency to act.

The South African History Archive and the Open Democracy Advice Center have brought a number of successful court cases against both public and private bodies where the courts have ordered the release of information or the public bodies have settled the cases out of court.

There are criminal fines and jail terms for those who destroy, damage, alter or falsify records. The public prosecutor can investigate cases of misadministration. It reports having received six cases.

Public and private organizations must publish manuals describing their structure, functions, contact information, access guide, services and description of the categories of records held by the body. The manuals were to be submitted to the HRC and published in the Government Gazette by February 2003. This was delayed until August 2003. The Commission announced in August 2003 that it was delaying the submission requirements for private bodies that are not public companies until 2005.

The National Intelligence Agency was exempted in June 2003 from having to publish a manual until 2008 and the South African Secret Service received a similar exemption. Government bodies must also publish a list of categories of information that is published without requiring an access request. The SA Human
Rights Commission is designated to oversee the functioning of the Act. It is required under the law to issue a guide on the Act and submit reports to Parliament. It can also promote the Act, make recommendations, and monitor its implementation. It received 40 complaints in 2001-02.

A major problem has been that the Commission has received little funding for any activities under the Act. In its 2000-2001 Annual Report, the Commission noted that lack of funds prevented it from conducting any work on the Act. The HRC was required to delay the publication of its manual on the Act due to a lack of public and private bodies submitting their manuals.

The expert committee that drafted the Act proposed creating an Open Democracy Commission and specialized information courts, but the Cabinet removed those sections before the draft bill was introduced in Parliament. The SAHRC recently commissioned papers on its role and the possible creation of an independent information commission.

There have been problems in the implementation of the Act and its use has been limited. A survey conducted by the Open Democracy Advice Center in 2002 found, "on the whole, POATIA has not been properly or consistently implemented, not only because of the newness of the act, but because of low levels of awareness and information of the requirements set out in the act. Where implementation has taken place it has been partial and inconsistent."

Almost half of the public employees had not heard of the act. A larger problem pointed out by the Center for the Study of Violence and Reconciliation is the poor records management of most departments. The Apartheid era Protection of Information Act of 1982 sets rules on the classification and declassification of information. The government announced the creation of a classification and declassification review committee in March 2003. The Truth and Reconciliation
Commission found that there was a systematic destruction of classified documents starting in the period 1990-1994, sanctioned by the Cabinet. There has been considerable controversy over access to the records of the Truth and Reconciliation Commission (TRC) some of which were sent to the National Intelligence Agency. The government is claiming that it can reclassify the "sensitive" documents in the files.

In 2003, SAHA won an out of court settlement under the terms of which the files were moved to the National Archives and are being prepared for public access. SAHA also discovered the existence of many thousands of Military Intelligence files that had never been sent to the TRC. SAHA used the PAIA to secure lists of these files and is now systematically accessing the files themselves.

The Law Reform Commission issued a paper on Privacy and Data Protection in August 2003 as part of an effort to enact a law to enforce the constitutional right of privacy.

The National Archives of South Africa Act of 1996 provides for the release of records in the custody of the National Archives after 20 years.

**SWEDEN:**

Sweden has a long history of freedom of information, enacting the world's first freedom of information act - the Freedom of the Press Act in 1766. The Act required that official documents should "upon request immediately be made available to anyone making a request" at no charge.

The current version of the Freedom of the Press Act, part of the Constitution, was adopted in 1949 and amended in 1976. Chapter 2 on the Public Nature of Official Documents decrees, "every Swedish subject shall have free access to official documents." Public authorities must respond immediately to requests for official documents; Requests can be in any form and can be anonymous.
Each authority is required to keep a register of all official documents and most indices are publicly available. This makes it possible for ordinary citizen to go to the Prime Minister’s office and view copies of all of his correspondence. There is currently an effort to make the registers available electronically. There are four exceptions to the registration requirement documents that are of little importance to the authorities activities documents that are hot secret and are kept in a manner that is can be ascertained whether they have been received or drawn up by the authority; documents that are kept in large numbers which the government has exempted under the secrecy ordinance; and electronic records already registered and available from another ministry.

Most importantly, internal documents such as drafts, memoranda and outlines are not considered official documents unless they are filed and registered or they contain new factual information that is taken into account in decision making. There is no “obligation to keep non official Documents.

Under the Act, there are discretionary exemptions to protect national security-and foreign relations fiscal policy, the inspection and supervisory functions of public authorities Prevention of crime the public economic interest the protection of privacy and the Preservation of plant or animal species. All documents that are secret must be specified by law. A comprehensive list of the documents that are exempted is provided in the Secrecy Act.

Most of the restrictions require a finding that release would harm the interest protected. Information can be kept secret for between 2 and 70 years. The Secrecy Ordinance sets additional regulations on some provisions of the Secrecy Act.

Decisions by public authorities to deny access to official documents may be appealed internally. They can then be appealed to general administrative courts and ultimately to the Supreme Administrative Court. Complaints can also be made to the Parliamentary Ombudsman.
The Ombudsman can investigate and issue non-binding decisions. The Ombudsman received 300 complaints relating to access to documents and freedom of the press between July 2000 and June 2001 and issued admonitions to government departments in 98 cases.

The campaign was aimed at increasing public sector transparency, raising the level of public knowledge and awareness of information disclosure policies, and encouraging active citizen involvement and debate. Representatives from the national government, county councils, municipalities and trade unions coordinated it. The government said that even with the longstanding existence of freedom of information in Sweden, that the rights in the Act were not being upheld properly finding: clear signals from the public, journalists and trade unions and professional organizations indicate that inadequacies exist in terms of knowledge about the public access to information principle, and with respect to its application. Examples of such inadequacies include delays in connection with the release of official documents, improper invocations of secrecy and cases where employees do not feel at liberty to exercise the freedom of expression and communication freedom guaranteed them by law.

Many citizens have insufficient knowledge of these rights, making it difficult for those citizens to exercise them. The government believes that this type of openness is one of the cornerstones of a democratic society and that it must continue to be so.

The Government announced a proposal in 2002 to merge the Secrecy Act and the Public Records Act into a single Management of Official Documents Act that would "set all the requirements to be met by public authorities throughout the process of handling official documents."
Sweden signed the Aarhus convention in June 1998. Currently, access to environmental information is under the Freedom of Press Act. Individuals have a right to access and correct personal information held by public and private bodies under the Personal Data Act. The Data Inspection Board enforces it. The Penal Code makes it a crime punishable up to one year to intentionally release secret information.

**UNITED KINGDOM:**

The Freedom of Information Act was adopted in November 2000 after nearly 20 years of campaigning.

The Act gives any person a general right of access to information held by a broad array of public authorities, which will number over 100,000 when it is in full effect. State authorities are required to respond within 20 working days.

There are three categories of exemptions. Under the absolute exemption, court records, most personal information, information relating to or from the security services, information obtained under confidence, or information protected under another law cannot be disclosed.

Under the "qualified class exemption," information can be withheld if it is determined to be within a broad class of exempted information. This includes information relating to government policy formulation, safeguarding national security, investigations, royal communications, legal privilege, public safety or was received from a foreign government.

The third category is a more limited class exemption where the government body must show prejudice to specified interests to withhold information. This includes information relating to defense, international relations, economy, crime prevention, commercial interests, or information that would prejudice the effective
conduct of public affairs or inhibit the free and frank provision of advice. A "public-interest test" applies to the last two categories and provides that information can be withheld only when the public interest in maintaining the class or prejudice exemption outweighs the public interest in disclosure.

Decisions on the public-interest test can be made beyond the Act's 20-day limit as long as it is within a time period that is deemed "reasonable in the circumstances." Public authorities are also required to develop publication schemes which will provide information about their structures and activities and categories of information that will be automatically released.

Under the law, the Information Commissioner oversees and enforces the Act. The Commissioner has the power to receive complaints and issue decisions. When the Commissioner orders the release of information based on the public Interest test, the Minister of the Department with a ministerial certificate can overrule the decision. Appeals of the Commissioner’s decisions are made to the Information Tribunal which can also review and quash certificates on limited grounds.

Appeals of the Tribunal's decisions on points of law are made the High Court of: Justice. The Commissioner also reviews and approves publication schemes. The Department of Constitutional Affairs (formerly the Lord Chancellors Department) is in charge of implementing the act.

It has developed a code of good practice, provides advice and guidance, jointly runs an advisory group with the Information Commissioner, and submits an annual report on implementation to Parliament. In its most recent report, the LCD identified 381 other pieces of legislation that limit the right of access under the FOIA and has committed to repealing or amending 97 of those laws and reviewing a further 201.
Implementation of the Act has been slow. The government announced in November 2001 that the provisions of the Act that allow citizens to demand information will not go into force until 2005. All national and local departments will simultaneously provide access in a "big bang," rather than in phases. The provisions on publication schemes for central and local government bodies have gone into force and are being phased in for other bodies over the next year.

Most organizations will adopt model schemes developed with the approval of the Commissioner. The Commissioner admitted in his 2002-03 annual report that standards for the initial schemes were set low but will be raised when the schemes are renewed.

The Hutton inquiry into the death of a government scientist following controversy over charges that the government had mislead the public regarding Iraq has provided nearly all documents on its web site. The documents have generated considerable interest in FOI as they reveal the inner working of the government and would not likely have been released otherwise.

Until the FOIA goes into effect, a non statutory "Code of Practice on Access to Government Information" provides some access to government records but has 15 broad exemptions. Dissatisfied applicants can complain, via a Member of Parliament to the Parliamentary Ombudsman if their request is denied.

In 2003, the Parliamentary Ombudsman threatened to stop all investigations into the code after the government refused to cooperate in one case and in two other cases, including a question on conflicts of interest by ministers, issued a certificate preventing the Ombudsman from investigating on the grounds that releasing information "would be prejudicial to the safety of the State or otherwise contrary to the public interest."
The Official Secrets Act 1989 criminalizes the unauthorized release of government information by "officials. It has been frequently used against government whistleblowers and the media for printing information relating to the security services. The House of Lords ruled in 2002 that there is no public interest exemption to the act. Under the Public Records Act, files that are 30 years old are automatically released by the National Archives.


The law is considered somewhat stronger than the UK Act. It has a stronger prejudice test for restricting information and Ministers power to veto the Commissioner's decisions is more limited. It will also go into effect in January 2005. The Welsh Assembly has adopted a Code of Practice based on the UK code.

It requires disclosure of information unless it would cause "substantial harm" if it were released. However, the Welsh Assembly has limited legislative powers.

The Local Government (Access to Information) Act 1985 provides a right of access to "background papers" about the policies and practices of local authorities. It also extended the number of meetings of local authorities and some other public bodies which are open to the public.

**UNITED STATES:**

The Freedom of Information Act (FOIA) was enacted in 1966 and went into effect in 1967. It has been substantially amended several times, most recently in 1996 by the Electronic Freedom of Information Act. The law allows any person or organization, regardless of citizenship or country of origin, to ask for records held
by federal government agencies. Agencies include executive and military departments, government corporations and other entities which perform government functions except for Congress, the courts or the President’s immediate staff at the White House, including the National Security Council. Government agencies must respond in 20 working days.

There are nine categories of discretionary exemptions national security, internal agency rules, information protected by other statutes, business information, inter and intra agency memos, personal privacy, law enforcement records, financial institutions and oil wells data.

There are 142 different statutes that allow for withholding under exemption 3. In 2003, the Homeland Security Act added a provision prohibiting the disclosure of voluntarily provided business information relating to "Critical Infrastructure". Appeals of denials or complaints about extensive delays can be made internally to the agency concerned. The federal courts can review and overturn agency decisions. The courts have heard thousands of cases in the 35 years of the Act.

Management for FOIA is decentralized. The US Justice Department provides some guidance and training for agencies. The FOIA also requires that government agencies publish material relating to their structure and functions, rules, decisions, procedures, policies, and manuals. The 1996 E-FOIA amendments required that agencies create "electronic reading rooms" and make available electronically the information that must be published along with common documents requested. The DOJ has issue guidance that documents that have been requested three times be made available electronically. In 2002, there were over 2.4 million requests made to federal agencies under the FOIA and the Privacy Act, the highest number ever.

Law enforcement and personal privacy were the most cited exemptions for withholding information. The FOIA has been undermined by a lack of central
oversight and in many agencies, long delays in processing requests. In some instances information is released only after years or decades. The General Accounting Agency found in 2002 that "backlogs of spending requests government wide are substantial and growing indicating that agencies are falling behind in processing requests.

In its 2003 audit of agencies practices, the National Security Archive review found a number of problems.

- Inaccurate or incomplete information about agency FOIA contacts.
- Failure to acknowledge requests.
- Lost requests.
- Excessive backlogs.
- Complete decentralization of agency FOI operations leading to delay and lack of oversight.
- Inconsistent practices regarding the acceptance of administrative appeals.
- Appealing FOIA determinations may delay processing, but also may get the agency's attention.

The Bush Administration has engaged in a general policy of restricting access to information. In October 2001, Attorney General John Ashcroft issued a memo stating that the Justice Department would defend in court any federal agency that withheld information or justifiable grounds.

Previously the standard was that the presumption was for disclosure. However surveys done by the National Security Archive and General Accounting Office found that for the most part the memo had not caused substantial changes in releases, The Bush Administration has also refused to release information about the secret meetings of the energy policy task force; ordered federal Websites to remove much of the information that they had that could be sensitive issued a controversial memo limiting access to records under the Presidential Records Act.
in November 2001 which allows former Presidents and Vice-Presidents to prevent access to records (bills are currently pending in Congress to reverse that order); and has refused to disclose information on the Patriot Act and the names of those arrested after September 11.

There are a number of other laws that provide for access. The Government in the Sunshine Act requires the government to open the deliberations of multi-agency bodies such as the Federal Communications Commission.

The Federal Advisory Committee Act requires the openness of committees that advise federal agencies or the President. The Privacy Act of 1974 works in conjunction with the FOIA to allow individuals to access their personal records held by federal agencies. The Executive Order on Classified National Security Information requires that all information 25 years and older that has permanent historical value be automatically declassified within five years (since extended until December 2006) unless it is exempted.

Individuals can make requests for mandatory declassification instead of using the FOIA. Decisions to retain classification are subject to the Interagency Security Classification Appeals Panel. Between 1995-2001, over 950 million pages out of 1.65 billion pages were declassified, 100 million pages in 2001 alone. The executive order was amended in 2003 to somewhat restrict release. The Information Security Oversight Office, a division of the National Archives, has policy oversight of the Government wide security classification system.

ISOO's 2002 report says that classification by government agencies is increasing while declassification has slowed down. A number of states have information commissions which review decisions. State laws on freedom of information have also been under threat since September 11 due to terrorism concerns.
In the Canadian Government setting, right to information is widely known as Access to Information. Under the current institutional arrangements in the Federal Government, the Treasury Board of Canada is the entity responsible for overseeing the administration of the Access to Information Act and the Privacy Act. Its role is primarily to ensure that federal departments, agencies and corporations comply with the provisions of the legislation. Commissioners, operating under the authority of Parliament, have also been appointed to ensure than an arms-length, independent review and appeal process is in place to monitor the Canadian Government's compliance with the provisions of the two Acts.

The Access to Information Act was passed by Parliament in 1984. The purpose of this Act is to provide a right of access to information and records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exemptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government. The Access to Information Act gives Canadians, and other individuals and corporations present in Canada, the right to apply for and obtain copies of federal government records. "Records" include letters, memos, reports, photographs, films, microforms, plans, drawings, diagrams, maps, sound and video recordings, and machine readable or computer files.

The Information Commissioner investigates complaints from people who believe they have been denied rights under the Access to Information Act. The Commissioner is an independent ombudsman who has strong investigative powers. He mediates between: complainants and government institutions. The Commissioner can make recommendations to government institutions. He cannot issue binding orders. The Information Commissioner administers an
annual budget of $3 M (FY 1999-2000) and has a staff of about 40 employees. In addition, the Information Commissioner shares corporate management resources with the Privacy Commissioner.

The Privacy Act took effect in 1983 and replaced some limited personal information rights set out in Part IV of the Canadian Human Rights Act. These rights were expanded in the Privacy Act to deal with the growing impact of information technologies on government record keeping. The Act increases the transparency and accountability of the process, and gives Canadians greater individual control over their personal data in government data banks. The Act gives individuals greater control by providing everyone in Canada the right to examine information about them held by 110 federal government departments and agencies (subject to some specific exceptions). Individuals may also ask to have any errors corrected and, if the request is refused, require that a notation be attached to the information describing any corrections requested but not made. These rights apply to the whole range of federal government records, for example: pension and unemployment insurance files; tax records, security clearances student loan applications and military records. The information may be recorded "in any form" and so includes video and audio tape and any electronic information medium.

The Act also makes the system more transparent and accountable by establishing a fair information code to regulate government handling of personal records. The code requires the federal government to: limit its collection of personal information to the minimum details needed to operate programs or activities; collect the information, whenever possible, directly from the person concerned; tell the person why the information is being collected and how it will be used; not use the information for other purposes unless allowed by law; keep the information long enough to allow the person a reasonable opportunity to obtain access; ensure the information, is as accurate, up-to-date and complete
as possible; not disclose personal-information unless specifically allowed by the Privacy Act or another law.

The Privacy Commissioner is a specialist ombudsman, appointed by and accountable to Parliament, who monitors the federal government's collection, use and disclosure of its clients' and employees' personal information, and its handling of individuals' requests to see their records. The Privacy Act gives the Commissioner broad powers to investigate individuals' complaints, to launch his own complaint, and to audit federal agencies; compliance with the Act. He also conducts research on his own behalf or at the request of the Minister of Justice,

The Privacy Commissioner's mandate is to: (1) investigate complaints that a federal government agency has not responded properly to a person's request to see personal information or that the federal government is collecting, handling or disclosing personal information in a way that offends the federal Privacy Act; (2) monitor compliance with the Privacy Act by examining the federal government's collection, use, disclosure and disposal of its clients; and employees' personal information; (3) conduct research by studying and reporting on emerging issues which could have an impact on Canadians' Privacy and, by acting as a privacy resource center, providing background materials, speakers and contacts on privacy subjects. The Privacy Commissioner administers an annual budget of about 3.6$ M (FY 1998-1999) and has a staff of about 40 employees. As stated above, the Privacy Commissioner shares corporate management resources with the Information Commissioner. On annual basis, the Privacy Commissioner handles over 3100 complaints while the Information Commissioner processes close to 1700 complaints annually.

NEWZEALAND:

Over the past two decades, New Zealand has sought to develop a climate of open and transparent government, within which, the availability of information is
an important part. New Zealand citizens have extensive rights to most types of information, including personal information. Citizens are provided rights to information through the foundation of these rights in statute and through their application to a wide range of organizations and contexts. All requests for information are confidential and access to requested information is prompt and efficient.

Two statutes are the major instruments in providing citizens with rights to information. They are the Official Information Act 1982 (which provides access to all government held information) and the Privacy Act 1993 (which gives particular attention to the rights of citizens to personal information). These Acts are discussed below:

The Official Information Act is the principal means by which the public accesses information about government and it is an important constitutional statute.

Introduced in 1982, the Act makes official information freely available and provides for proper access by each person to official information relating to that person. "The Act's guiding presumption is that information shall be available unless there is good reason for withholding it, and this has had a profound impact on the style of government in New Zealand.

- Under the Act, all information held by government agencies is available to citizens unless there is good reason for withholding it.
- The Act applies to a very wide range of public bodies including Ministers, government departments, and other listed bodies established to carry out public functions (such as State Owned Enterprises and Crown Entities).
- Rather than define classes of information by source, the Act applies to all information held by organisations listed in the schedules to the Act, regardless of the type of document or record. No class of document or information is automatically protected from release. Rather, the approach
of the Act is to define and delimit those public interests that do or may override the principle that information is to be available (for example, if the release of information prejudices the security or defence of New Zealand).

- Requests for information can be made to Ministers, departments or to any organization covered by the Act. A decision on any request should be made within twenty working days.
- By increasing the availability of official information, the Act furthers government’s aim to enable citizen participation in the making and administration of laws and policies and to promote the accountability of Ministers and officials.

The widespread acceptance of the principle of open government in New Zealand is largely attributed to the Official Information Act, and since the Act's introduction there has been a fundamental change in attitudes to the availability of official information. Ministers and officials have learned to live with much greater openness, and the assumption that policy advice will eventually be released under the Act has improved the quality and transparency of that advice.

AUSTRALIA:

Freedom of Information Act (FOI Act) 1982 came into effect on 1 December 1982. It extends the right of every person to access information in the possession of the Australian Government in two ways:

1. It requires Commonwealth agencies to publish information about their operations and powers affecting members of the public as well as their manuals and other documents used in making decisions and recommendations affecting the public; and
2. it requires agencies to provide access to documents in their possession unless the document is within an exception or exemption specified in the legislation.

The Act made a fundamental change to the emphasis of the law prior to 1 December 1982 in the following ways:

1. The Act creates a right of access. Prior to 1 December 1982, the release of information held by agencies was, as a rule, a matter of discretion and the agency was entitled to withhold information without having to justify its actions unless there was a requirement to disclose the information;
2. The Act does not require a person to establish any special interest or "need to know" before he or she is entitled to seek or be granted access; and
3. The Act sets out the circumstances in which access can be denied as a matter of discretion.

A person whose request for access to documents is not dealt with promptly may either complain to the Ombudsman if it is thought there has been an undue delay even though the time limit has not expired, or appeal to the Administrative Appeals Tribunal (AAT) if no notice of a decision is received after 30 days.

The AAT can also review a decision to refuse access made by a Minister or principal officer. The decision of the AAT takes the form of a recommendation to the Minister. The recommendation is public. Whether the Minister acts on a recommendation is a matter for the Minister's discretion but an explanation must be made to Parliament if an AAT recommendation is rejected.

The Minister administering the Act (the Attorney-General) is required to report annually to the Parliament on the operation of the Act.
The Privacy Act contains eleven Information Privacy Principles, which apply to most Commonwealth agencies. In general agencies dealing with national security; the Federal judicial process and the commercial activities of agencies are exempt. The principles regulate the way in which agencies collect, store, use and disclose personal information about individuals. Information Privacy Principle (IPP) 6 gives individuals a right to access their own personal information held by agencies, and IPP 7 gives individuals the right to ask for those records to be corrected if they are wrong.

The access and correction rights contained in the Privacy Act are very similar to the access and correction rights that are contained in the FOI Act, except that under the Privacy Act, individuals can seek to have a record of Personal Information deleted from a file, whereas under the FOI Act the record can only be amended. In the case of a dispute between the individual and the agency about the accuracy of the record, the Privacy Act allows the individual to add a statement to the record that details the correction: deletion or addition that had been sought.

In relation to these access and correction rights, the Privacy Act is subject to any applicable Commonwealth law. This means that IPP 6 and 7 generally only apply once an individual has exhausted their rights under the FOI Act. However, the Privacy Commissioner does have a broad discretion to investigate a complaint in relation to access and correction even where the individual may not have first taken action under the FOI Act.

Generally, privacy complaints are resolved through negotiations with the agency, but the Privacy Commissioner does have a formal determination power to direct an agency to amend or delete records containing personal information. Such determinations of the Privacy Commissioner can be enforced through the Federal Court.
In relation to the various state jurisdictions, neither the FOI Act nor the Privacy Act applies. However, most state governments have enacted a FOI Act and they usually require their state government agencies to comply with the spirit of the Federal Information Privacy Principles through an administrative direction. Several state governments are in the process of enacting Privacy Acts in their jurisdictions.

**COOK ISLANDS:**

The Cook Islands is a self-governing State in free association with New Zealand, with a population of just under 20,000. The group of 15 islands is spread over a wide geographical area, and is divided into “the northern Cook Islands (which) are seven low-lying, sparsely populated, coral atolls; (and) the southern Cook Islands, where most of the population lives, consist of eight elevated, fertile, volcanic isles, including the largest, Rarotonga”. Parliament is unicameral, but may call upon the House of Ariki, a group which consists of representatives of chiefs or nobles, to provide advice to the Government on traditional matters. Koutu Nui is another Council of hereditary chiefs in the Cook Islands which commands a considerable amount of respect in the Cook Islands community.

The Cook Islands is the first Pacific Island Country to enact right to information legislation, namely the Official Information Act 2008 (OIA). The Office of the Ombudsman hosted workshops in early 2009 on implementation of the OIA for both the public and private sectors in the Cook Islands. There have been initial delays in the implementation of the Act, due to resource issues, but the Government, media and civil society members continue to be committed to making the Act work as effectively as possible.
THE REPUBLIC OF NAURU:

The Republic of Nauru is the world’s smallest democratic republic with an estimated population of 14,000 and a landmass of only 21 km sq.162 The lone island of Nauru is particularly geographically isolated with its closest neighbour, the Island of Banaba in Kiribati, situated 300 kilometres to the east. After experiencing an economic crisis due to over-mining of the country’s phosphate resources, Nauru suffers from very limited infrastructural development. Currently the country has no official State capital although Parliament and all government offices are based in Yaren. The population is spread throughout 14 districts, but information tends to be concentrated with the government offices in Yaren. Poverty and lack of infrastructure means that internet and telephone communications are very limited.

Nauru has a unicameral system of Parliament. Candidates usually contest elections independent of any political party affiliation, although in recent elections some candidates have run under a party banner. Nauru is currently in the final stages of a Constitutional review process, and Parliament recently endorsed the right to information for inclusion in the amended Constitution.163 The new right to information will have to be endorsed in a public referendum if it is to be included in the final Constitution.

PAPUA NEW GUINEA (PNG):

Papua New Guinea (PNG) is comprised of a main island of New Guinea, which is shared with Indonesia, together with approximately six hundred other islands. With over 6 million people PNG is the largest Commonwealth Pacific Island country by population size. PNG is rich in natural resources and has been described as “the most culturally and linguistically diverse country in the world. It also has one of the most challenging physical environments, with extensive
mountainous and heavily forested areas.”176 PNG is a parliamentary democracy with a unicameral legislature. While the country has made the greatest number of international human rights commitments of the Commonwealth Pacific Island Countries, and its national Constitution explicitly protects the right to information, the Government has not actively taken up the concept of freedom of information on its legislative agenda. Issues of widespread and ongoing corruption plague PNG, and the perceived lack of political momentum towards enacting an access law, together with a lack of general public awareness of the benefits of freedom of information, hinders the realization of greater transparency and accountability of the Government of PNG.

SAMOA:

Samoa has a 219,998 strong population209 and a land mass that is not as widely dispersed as other Pacific Island Countries. It is comprised of “two main islands (and) several smaller islands and uninhabited islets.” Samoa is a parliamentary democracy, with “47 of the 49 seats in Parliament being reserved for matai (chiefs) and the remaining 2 earmarked for Samoans of mixed blood.”211 Samoa’s local governance structure follows a traditional system, wherein each village has a council comprising chief from local families. One chief is elected head of the council - a post equivalent to mayor in other countries. The mayor “must be approved by the Ministry of Interior, which has limited fiscal responsibility for village councils.” Samoa is due to graduate from the United Nations list of Least Developed Countries in 2010. The Government has not yet made any moves towards enacting freedom of information legislation. The hesitation of government representatives and the media in Samoa to discuss the accessibility of official information may be indicative of a closed culture around government-held files and documents. Reports suggest that Samoa faces less corruption than many Pacific Island Countries.
THE SOLOMON ISLANDS:

The Solomon Islands is a group of 992 islands with a population of just over half a million. It consists of 9 provinces: to the west the Solomon Islands shares a border with the PNG Autonomous Region of Bougainville and to the east it borders with Vanuatu. The country has ranked as a Least Developed Country for over 15 years. The Solomon Islands is a parliamentary democracy with a unicameral Parliament of 50 members. The Government is currently very receptive to the concept of freedom of information. In July 2008, at the PIFS/UNDP Pacific Centre Regional FOI Workshop the Prime Minister stated his commitment to FOI legislation. In February 2009, the Deputy Prime Minister reiterated this commitment at the opening of a CHRI, UNDP Pacific Centre and PIFS National Workshop on Freedom of Information. The National Anti-Corruption Taskforce set up in early 2009 has since integrated FOI as one of its priorities in its overall anti-corruption action plan. The media and non-governmental actors also strongly support the initiative for entrenching FOI.

THE KINGDOM OF TONGA:

The Kingdom of Tonga has a population of just over 120,000 and is made up of 169 islands, 39 of which are inhabited. Tonga is unique, as the only monarchy in the Pacific Islands. The 32-member Parliament, or Fale Alea, which sits in the capital, Nuku’alofa, consists of only nine elected members who are known as the People’s Representatives. The remaining 23 are selected either by the King or the nobles. The Tongan King commands considerable status and power. In 2003, constitutional changes increased the King’s powers and imposed strict limits to the levels of political opposition that would be tolerated. In late 2006, a peaceful push for democratic reforms ended in violence, with rioting and looting in the streets of the capital. In late 2008 the King gave an undertaking that he would “be guided by the recommendations of the Prime Minister of the day in all matters of governance, with the exception of the Monarch’s judicial powers.” The
King has endorsed a move towards constitutional and electoral changes, and a Constitutional and Electoral Commission was established under legislation passed in 2008. The Commission produced a Draft Report in June 2009 and is due to submit a final report in November 2009, in anticipation of reforms being implemented before elections, expected in 2010. The Draft Report highlighted the need for greater government transparency, though it did not specifically recommend freedom of information legislation.

TUVALU:

Tuvalu is a very small country consisting of nine low-lying atolls; with a population of just over 12,000. Its geography is similar to that of Kiribati, as the two countries once made up the British colony of the Gilbert and Ellice Islands. Tuvalu faces unique difficulties in relation to rising ocean levels, reliance on imported food and fuel, together with issues that are common to many Pacific Island Countries such as limited natural resources and a correspondingly low annual GDP with a modest annual operating budget. Tuvalu appears in the United Nations list of Least Developed Countries.

Tuvalu has a democratically elected Parliament which meets in the capital, Funafuti. The 15 Members of Parliament do not belong to political parties, but tend to align informally with each other. Each of Tuvalu’s eight inhabited islands is also governed by a Kaupule (Local Government Council) and Falekaupule (Traditional Assembly). The Kaupule is the executive arm of the Falekaupule. The passing of the Falekaupule Act 1997, among other things, devolved more powers to these Kaupule to determine local developmental priorities and provide essential services to the people. Many people in Tuvalu survive just above the subsistence level, particularly in the outer islands. Employment opportunities are limited and only a few people can afford newspapers if there are newspapers available. Apart from the Ekalesia Kelisiano
Tuvalu Church’s quarterly newsletter, no other newspapers are circulated regularly in Tuvalu.

THE REPUBLIC OF VANUATU:

The Republic of Vanuatu has a population of 218,519389 and is comprised of many small islands, some situated at a considerable distance from the main island of Efate – the location of Vanuatu’s capital Port Vila. Vanuatu is a democratic republic, with both a President and a Prime Minister. Vanuatu features on the United Nations list of Least Developed Countries. The Government requested in March 2009 that the Committee for Development Policy consider excluding Vanuatu from the current list of LDC countries recommended for graduation from their LDC status “until impacts of the current global economic crises have been assessed.” Vanuatu has a unicameral Parliament with the Malvatumauri National Council of Chiefs existing alongside Parliament, was set up under the Constitution and is “composed of custom chiefs elected by their peers sitting in District Councils of Chiefs”. There is a considerable amount of interest in freedom of information throughout Vanuatu, with civil society and the media enthusiastically supportive of the concept of freedom of information. The Government has also pledged its support to the concept of freedom of information. However, there is some way to go before access legislation will be passed, including the need for a focus on improving information management systems and coordinating the way in which government information is disseminated.

BULGARIA:

The Bulgarian Access to Public Information Act,145 was adopted on 22 June 2000, implementing in practice the constitutional guarantee of access to information.146 The Act has already been amended once, in 2002, to take into account problems with the original version. In addition, a secrecy law, the Law on
the Protection of Classified Information, was passed in April 2002. This is an important development given that the access Act leaves the definition of secret information to other legislation.

JAPAN:

The introduction of the Law Concerning Access to Information Held by Administrative Organs was passed in May 1999, after a long struggle by civil society to have a national law adopted. Access to public information was seen as crucial to exposing the failures of the government, about which there was growing concern in Japan as the economic miracle started to falter, and in addressing the wall of official secrecy faced by the public. This is reflected in the first article, on its purpose, which states that the goal of openness is to ensure, "that the government is accountable to the people for its various operations, and to contribute to the promotion of a fair and democratic administration that is subject to the people's accurate understanding and criticism." By the time the national law was adopted in 1999, over 900 municipalities had already adopted freedom of information laws. The national law came into effect in April 2001.

MEXICO:

Mexico became one of the first countries in Latin America to pass a freedom of information law in June 2002, with the signing into law by President Fox of the Federal Transparency and Access to Public Government Information Law. The law was unanimously adopted in both chambers of the Mexican Congress, and is part of the commitment by the new administration to tackle corruption and foster democracy in Mexico. The law is among the more progressive freedom of information laws found anywhere, and includes a number of innovative features, including strong process guarantees, as well as a prohibition on classifying information needed for the investigation of grave violations of human rights or crimes against humanity.
PAKISTAN:

The Freedom of Information Ordinance, 2002 was adopted by the President late in 2002, perhaps ironically, given its democratic problems, making Pakistan the first country in South Asia to have such a law.238 In fact, this is the second such ordinance adopted in Pakistan. The first was adopted in 1997 but, as a civilian Ordinance which failed to be introduced as a law in parliament, it lapsed within four months. A second Ordinance was circulated for comment in 2000, but was never adopted. The Ordinance has a number of strong process protections but it is seriously undermined by the highly excessive regime of exceptions.

THAILAND:

The worst economic crisis in decades, coming to a peak in the late 1990s, had a profound impact on politics in Thailand, leading to the adoption of a new Constitution in October 1997, which guaranteed the right to access information held by public authorities, subject only to limited exceptions.305 Public anger over corruption and the lack of transparency in government, which had contributed to the crisis, had led to the adoption, three months previously, of the Official Information Act, which came into effect on 9 December 1997.
VII – RTI and Different International Organizations

UNDP:

The UNDP adopted its Public Information Disclosure Policy in 1997, stating as its rationale for doing so that: The importance of information disclosure to the public as a prerequisite for sustainable human development (SHD) has been recognized in major United Nations intergovernmental statements, including the Rio Declaration on Environment and Development. … As a custodian of public funds, UNDP is directly accountable to its member Governments and indirectly accountable to their parliaments, their taxpayers, and the public in donor and programme countries.

WORLD BANK:


The global overview brings out the fact that the culture of transparency and accountability is getting popular not only in principle but in real since the enactment of law especially meant for that is being enacted. The right to information has proved itself as one of the successful legislation in the area of reducing corruption, increasing transparency and accountability in the governance system in all over the globe.
VIII – Concluding Note:

Over fifty countries now have adopted comprehensive laws to facilitate access. In just the past year, six countries have adopted laws and over thirty more are in the process. The laws are broadly similar, allowing for a general right by citizens, residents and often anyone else to demand information from government bodies. There are exemptions for withholding critical information and appeals processes and oversight.

However, the battle is far from over. Many of the laws are not adequate. In some countries, the laws lie dormant due to a failure to implement them properly or a lack of demand. In others, governments to prevent their embarrassment abuse the exemptions. New laws promoting secrecy in the global war on terror have undercut access. International organizations take over national government roles and have not subjected themselves to the same rules. These problems need to be addressed by all of the participants. Access ebbss and flows at any given time in any country but the transformation have begun and it is no longer possible to tell citizens that they have no right to know.